

CONFERENCE ON DISARMAMENT

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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-seventh session of the United Nations General Assembly its annual report on its 1992 session, together with the pertinent documents and records. The work of the Conference took on an exceptional character during 1992, as intensive efforts were made to conclude, as a priority task, the draft Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. Accordingly, negotiations in the Conference concentrated on the activities of the Ad Hoc Committee on Chemical Weapons. In view of those efforts, particularly in the final phase of the negotiations on the draft convention, other subsidiary bodies reduced their own workload. The Conference, however, was in agreement that the diminished work on the other items on its agenda during this year should not constitute a precedent for its future work.

II. ORGANIZATION OF WORK OF THE CONFERENCE

A. 1992 Session of the Conference

2. The Conference was in session from 21 January to 27 March, 11 May to 26 June and 20 July to 3 September 1992. During this period, the Conference held 30 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 16 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 successively the Presidency of the Conference: Yugoslavia, Zaire, Algeria, Argentina, Australia and Belgium also for the recess until the 1993 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; Canada; China; Cuba; Czech and Slovak Federal Republic; Egypt; Ethiopia; France; Germany; Hungary; India; Indonesia; Islamic Republic of Iran; Italy; Japan; Kenya; Mexico; Mongolia; Morocco; Myanmar; Netherlands; Nigeria; Pakistan; Peru; Poland; Romania; Russian Federation; Sri Lanka; Sweden; United Kingdom of Great Britain and Northern Ireland; United States of America; Venezuela; Yugoslavia and Zaire.

C. Agenda and Programme of Work for the 1992 Session

6. At the 606th plenary meeting on 21 January 1992, the President submitted a proposal on the provisional agenda and programme of work for the 1992 session in conformity with rule 29 of the rules of procedure. At the same

plenary meeting, the Conference adopted the proposal of the President (CD/PV.606). The text of the agenda and programme of work (CD/1119) 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 1992 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.

* For the addition of the item entitled "Transparency in armaments", see paragraph 7.

5. Prevention of an arms race in outer space.
6. Effective international arrangements to assure non-nuclear-weapons 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 its 1992 session:

21-31 January	Adoption of the agenda, establishment of subsidiary bodies and their mandates, decision on participation of non-member States, and statements on all items;
3-14 February	Statements on all items, and informal presidential consultations on outstanding matters;
17 February - 27 March) 11 May - 26 June) 20 July - 14 August)	Statements on all items, and supervision of work in subsidiary bodies;
17 August - 3 September	Final statements and consideration and adoption of Report.

"In accordance with rule 9 of the rules of procedure, the following Member States shall assume the Presidency of the Conference during the 1992 session as indicated below:

- (a) Yugoslavia from 21 January to 16 February;
- (b) Zaire from 17 February to 15 March;
- (c) Algeria from 16 March to 24 May, including the recess between the first and the second part of the annual session;
- (d) Argentina from 25 May to 21 June;
- (e) Australia from 22 June to 9 August, including the recess between the second and third part of the annual session; and
- (f) Belgium from 10 August to 3 September and the recess until the 1993 session of the Conference.

"The Conference shall hold two plenary meetings a week on Tuesdays and Thursdays at 10 a.m. during the following periods: 21-31 January, 23-27 March, 22-26 June and 10-21 August.* For the remaining 18 weeks of the annual session, only one plenary shall be scheduled every week, preferably on Thursdays. Flexible provisions shall, however, be made to allow for a second plenary.

"The Conference will continue consideration of its improved and effective functioning and will report to the General Assembly of the United Nations on that subject.

"The Conference will continue its consultations in pursuance of paragraphs 12 and 13 of its last annual report (CD/1111) with a view to taking a positive decision at its 1992 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-seventh session of the General Assembly of the United Nations.

"Meetings of the 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 2 to 13 March 1992.

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

7. At its 622nd plenary meeting on 26 May 1992, the Conference decided to add to its 1992 agenda the item entitled "Transparency in armaments" as agenda item 9 (CD/1119/Add.1 and CD/1150).

8. At its 606th plenary meeting on 21 January 1992, the Conference decided to re-establish the Ad Hoc Committees on Chemical Weapons (CD/1120), on Effective International Arrangements to Assure Non-Nuclear Weapon States Against the Use or Threat of Use of Nuclear Weapons (CD/1121) and on Radiological Weapons (CD/1122). At its 612th plenary meeting on 13 February 1992, the Conference decided to re-establish the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space (CD/1125).

D. Attendance and Participation of States not members of the Conference

9. In conformity with rule 32 of the rules of procedure, the States non-members of the Conference listed under the following paragraph attended its plenary meetings.

* At its 625th plenary meeting, the Conference decided to cancel the plenary meeting scheduled for Tuesday, 23 June.

10. 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 and its decision taken at its 1990 session on its improved and effective functioning (CD/1036), the Conference invited the following non-member States to participate in the work of the Conference: Austria, Bolivia, Cameroon, Chile, Colombia, Costa Rica, Democratic People's Republic of Korea, Denmark, Ecuador, Finland, Ghana, Greece, Holy See, Iraq, Ireland, Israel, Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Malta, Mauritius, New Zealand, Norway, Oman, Panama, Philippines, Portugal, Qatar, Republic of Korea, Senegal, Singapore, South Africa, Spain, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam and Zimbabwe. The Conference noted the specific requests from some of these non-members.

E. Expansion of the membership of the Conference

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

12. Requests for membership had been received, since 1982, from the following non-members, in chronological order: Norway, Finland, Austria, Turkey, Senegal, Bangladesh, Spain, Viet Nam, Ireland, Tunisia, Ecuador, Cameroon, Greece, Zimbabwe, New Zealand, Chile, Switzerland, Republic of Korea, Belarus and Ukraine.

13. During its 1992 session, and under the circumstances mentioned in paragraph 1, 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. The Western Group recalled that it supported the admission of Norway for membership (CD/PV.351) and considered that the whole question of expansion of membership needed a thorough review. 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. The view was also expressed that the expansion of the membership of the Conference should be examined with caution, as a new balance was developing in international relations. Another view was expressed that this issue, after more than 10 years of deliberations, required urgent decision.

14. The Conference will intensify its consultations on the expansion of its membership at the opening of its 1993 session with a view to conducting a comprehensive review of the existing situation and taking a positive decision at its next annual session. The Conference will inform the forty-eighth session of the General Assembly of the United Nations of such a comprehensive review as well as of any agreement resulting from it.

F. Improved and Effective Functioning of the Conference

15. By paragraph 17 of its last report to the General Assembly of the United Nations (CD/1111), the Conference decided to continue consideration of its improved and effective functioning at the current annual session, in the same format and under the same Chairmanship as in the previous two years.

16. Four informal open-ended consultations under the Chairmanship of Ambassador Kamal of Pakistan were held during the third part of the annual session. It was agreed that the consultations during 1992 could be attended by non-member States participating in the work of the Conference and several non-members did so.

17. At its 634th plenary meeting on 27 August 1992, the Chairman submitted his report (CD/WP.435) to the Conference on the open-ended consultations. At the same plenary meeting, the Conference took note with appreciation of that report.

18. As a result of those open-ended consultations, general agreement emerged on ways to improve and make more effective the functioning of the Conference in the following areas:

(a) Report writing: It was generally agreed that the following three desirable possibilities should be borne in mind in drafting future reports: (i) the possibility of shortening the annual report; (ii) the possibility of limiting the time spent on the actual negotiation of the text of the report; and (iii) the possibility of referring to individual countries by name or on the basis of their group affiliation. Caution needed to be exercised in ensuring that the objective of brevity did not impact adversely on matters of substance.

(b) Reduction of plenary meetings: There was general agreement that participants would be encouraged to inscribe themselves on the speakers' list at least 24 hours in advance, thus enabling the Secretariat to cancel the Tuesday plenaries if no speakers had been inscribed by that deadline. This possibility of cancellation of Tuesday plenaries would not affect either the regularity of the Thursday plenaries, even if there were no speakers, or the possibility of organizing a limited number of extra plenary meetings, as and when required by the Conference. It was also agreed that participants would be encouraged to inform the Secretariat in advance about the topics that they wished to address in their interventions.

(c) Organization of work of ad hoc committees: There was general agreement that time periods could be staggered under a fair division of the available weeks between different ad hoc committees, but giving each ad hoc committee the due possibility of re-examining its allotted subject of responsibility again in the third part of the annual session so as to take stock of new developments during the year before it finalized its report. It was recognized that some subjects were of such importance that their consideration in subsidiary bodies would in any case have to be spread over the whole of the annual session.

(d) Tenure of presidency: There was general agreement that, while no change should be made in the current four-week tenure (spanning the inter-sessional gaps whenever they occurred), it would be desirable for the President to associate, wherever possible, the outgoing President in matters which were being carried over from the previous presidency, as well as the incoming President whose presence during the Wednesday presidential consultations would enable the latter to step more smoothly into the presidential chair.

(e) Duplication in documentation: There was general agreement that greater care would be exercised in avoiding unnecessary duplication. If necessary, the implications of rule 45 of the rules of procedure would be re-examined next year.

(f) Agenda and membership: There was general agreement that, with the end of the intensity of work on the chemical weapons convention, attention should be focused on these two important areas. In order to identify possible future courses of action, the President of the Conference would be entrusted with the task of conducting consultations during the inter-sessional period after the end of the 1992 annual session of the Conference, and to report back to the Conference at the beginning of the 1993 annual session. The President would be assisted in his consultations by the incoming President and the Secretary-General.

19. The Conference on Disarmament will continue consideration of its improved and effective functioning at its next annual session, in the same format and under the same Chairmanship.

G. Communications from Non-Governmental Organizations

20. 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.24 and CD/NGC.25).

III. SUBSTANTIVE WORK OF THE CONFERENCE DURING ITS 1992 SESSION

21. The substantive work of the Conference during its 1992 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 II to the report. An index of the verbatim records by country and subject, listing the statements made by delegations during 1992, and the verbatim records of the meetings of the Conference, are attached as appendix III to the report.

22. The Conference had before it a letter dated 15 January 1992 from the Secretary-General of the United Nations (CD/1115) transmitting all the resolutions on disarmament adopted by the General Assembly at its forty-sixth session in 1991, including those entrusting specific responsibilities to the Conference on Disarmament:

- 46/29 "Comprehensive nuclear-test-ban treaty"
- 46/32 "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons"
- 46/33 "Prevention of an arms race in outer space"
- 46/35 C "Chemical and bacteriological (biological) weapons"
- 46/36 D "Prohibition of the production of fissionable material for weapons purposes"

- 46/36 E "Prohibition of the development, production, stockpiling and use of radiological weapons"
- 46/36 I "Regional disarmament"
- 46/36 K "Prohibition of the dumping of radioactive wastes"
- 46/36 L "Transparency in armaments"
- 46/37 D "Convention on the Prohibition of the Use of Nuclear Weapons"
- 46/38 B "Comprehensive programme of disarmament"
- 46/38 C "Report of the Conference on Disarmament".

23. At the 606th plenary meeting of the Conference on 21 January 1992, 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 1992 session (CD/PV.606).

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

(a) Document CD/1114, dated 9 January 1992, submitted by the delegations of Bolivia, Colombia, Ecuador, Peru and Venezuela, entitled "Cartagena Declaration on Renunciation of Weapons of Mass Destruction, signed at Cartagena de Indias, Colombia, on 4 December 1991 by the Five Heads of State of the Member Countries of the Andean Group".

(b) Document CD/1117, dated 22 January 1992, submitted by the delegations of Argentina and Brazil, entitled "Agreement between the Republic of Argentina and the Federative Republic of Brazil for the Exclusively Peaceful Use of Nuclear Energy".

(c) Document CD/1118, dated 22 January 1992, submitted by the delegations of Argentina and Brazil, entitled "Agreement between the Republic of Argentina, the Federative Republic of Brazil, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials and the International Atomic Energy Agency for the Application of Safeguards".

(d) Document CD/1123, dated 31 January 1992, submitted by the delegation of the Russian Federation, entitled "Statement of 29 January 1992 by B.N. Yeltsin, President of the Russian Federation, on Russia's Policy in the Field of Arms Limitation and Reduction".

(e) Document CD/1124, dated 11 February 1992, submitted by the delegation of Peru, entitled "Draft Agreement on Measures to Promote Mutual Confidence and Security between Peru and Ecuador".

(f) Document CD/1126, dated 17 February 1992, submitted by the delegations of Argentina, Brazil and Chile, entitled "Joint Declaration on the Complete Prohibition of Chemical and Biological Weapons, the 'Mendoza Agreement'".

(g) Document CD/1131, dated 20 February 1992, submitted by the delegations of Argentina and Brazil, entitled "Joint Declaration of the President of the Argentine Republic, Carlos Menem, and the President of the Federative Republic of Brazil, Fernando Collor, on the Occasion of the 25th Anniversary of the Signing of the Treaty of Tlatelolco".

(h) Document CD/1139, dated 28 February 1992, submitted by the delegation of Ecuador, entitled "Draft Agreement on Measures of Confidence and Cooperation between Ecuador and Peru".

(i) Document CD/1147, dated 25 March 1992, submitted by the delegations of the Republic of Korea and the Democratic People's Republic of Korea, transmitting the text of the Agreement on Reconciliation, Non-Aggression and Exchanges and Cooperation between the South and the North, as well as the text of the Joint Declaration of the Denuclearization of the Korean Peninsula.

(j) Document CD/1158, dated 22 July 1992, submitted by the delegation of the United States of America, transmitting a Statement by President Bush on the Non-Proliferation Initiative, announced by him on 13 July 1992, as well as two related fact sheets issued by the White House.

(k) Document CD/1162, dated 12 August 1992, submitted by the delegation of the United States of America, transmitting documents relating to Arms Control and Disarmament Issues agreed on during the Summit Meeting held by Presidents Bush and Yeltsin in Washington, D.C. in June 1992.

(l) Document CD/1166, dated 1 September 1992, submitted by the delegation of the Russian Federation, transmitting documents relating to Arms Control and Disarmament Issues agreed on during the Summit Meeting between the President of the Russian Federation, B.N. Yeltsin, and the President of the United States of America, G. Bush, in Washington in June 1992.

(m) Document CD/1171, dated 31 August 1992, submitted by the delegation of the People's Republic of China, transmitting the text of a Speech made on 17 August 1992 by Mr. Qian Qichen, State Councillor and Foreign Minister of China, at the United Nations Conference on Disarmament and Security Issues in the Asia-Pacific Region.

(n) Document CD/1172, dated 3 September 1992, submitted by the delegations of Argentina, Brazil and Chile, transmitting a Commentary on Proposed Amendments to the Treaty of Tlatelolco.

A. Nuclear Test Ban

25. During the first and second parts of the annual session, the Conference had before it the sixth report (CD/1144) and the progress report (CD/1145) on the thirty-third session of the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events.

The Ad Hoc Group met from 2 to 13 March, under the Chairmanship of Dr. Ola Dahlman of Sweden. At its 621st plenary meeting on 21 May 1992, the Conference took note of the sixth report of the Ad Hoc Group and adopted the recommendations contained in paragraph 11 of its progress report.

26. During the third part of its annual session, the Conference had before it the progress report of the Ad Hoc Group on its thirty-fourth session (CD/1163), which had taken place from 27 July to 7 August, under the continued Chairmanship of Dr. Ola Dahlman of Sweden. At its 632nd plenary meeting on 18 August 1992, the Conference adopted the recommendation contained in paragraph 15 of that report, thereby approving the dates of the next session of the Ad Hoc Group from 15 to 26 February 1993. Furthermore, as suggested by the Ad Hoc Group in paragraph 14 of the report, the President, with the agreement of the Conference, extended an invitation to the IAEA to participate in the work of the Ad Hoc Group at its next session.

27. Throughout the session, a number of delegations commented in plenary meetings on the work of the Ad Hoc Group, as contained in the official records of the Conference.

28. The following documents were presented to the Conference under the agenda item:

(a) Document CD/1151, dated 1 June 1992, submitted by the delegation of Norway, transmitting a Summary of a Study on a Comprehensive Test-Ban Treaty; and

(b) Document CD/1167, dated 14 August 1992, submitted by the delegation of Norway, transmitting a report of the Expert Study on Questions related to a Comprehensive Test Ban Treaty.

29. At the start of the 1992 session, the President of the Conference carried out consultations on an appropriate organizational arrangement for agenda item 1, entitled "Nuclear Test Ban".

30. At the Conference's 612th plenary meeting on 13 February 1992, the President of the Conference appointed Ambassador Prakash Shah of India as Special Co-ordinator to seek agreement on such an organizational arrangement for agenda item 1.

31. At the Conference's 622nd plenary meeting on 26 May 1992, the nuclear-weapon State which had not participated in the previous work of the Ad Hoc Committee on a Nuclear Test Ban announced its decision to join the Ad Hoc Committee when it is re-established.

32. At the Conference's 631st plenary meeting on 13 August 1992, the Special Co-ordinator reported that he had carried out active and intensive consultations with delegations throughout the three parts of the annual session of the Conference this year, both bilaterally and through open-ended meetings, to ensure that there would be agreement among all delegations to re-establish the Ad Hoc Committee with a mandate acceptable to all. A series of proposals on a draft mandate for the Ad Hoc Committee's re-establishment had been put forward and considered, along with a proposal for a programme of

work for the 1992 session, which for some delegations, was an important component of the package. The Special Co-ordinator reported that throughout the consultations, he had found general agreement among all delegations to re-establish the Ad Hoc Committee during the 1992 session and to start its work quickly. The growing importance of agenda item 1 was recognized by all delegations. An overwhelming majority of delegations had expressed their willingness to give a mandate to the Ad Hoc Committee to continue, as a step towards achieving a nuclear test ban treaty, substantive work on specific and interrelated test ban issues. A growing number of delegations had felt that the Conference must immediately begin serious and sustained consideration of agenda item 1, particularly in the light of the conclusion of negotiations on a chemical weapons convention. While substantial progress had been made on improving the previous mandate, no final agreement had been possible before the end of the 1992 session. The Special Co-ordinator expressed his hope that the results achieved in 1992 would not be lost sight of when efforts were continued next year to re-establish the Ad Hoc Committee at the beginning of its 1993 session. In view of the overwhelming interest in this item among the members of the Conference on Disarmament, he recommended that the Conference re-establish the Ad Hoc Committee at the beginning of the 1993 session and make urgent efforts towards a negotiating mandate for the Ad Hoc Committee.

33. Many views on the substance of the issue of a nuclear test ban, as well as on organizational issues, were expressed in the plenary meetings of the Conference throughout the annual session and are contained in the following official records of the Conference: (CD/PV.606, 609, 611 to 615, 618 to 635).

34. The Conference agreed to intensify its consultations with a view to the re-establishment of the Ad Hoc Committee on a Nuclear Test Ban at the beginning of the 1993 session.

B. Cessation of the Nuclear Arms Race and
Nuclear Disarmament

35. At its 612th plenary meeting on 13 February 1992, the Conference decided that informal meetings be held during its 1992 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. Four informal meetings devoted to the agenda item were held between 12 March and 23 July 1992.

36. At the time of the adoption of that decision, the President of the Conference stated the following (CD/PV.612):

"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 myself taken the initiative of preparing a list of topics for the purpose of facilitating a structured discussion at informal meetings on the substance of agenda items 2 and 3. 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 items, as is the normal practice of the Conference."

37. The list of topics read out by the President was as follows:

"Implementation of paragraph 50 of the Final Document of SSOD-I in the light of the trends in international relations

Evaluation of the dynamics of the nuclear arms race in the light of recent international developments

Halting and reversing the qualitative aspects of the nuclear arms race, and related matters

Existing international instruments concerning the cessation of the nuclear arms race and nuclear disarmament: the need for a global, universal, comprehensive and non-discriminatory non-proliferation régime in order to achieve the goal of complete nuclear disarmament

The 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; the need for the participation of all nuclear-weapon States in nuclear disarmament; role of the Conference on Disarmament

Security concepts relating to nuclear weapons in view of recent developments and in the light of the global consequences of existing and envisaged disarmament and arms limitation agreements

The role of nuclear deterrence in keeping the peace for 40 years: the need to proceed carefully and gradually in reducing reliance on nuclear deterrence

The relevance of doctrines of nuclear deterrence in the present-day context

Principles governing nuclear disarmament

Proposals on stages and measures of nuclear disarmament

Cessation of the production of fissionable material for weapons purposes, and measures against the reuse for weapons purposes of fissionable material released by disarmament steps

Naval nuclear armaments and disarmament

A zone free of weapons of mass destruction in the Middle East

Collateral measures with the aim of consolidating and continuing the ongoing process of nuclear disarmament:

Measures to prevent the proliferation of nuclear weapons technology, to deter efforts of threshold and emerging nuclear States to acquire nuclear weapons

Non-proliferation of missiles and other means of delivery of nuclear weapons, as well as their technology

Confidence-building measures promoting nuclear disarmament

Regional aspects of security: how to prevent competition for nuclear arms or other weapons of mass destruction

A global and multilateral verification agency under United Nations auspices

Verification in relation to the purposes, scope and nature of agreements

Existing proposals."

38. The following documents were submitted to the Conference under the agenda item during the 1992 session:

(a) Document CD/1134, dated 24 February 1992, submitted by the delegation of Chile, entitled "Statement issued by the Acting Minister for Foreign Affairs of Chile concerning International Disarmament"; and

(b) Document CD/1156, dated 23 June 1992, submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland, transmitting a statement made by Mr. Malcolm Rifkind MP, Secretary of State for Defence, in answer to a Parliamentary Question in the House of Commons on 15 June 1992, concerning the ending of the United Kingdom's maritime tactical nuclear weapons capability.

39. Various issues relating to the cessation of the nuclear arms race and nuclear disarmament were addressed by delegations at plenary meetings of the Conference. The statements, which contributed to further explanation of the positions of delegations, including individual nuclear-weapon States, as reflected below, appear in the verbatim records of the Conference on Disarmament. Furthermore, various aspects of this item were discussed at the informal meetings.

40. The Group of 21 joined the consensus to discuss this item in the informal meetings.

41. Nineteen members of the Group of 21 placed on record their wish that the Conference on Disarmament establish an ad hoc committee on this agenda item with an adequate mandate at the beginning of its 1992 session in order to allow a structured and practical analysis of how the Conference could best contribute to progress on this urgent matter. They pointed out that Resolution 46/37 C, adopted by the United Nations General Assembly, had called upon all nuclear-weapon States to agree, through a joint declaration, to a comprehensive nuclear-arms freeze, which would embrace, besides a comprehensive test-ban on nuclear weapons and their delivery vehicles, the complete cessation of the production of fissionable material for weapons purposes under appropriate and effective measures and procedures for verification. Those States were convinced that the need for urgent multilateral action on the cessation of the nuclear arms race and nuclear

disarmament, leading to the adoption of concrete measures, had been amply demonstrated especially in the present-day international climate. In their opinion, multilateral negotiations on nuclear disarmament had long been overdue. They took note of the progress achieved in the bilateral negotiations in the nuclear field and looked forward to further reductions in strategic nuclear arsenals in the context of the START process. However, according to these delegations, bilateral negotiations could not replace or bypass the genuine multilateral search for universally applicable nuclear disarmament measures. All nations had a vital interest in negotiations on nuclear disarmament. They felt that the existence of nuclear weapons and their quantitative and qualitative development directly and fundamentally jeopardized the vital security interests of both nuclear and non-nuclear weapon States alike. They emphasized that it was an accepted fact that nuclear weapons posed the greatest danger to mankind and to the survival of civilization. The present international situation and the end of the cold war lent further credence to the long-standing demand of an overwhelming majority of the world community to take further urgent measures for the elimination of nuclear weapons. The accumulation of nuclear weaponry constituted a threat to the very security that it sought to protect. In the nuclear age, the only valid doctrine was the doctrine of collective security. Moreover according to them the doctrines of nuclear deterrence, which in the ultimate analysis were predicated upon a willingness to use nuclear weapons, could not be the basis for preventing the outbreak of nuclear war, which was now a real danger due to possible loss of control over existing arsenals. A nuclear war would affect participants and innocent bystanders alike. Those members of the Conference on Disarmament reiterated the validity of General Assembly resolution 1653 (XVI), of 1961, which declared, inter alia, that the use of nuclear weapons would be contrary to the laws of humanity and a crime against civilization. They considered that in the task of achieving the goal of nuclear disarmament, the nuclear-weapon States bore a special responsibility. All nuclear-weapon States should accept the obligation to take positive and practical steps in a time-bound manner towards the adoption and implementation of concrete measures towards nuclear disarmament. Paragraph 50 of the Final document of SSOD-1 set out guidelines for the Conference on Disarmament to provide an effective and complementary process in the multilateral framework. Those States remained firmly committed to the implementation of the provisions of that paragraph.

42. Three other delegations, belonging to the Group of 21, who had a different position, while stressing the continued crucial importance of the subject of cessation of the nuclear arms race and nuclear disarmament, felt that a fresh look should be taken at the nuclear-related issues. The new world situation after the end of the cold war as well as agreed cuts in the nuclear arsenals and unilateral measures in the same direction could not fail to have an impact on the approach to the nuclear-related issues. According to these three delegations the Conference on Disarmament should consider these important questions in a broader context, taking also into account among other things the risk of proliferation of nuclear weapons to countries which have up to now not possessed such weapons.

43. One delegation, speaking on behalf of the delegations of Bolivia, Colombia, Ecuador, Venezuela and Peru introduced the Cartagena Declaration on Renunciation of Weapons of Mass Destruction (CD/1114) signed on 4 December 1991.

44. One delegation belonging to the Group of 21 stated that despite the NPT, there were today more nuclear weapons stationed in a larger number of countries; there were differing estimates of the number of nuclear warheads with unresolved questions of their accountability and control and there were worries of smuggling of fissionable material and clandestine transfer to terrorists. According to this delegation, the overwhelming focus of all efforts at non-proliferation had been to prevent non-nuclear-weapon States from acquiring nuclear weapons while nuclear weapons proliferated in geometric proportions and new generation of nuclear weapons were invented and deployed in nuclear-weapon States. Since 1968, several non-nuclear-weapon States had developed or acquired sophisticated technology in the nuclear field. This delegation held that in this changed scenario, it was unrealistic to achieve non-proliferation through a discriminatory treaty which came into effect in 1968 since it failed to provide an acceptable balance of mutual responsibility and obligations between nuclear and non-nuclear-weapon States. This delegation stated that closed door "clubs", "groups" and "regimes" created to impose unilateral restrictions on trade in technology, equipment and material on a discriminatory basis could not prevent proliferation. Non-proliferation had to be addressed in all its aspects and the only realistic solution to stop proliferation was to have a global and comprehensive approach to the problem. In its view, just as chemical and biological weapons were matters of global concern, a new international understanding and consensus on what constituted non-proliferation was urgently required so that the pursuit of a global approach to non-proliferation which was universal, comprehensive and non-discriminatory was seriously attempted. This delegation recalled a specific Action Plan presented by its Government, eventually leading to a nuclear-weapon-free and non-violent world as an ultimate goal at the Third Special Session on Disarmament in 1988. It noted that this Plan, which had assumed increased relevance in the present day context, outlined a systematic, rational and practicable time-frame to achieve these objectives. The Plan recognized the need for flexibility in the staging of these measures and called upon all States, nuclear, threshold and others, to accept equal obligations without discrimination. The same delegation stated that due to its apprehension on the question of fissile material for nuclear weapons purposes, it had proposed a freeze on the production of nuclear weapons and related fissile material as early as SSOD-II and simultaneously had presented a paper at SSOD-III on New Technologies and the Qualitative Arms Race. This delegation elaborated upon elements which could constitute the scope for a cut-off proposal, and stated that so long as the envisaged regime for an international control on fissile material production was based on one set of rules for nuclear-weapon States and another for the rest, verification of such a cut-off will remain difficult. It stated that existing stockpiles of weapons grade fissionable material and the availability of such material through recycling of warheads would also need to be taken into account.

45. Another delegation member of the Group of 21 recalled the salient provisions of its country's initiatives on the establishment of a nuclear-weapon-free zone in the Middle East and declaring the Middle East free from all weapons of mass destruction. The same delegation noted the growing international support for these initiatives. Several delegations reiterated in the 1992 CD session their support to the above-mentioned initiatives. The same delegation highlighted ideas on enhancing the security of the countries of the region through the lowest level of armament and through a qualitative and quantitative balance between the military capabilities of all States in a region, long torn by conflicts. Fully supporting the peace process in the Middle East launched in Madrid last October, the same delegation considered this process directed towards achieving a just and lasting peace in the Middle East so as to provide prosperity and development for all nations in the region.

46. One delegation of the Group of 21 which belongs to the Group of the three above-mentioned States maintained that nuclear deterrence, devised in the context of the cold war through the phased management of the strategic crisis to prevent the confrontation from leading the opponents to self-destruction, made arms control its essential tool as a way of keeping the arms race between the two main power blocs within manageable limits. Arms control was therefore incapable of halting the vertical proliferation of nuclear weapons. In the opinion of that delegation, the end of the cold war as a result of the collapse of Communism and the disappearance of the Soviet Union had taken nuclear deterrence to its historical crisis point and arms control to the point where, apart from the strange exception of one intermediate nuclear Power, it did not occur to anyone today to advocate renewing nuclear arsenals. The emerging new world order afforded a good opportunity to update the Baruch Plan with a view to the total elimination of nuclear weapons. That process of selective disarmament could be strengthened by the establishment of regional or subregional zones that were free from weapons of mass destruction and the Cartagena Declaration adopted by Bolivia, Colombia, Ecuador, Peru and Venezuela was an important precedent in that regard.

47. One nuclear-weapon State belonging to the Group of East European and other States* stressed that the main orientations of the policy of its Government in the field of limitation and reduction of armaments was predicated on the firm conviction that this State was not even a potential adversary of other States, whether in the West, East, North or South. In its view this premise created a fundamentally new political context applying also to the work of the Conference on Disarmament. The gap between the new political realities and the military technological situation presented itself in the most dramatic terms in the fact that the strategic forces of the nuclear Powers, despite their political positions, remained targeted on each other's territories. According to this State while the best solution would be the total elimination of nuclear weapons, this could not be done overnight. Hence, its proposal that the strategic offensive weapons which Russia and the United States would retain after the upcoming deep cuts should not be targeted on United States or Russian facilities, respectively, nor on other countries.

* The reference to the Group of East European and other States here and elsewhere in the Report includes the following States: Bulgaria; Czech and Slovak Federal Republic; Hungary; Poland; Romania; and the Russian Federation.

This proposal could be implemented by certain ideas. Firstly, to consider the question of taking off alert status the strategic forces of Russia, the United States and other nuclear Powers that were targeted on one another's territories and facilities, thereby attaining a kind of "zero action-readiness" of nuclear weapons. Secondly, separate storage of nuclear weapons' delivery vehicles and warheads. That would provide assurance against the unauthorized or accidental use of nuclear weapons. Another advantage of such a measure was that it would be verifiable and the details of verification could be agreed upon. Thirdly, there was a need for a fundamental reassessment of the entire military-strategic situation in the world and, accordingly, of nuclear military doctrines. It suggested that a new look could be taken at ideas proposed in the past concerning control of nuclear weapons by an international organization, for example, the United Nations. Moreover, thought might be given to exchanging on a reciprocal basis among all nuclear Powers data on the number and types of existing nuclear weapons, the quantity of fissionable materials and on nuclear-weapons production, storage and elimination facilities. According to this State agreement to that effect could be reached at the Conference on Disarmament, in which all the nuclear Powers were represented and which had experience in dealing with similar issues in the context of the negotiations on chemical weapons. The main contribution to resolving all questions relating to nuclear disarmament should now be made by two major nuclear-weapon States. Other nuclear Powers could join the process of nuclear disarmament later, when the nuclear arsenals of all the States possessing them would have become comparable. This State declared its full support for the activities of the International Atomic Energy Agency and was in favour of strengthening the effectiveness of its safeguards. The State announced its decision to adhere to the principle of full-scale or "IAEA comprehensive guarantees" as a condition of its peaceful nuclear exports.

48. Two nuclear-weapon States announced that their presidents had reached an extraordinary agreement between them on two areas of vital importance to both their countries and to the world. The agreement signed between them on 17 June 1992 would further reduce the two nuclear arsenals well below the totals agreed by the START Treaty. The total number of strategic nuclear weapons for both sides would be reduced from 21,000 to 6-7,000. This target would be accomplished in two phases. Under the first phase, deployed warheads for each side would be reduced to a number between 3,800 to 4,250. In the second phase, the total number of strategic nuclear weapons for each side would drop down to a number between 3,000 to 3,500 warheads, with each nation determining the exact figure it considered appropriate to ensure its defence and security. Of special importance was the agreement to eliminate in the second phase heavy ICBM's and ICBM's with multiple individually targeted warheads. In the framework of agreed reductions, each side would have a certain degree of freedom with respect to the specific configuration of its strategic offensive weapons, taking into account its security requirements. The second phase would be completed no later than the year 2003 and might be completed as early as the year 2000 if the United States could assist Russia in the required destruction of ballistic missile systems. This agreement was generally welcomed in the Conference.

49. The Western Group welcomed discussions in the Conference on Disarmament on nuclear disarmament because it believed that such discussions played a positive role in strengthening international security and stability in the nuclear age. The Group stated that nuclear disarmament remained one of its highest priorities. It stressed that since the process of disarmament affected the vital security interests of all States, all should be actively involved and contribute to measures of disarmament and arms limitation. Nuclear proliferation was one of the greatest threats to worldwide security and stability. Thus, nuclear disarmament and the questions of non-proliferation of nuclear arms, particularly following the political changes of the last 12 months, represented one of the most serious challenges and demanded the attention and commitment of all members of the Conference on Disarmament.

50. The Western Group noted that the last 18 months had seen some positive steps in the process of nuclear disarmament and in strengthening the nuclear non-proliferation regime. It welcomed the progress made by the United States and Russia in their bilateral negotiations, especially the unilateral decisions taken by them to eliminate all land-based short-range nuclear weapons. The Group hoped that the implementation of these measures would take place in the best possible conditions of security and transparency. They were of the view that these initiatives should lead to further far-reaching steps to enhance security and stability at the lowest possible level of forces. The Group supported the continuation of negotiations between the United States and Russia on defence and space issues. The Western Group welcomed the various initiatives taken in Latin America. It supported efforts to make progress both towards peace and in disarmament in the Middle East and recalled its support for President Mubarak's initiative to make the Middle East a zone free of weapons of mass destruction. The Group also looked forward to an early implementation of the agreement between the Democratic People's Republic of Korea and the IAEA. The group viewed each of the above steps as a major contribution towards substantial reductions in the global level of nuclear weapons, leading to the shared, ultimate goal of global nuclear disarmament.

51. The Western Group believed that while the primary responsibility for nuclear disarmament rested with those States which possessed the most important nuclear arsenals, the international community as a whole had to be actively involved and contribute to measures of nuclear disarmament and arms limitations and to non-proliferation. The Group wished to see the achievement of further such substantial reductions and a reinforcement of existing barriers to nuclear weapon proliferation.

52. The Western Group reaffirmed its strong commitment to nuclear non-proliferation in general and the Non-Proliferation Treaty in particular as a corner-stone of the international regime of non-proliferation. The Group welcomed recent accessions to the NPT and urged all States that have not yet done so to adhere to that treaty. The Group welcomed the recent signing in Lisbon of the protocol to the START Treaty and reiterated the importance it attached to the single control of nuclear weapons and to the effective control of nuclear exports from all the new States of the former Soviet Union. The Group along with some other delegations welcomed the establishment of an international research centre in Russia to coordinate research in various fields.

53. It was the view of the Western Group that the Nuclear Suppliers Group and the Missile Technology Control Regime were key instruments for the control of transfers of sensitive nuclear and missile materials, technology and equipment. The Group welcomed recent decisions of the NSG to control exports of nuclear-related dual use items and to require fullscope safeguards as a condition of supply, while recognizing at the same time the legitimate interest of the international community in the transfer of high technology for civil purposes. The group wished that discussion and cooperation would continue in this field.

54. One delegation, member of the Western Group, outlined a seven-point plan for the prevention of the proliferation of nuclear weapons presented by its Prime Minister on 21 May, which contained the following steps: first, to extend indefinitely and to strengthen the Nuclear Non-Proliferation Treaty when it comes up for review in 1995; second, to strengthen the mandate of the International Atomic Energy Agency and to increase its resources in order to stop nuclear cheating; third, to tighten controls on the export of nuclear weapons' technologies; fourth, to stop the sale of nuclear brainpower to States wishing to develop or strengthen their nuclear weapons potential; fifth, to strengthen regional security cooperation so as to reduce the underlying causes of tension; sixth, the 1995 NPT Review Conference should confirm the basic bargain implicit in the NPT, a commitment of the nuclear Powers to reduce nuclear weapons in return for a commitment by the non-nuclear Powers not to acquire any such weapons; seventh, it would be reasonable for those States which have acquired nuclear weapons to give assurances to all those countries which have signed the NPT as non-nuclear weapons States, that such weapons would never be used against them.

55. One nuclear-weapon State member of the Western Group recalled the initiatives it had taken to promote nuclear disarmament and non-proliferation, inter alia its decision to accede to the NPT and to ratify Additional Protocol I to the Tlatelolco Treaty, and the suspension of its nuclear testing in 1992. It stressed that the recent positive trend towards real nuclear disarmament could be jeopardized if some non-nuclear-weapon States attempted to acquire nuclear weapons. It supported the aspirations of the overwhelming majority of the developing countries who made the choice of non-proliferation and needed to increase their cooperation with the industrialized countries.

56. One nuclear-weapon State not belonging to any group continued to view nuclear disarmament as an issue of paramount importance. It indicated that it had all along stood for the complete prohibition and thorough destruction of nuclear weapons. It held that to achieve this objective the two major nuclear-weapon States should assume a special responsibility and obligation to take the lead in halting the testing, production and deployment of nuclear weapons and drastically cut all types of nuclear weapons deployed at home and abroad, thus creating conditions for convening a broadly representative international conference on nuclear disarmament with the participation of all nuclear-weapon States. It welcomed the recent progress made by the two major nuclear Powers, such as the complete implementation of the INF Treaty, the signing of the START Treaty and the conclusion of the agreement on further reduction of nuclear warheads. It considered, nevertheless, that the two

major nuclear Powers would still possess the largest nuclear arsenals in the world even after their nuclear warheads are reduced as planned, which continued to be a serious threat to international peace and security. It further stated that all the nuclear weapons thus cut should be destroyed and the nuclear warheads duly disposed of. The reductions should not be confined merely to the nuclear weapons on the territories of the two major nuclear Powers and in Europe, but should also include those deployed by them in Asia and the Pacific. It stated that, for the purpose of maintaining world peace and promoting the security of all nations, it did not advocate, encourage or engage in nuclear proliferation. In 1988 its Government signed a unilateral submission agreement with IAEA to place a part of its nuclear energy installations under the Agency's safeguards. On 9 March this year, its Government deposited its instrument of accession to the NPT and became a member of the Treaty.

C. Prevention of Nuclear War, including all Related Matters

57. At its 612th plenary meeting on 13 February 1992, the Conference decided that informal meetings be held during its 1992 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. Three informal meetings devoted to the agenda item were held between 21 May and 25 June 1992.

58. At the time of the adoption of that decision, the President of the Conference made the statement referred to in paragraph 25 above and read out the following list of topics (CD/PV.612):

"The impossibility of separating the problems of preventing nuclear war and preventing any war

Measures to exclude the use of nuclear weapons, inter alia:

Paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly (code of peaceful conduct that would preclude the use or threat of use of nuclear weapons)

International convention prohibiting the use or threat of use of nuclear weapons under any circumstances (text annexed to General Assembly resolution 43/76 E of 7 December 1988)

Prohibition in a legally binding form of the use of nuclear weapons

Measures for confidence-building and crisis prevention:

Measures to enhance confidence and increase openness with regard to military activities, including a multilateral agreement on the prevention of incidents on the high seas

Measures to prevent accidental or unauthorized use of nuclear weapons and to avoid and manage crisis situations, including the establishment of multilateral nuclear alert and crisis control centres

Measures to facilitate international verification of compliance with arms limitation and disarmament agreements

Criteria and parameters for defensive military postures; military strategies and doctrines; prevention of surprise attacks

New trends in weapons technology and their impact on security and disarmament efforts

Measures to foster regional agreements preventing the acquisition, use or transfer of nuclear weapons material and technologies to other States

Measures that the international community can take to discourage States from developing and implementing nuclear weapons programmes."

59. No new documents were submitted to the Conference specifically under the agenda item during the 1992 session, although references were made by some delegations to documents listed in paragraph 38 above as relevant for agenda item 3.

60. Various issues relating to the prevention of nuclear war, including all related matters were addressed by delegations at plenary meetings of the Conference. These statements, which contributed to further explanation of the positions of delegations, appear in the verbatim records of the Conference. The subject was also discussed at the informal meetings devoted to the agenda item.

61. The Group of 21 joined the consensus to discuss this item in the informal meetings.

62. Nineteen members of the Group of 21 placed on record their regret at the inability of the Conference on Disarmament to set up an ad hoc committee. Once again they emphasized the importance that they attached to this item. They believed that as long as nuclear weapons continued to exist in the arsenals of some States the greatest peril facing the world was the threat of destruction from a nuclear war, and that consequently the removal of this threat was most acute and urgent. Nuclear-weapon States continued to bear the primary responsibility for avoiding nuclear war, but all nations had a vital interest in the negotiation of measures for prevention of nuclear war, in view of the catastrophic consequences that such a war would have for mankind. These States recalled that as far back as 1961, General Assembly resolution 1653 (XVI) had declared that the use of nuclear weapons, besides being a violation of the Charter of the United Nations, would be against the laws of humanity and a crime against civilization. Furthermore, the Heads of State or Government of the Non-Aligned Countries, in their various summits, had always emphasized the extreme urgency of achieving nuclear disarmament through the complete elimination of nuclear weapons and had stressed the need for the conclusion of an international agreement prohibiting all use of nuclear weapons under any circumstances. These States believed that it should be a matter of concern for all delegations present in this Conference that no progress had been made on this item since its introduction as a separate item on the Conference's agenda in accordance with General Assembly resolution 38/183 G. However, it should be recognized that the nuclear arms

race had experienced a downturn following the end of the cold war. It was therefore imperative for the nuclear-weapon States to undertake effective unilateral or collective measures that would lead to the reduction and eventual elimination of the instruments with which to conduct nuclear war. Additionally, these States believed that nuclear-weapon States should halt the modernization and expansion of their arsenals, as the motivation to do so had been virtually eliminated as a result of the international political changes.

63. Three other delegations, belonging to the Group of 21, who had a different position, felt that the recent international development, including the end of the cold war, comprised positive signs, which should not fail to influence the treatment of the nuclear-related issues in general within the Conference on Disarmament. The risk of nuclear war was certainly not eliminated and was still a horrible threat to mankind. However, in the new international climate the Conference had reason to review the appropriate way and methodology to treat this important item.

64. Nineteen members of the Group of 21 recalled that the United Nations General Assembly had repeatedly requested the Conference on Disarmament to commence, 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 on this subject. During its 1991 session, the General Assembly had adopted resolution 6/37 D entitled "Convention on the Prohibition of the Use of Nuclear Weapons", in which it had reiterated the call to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis for its work the draft convention annexed to that resolution.

65. The same delegations stressed that in view of the irreversible consequence of nuclear war, it was clear that conventional wars could not under any circumstances be equated with nuclear war, since nuclear weapons were weapons of mass destruction. In this context, invoking the Charter of the United Nations to justify the use of nuclear weapons in the exercise of the right to self-defence was completely unjustifiable. These delegations still remained convinced, despite the end of the cold war, that the shortest 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.

66. These States remained committed to the position expressed in CD/515/Rev.5, of 27 July 1989, for the establishment of an ad hoc committee that would permit thorough consideration of all aspects - legal, political, technical and military - of all the proposals before the Conference. They believed that such consideration would not only contribute to a better understanding of the subject but would also pave the way for negotiations for an agreement on the prevention of nuclear war. Such an objective could not be achieved only through discussions in the plenary or in informal meetings. These delegations were disappointed, therefore, that despite the urgency accorded to this subject and the flexibility they had displayed, the Conference on Disarmament was not able to discharge its own mandate, which had been reflected in paragraph 120 of the Final Document of SSOD-1.

67. One delegation member of the Group of 21 belonging to the Group of the three above-mentioned States emphasized that concern had been raised regarding the control of the nuclear arsenal that had been previously under the control of the former Soviet Union. The reality that some new independent States had found themselves with nuclear weapons on their territory could not be ignored. Effective guarantees of the control of this vast nuclear arsenal should be reassuring to the international community.

68. Another delegation, belonging to the Group of 21, stated that in keeping with its long-standing proposal for an international convention prohibiting the use or threat of use of nuclear weapons, it had been heartened by the proposals made by one nuclear-weapon State regarding non-targeting of strategic nuclear weapons, taking these weapons off their alert status and keeping delivery vehicles and warheads separate. It saw progress in the thinking, notably of this nuclear-weapon State, that all nuclear-weapon States should join the process of nuclear disarmament.

69. The Western Group remained of the view that the prevention of nuclear war could only be dealt with satisfactorily in the broader context of the prevention of war in general. Peace and security could be achieved only through full observance of the principles set out in the Charter of the United Nations and of other relevant obligations under international law. The maintenance and enhancement of international security depended on responsible behaviour in relations between States. Such behaviour should strictly abide by the provisions contained in Article 2, paragraph 4 of the Charter, as well as other relevant obligations. However, the responsible conduct of States in maintaining international and national security required more than just refraining from aggression. States should also demonstrate respect for international peace and security by engaging in measures of arms control, arms reduction and confidence-building. The Western Group noted that it was important that the Conference continue to keep abreast of all disarmament initiatives and in particular encourage the process of nuclear disarmament and non-proliferation of nuclear arms. The Group welcomed recent progress and would continue to work towards the objective of achieving lasting international peace and security. In this connection, it further recalled its views on Item 2 of the agenda, which were also applicable to the consideration of Item 3.

70. One nuclear-weapon State which belongs to the Group of East European and other States indicated that 1992 marked the thirtieth anniversary of the time when multilateral negotiations on the limitation and reduction of armaments had begun in Geneva. They had achieved important results: treaties and agreements limiting the arms race in outer space and on Earth. Of special significance was the Treaty on the Non-Proliferation of Nuclear Weapons, whose strictest observance and strengthening was today's international political priority. The talks with the leaders of many States and the results of the summit meeting of the United Nations Security Council in January 1992 showed that qualitatively new, friendly relations were being created - in the long run, even relations of alliance - between former potential adversaries. The Conference on Disarmament should proceed to solve unprecedentedly bold tasks, such as dismantling the military juggernaut and, most of all, its active

involvement in the arms-reduction and confidence-building measures themselves. The conversion of military industry, scientific knowledge and human resources have acquired special urgency. That State emphasized that it would pursue a policy towards radical reduction of nuclear weapons and would ensure the maximum security of nuclear weapons and all related facilities. In this connection, the delegation referred to the proposal made by the President of its State on 29 January 1992 (CD/1123) to set up an international agency to ensure the reduction of nuclear weapons, an agency which at subsequent stages could have under its control the whole nuclear cycle. The delegation also announced the intention of its State to become a fully-fledged participant in the international Missile Technology Control Régime (MTCR). It was setting up for that purpose a State export-control system for "dual-purpose" materials and technology.

71. One nuclear-weapon State not belonging to any Group stressed that it was the common aspiration of all countries in the world to reduce nuclear armaments and prevent nuclear war, and that the United Nations General Assembly had repeatedly requested the Conference on Disarmament to undertake negotiations on these items as a matter of the highest priority. It recalled that, being a nuclear State, it had always underlined the great importance of these questions and actively taken part in the discussions. It called on the international community to make unremitting efforts for achieving the goal of the complete prohibition and the thorough destruction of nuclear weapons. It pointed out that pending its realization, as an effective measure for the prevention of nuclear war, all nuclear-weapon States should undertake the following commitments: (a) not to be the first to use nuclear weapons at any time and under any circumstances, and conclude an international agreement to that effect; (b) not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones, and conclude an international legal instrument in this regard; (c) to support the proposals for the establishment of nuclear-weapon-free zones, respect their status and undertake the corresponding obligations; (d) to pull back all nuclear weapons deployed abroad. The same delegation reminded the Conference that the limited number of nuclear weapons in its possession was solely for the purpose of self-defence. Since the very first day that the State concerned had come into possession of nuclear weapons, it had unilaterally undertaken that at no time and under no circumstances would it be the first to use nuclear weapons.

D. Chemical Weapons

72. The list of new documents presented to the Conference during its 1992 session under the agenda item is contained in the report submitted by the Ad Hoc Committee referred to in the following paragraph.

73. At its 635th plenary meeting, on 3 September 1992, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 606th plenary meeting (see paragraph 8 above), as well as its appendix containing, inter alia, the draft Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. Both the report and its appendix, as contained in document CD/1170, form integral parts of this report. The report reads as follows:

"I. INTRODUCTION

"1. At its 606th plenary meeting on 21 January 1992, the Conference on Disarmament adopted the following decision on the re-establishment of the Ad Hoc Committee on Chemical Weapons (CD/1120):

'The Conference on Disarmament, keeping in mind General Assembly resolution 46/35 C, decides to re-establish, in accordance with its Rules of Procedure, for the duration of the 1992 session, the Ad Hoc Committee on Chemical Weapons to continue and intensify, as a priority task, the negotiations on a multilateral Convention on the complete and effective prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction with a view to achieving a final agreement on the Convention during 1992.'

"II. ORGANIZATION OF WORK

"2. At its 606th plenary meeting on 21 January 1992, the Conference on Disarmament appointed Ambassador Adolf Ritter von Wagner of Germany as Chairman of the Ad Hoc Committee. Mr. Abdelkader Bensmail, Senior Political Affairs Officer, Office for Disarmament Affairs, continued to serve as Secretary of the Ad Hoc Committee. Mrs. Hannelore Hoppe, Political Affairs Officer, Office for Disarmament Affairs, continued to serve as Deputy Secretary of the Ad Hoc Committee.

"3. The Ad Hoc Committee held 32 meetings from 24 January to 26 August 1992.

"4. At their request, representatives of the following States not members of the Conference, participated in the work of the Ad Hoc Committee: Austria, Bolivia, Cameroon, Chile, Colombia, Costa Rica, Democratic Republic of Korea, Denmark, Ecuador, Finland, Ghana, Greece, Holy See, Iraq, Ireland, Israel, Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Malta, Mauritius, New Zealand, Norway, Oman, Panama, Philippines, Portugal, Qatar, Republic of Korea, Senegal, Singapore, South Africa, Spain, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam, Zimbabwe.

"III. DOCUMENTATION

"5. During the 1992 session, the following official documents dealing with chemical weapons were presented to the Conference on Disarmament:

- CD/1112, dated 9 October 1991, entitled 'Letter dated 7 October 1991 from the Permanent Representative of Finland addressed to the Secretary-General of the Conference on Disarmament transmitting the latest volume of the Blue Book series on verification of chemical disarmament, entitled "Training Programme in Analytical Methods and Instrumentation of the Verification of Chemical Disarmament; G.1 Basic Course"'.

- CD/1114, dated 9 January 1992, entitled 'Letter dated 7 January 1992 from the representatives of Bolivia, Colombia, Ecuador, Peru and Venezuela

addressed to the Secretary-General of the Conference on Disarmament transmitting the text of the Cartagena Declaration on Renunciation of Weapons of Mass Destruction, signed at Cartagena de Indias, Colombia, on 4 December 1991 by the five Heads of State of the member countries of the Andean Group'.

- CD/1116, dated 20 January 1992, entitled 'Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament on its work during the period 30 September 1991 to 20 January 1992'.

- CD/1120, dated 22 January 1992, entitled 'Decision on the re-establishment of the Ad Hoc Committee on Chemical Weapons for the 1992 session'.

- CD/1127 and Corr.1 (also issued as CD/CW/WP.384 and Corr.1), dated 18 February 1992, submitted by the delegation of China, entitled 'Some information on discovered chemical weapons abandoned in China by a foreign State'.

- CD/1128 (also issued as CD/CW/WP.385), dated 20 February 1992, submitted by the delegation of Australia, entitled 'Trial inspection of a Schedule 3/other relevant facility'.

- CD/1129 (also issued as CD/CW/WP.386), dated 20 February 1992, submitted by the delegation of Australia, entitled 'Australian National Secretariat: survey of chemical industry'.

- CD/1130 (also issued as CD/CW/WP.387), dated 20 February 1992, submitted by the delegation of China, entitled 'Principled position and proposals on the issue of abandoned chemical weapons'.

- CD/1132, dated 21 February 1992, entitled 'Letter dated 19 February 1992 from the Deputy Permanent Representative of Canada addressed to the Secretary-General of the Conference on Disarmament transmitting compendia on chemical weapons comprising plenary statements and working papers from the 1991 session of the Conference on Disarmament'.

- CD/1134, dated 24 February 1992, entitled 'Letter dated 21 February 1992 from the Permanent Representative of Chile addressed to the Secretary-General of the Conference on Disarmament transmitting the text of the statement issued by the Acting Minister for Foreign Affairs of Chile concerning international disarmament'.

- CD/1135 (also issued as CD/CW/WP.388), dated 24 February 1992, submitted by the delegation of Hungary, entitled 'Provision of data relevant to the Chemical Weapons Convention'.

- CD/1136 (also issued as CD/CW/WP.389), dated 27 February 1992, submitted by the delegation of the Czech and Slovak Federal Republic, entitled 'Protection against chemical weapons (data bank of available basic means)'.

- CD/1140, dated 28 February 1992, entitled 'Letter dated 25 February 1992 from the Representative of Germany addressed to the President of the Conference on Disarmament transmitting the official text of the letter dated 8 February 1992 from the Foreign Minister of the Federal Republic of Germany addressed to the member States of the Conference on Disarmament concerning the Ad Hoc Committee on Chemical Weapons'.

- CD/1141 (also issued as CD/CW/WP.390), dated 3 March 1992, submitted by the delegation of France, entitled 'Provision of data relevant to the Chemical Weapons Convention'.

- CD/1143, dated 12 March 1992, submitted by the delegation of Australia, entitled 'Proposed Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction'.

- CD/1146 (also issued as CD/CW/WP.392), dated 17 March 1992, submitted by the delegation of Poland, entitled 'Solid-phase extraction as a possible way of chemical warfare agents sampling for their analysis in laboratories under the Chemical Weapons Convention'.

- CD/1152 (also issued as CD/CW/WP.410), dated 5 June 1992, submitted by the delegation of Spain, entitled 'Report on a trial challenge inspection'.

- CD/1153 (also issued as CD/CW/WP.412), dated 11 June 1992, entitled 'Letter dated 11 June 1992 from the Chargé d'affaires a.i. of Norway addressed to the President of the Conference on Disarmament, transmitting a research report, entitled "Verification of a Chemical Weapons Convention: recommended operating procedures for sampling and sample handling, Part XI"'.
"

- CD/1155, dated 22 June 1992, entitled 'Letter dated 19 June 1992 from the Permanent Representative of Finland addressed to the Secretary-General of the Conference on Disarmament transmitting the latest volume of the blue book series on verification of chemical disarmament, entitled "International Interlaboratory Comparison (Round-Robin) Test for the Verification of Chemical Disarmament; F.3. Testing of Procedures on Simulated Military Facility Samples"'.
"

- CD/1157, dated 25 June 1992, entitled 'Letter dated 24 June 1992 from the Permanent Representative of Australia to the United Nations for Disarmament Matters addressed to the Secretary-General of the Conference on Disarmament transmitting the statement issued by participating States at the Conclusion of the Third Chemical Weapons Regional Seminar, held in Sydney, Australia, from 21 to 23 June 1992'.

- CD/1161 (also issued as CD/CW/WP.426), dated 5 August 1992, entitled 'Letter dated 3 August 1992 from the Representative of the United States of America addressed to the President of the Conference on Disarmament transmitting the Agreement between the Department of Defense of the United States of America and the President's Committee on Conventional Problems of Chemical and Biological Weapons of the Russian Federation concerning the Safe, Secure and Ecologically Sound Destruction of Chemical Weapons'.

- CD/1164, dated 7 August 1992, entitled 'Statement made on behalf of the "Australia Group" by the Representative of Australia, Ambassador Paul O'Sullivan, at the 629th Plenary Meeting of the Conference on Disarmament'.

- CD/1168 (also issued as CD/CW/WP.428), dated 13 August 1992, entitled 'Letter dated 12 August 1992 from the Representative of the United Kingdom of Great Britain and Northern Ireland addressed to the Secretary-General of the Conference on Disarmament transmitting a paper which addressed the requirements for safety during the on-site inspections provided for under the Chemical Weapons Convention'.

- CD/1169 (also issued as CD/CW/WP.437), dated 24 August 1992, entitled 'Letter dated 24 August 1992 from the Representative of Norway addressed to the Secretary-General of the Conference on Disarmament, transmitting a report entitled "Transport of samples containing chemical warfare agents by air"'. .

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

- CD/CW/WP.367, dated 7 October 1991, submitted by the delegation of the Union of Soviet Socialist Republics, entitled 'Main technological aspects of the destruction of chemical weapons (an approach proposed by Soviet experts)'.

- CD/CW/WP.368, dated 7 October 1991, submitted by the delegation of the Union of Soviet Socialist Republics, entitled 'Environmental aspects of the destruction of chemical weapons (an approach proposed by Soviet experts)'.

- CD/CW/WP.369, dated 8 October 1991, submitted by the delegation of the Union of Soviet Socialist Republics, entitled 'Complex for the destruction of faulty chemical munitions (KUASI)'.

- CD/CW/WP.370, dated 9 October 1991, submitted by the delegation of Germany (Western group CW Co-ordinator), entitled 'Verification in the chemical industry under Article VI: informal discussion paper'.

- CD/CW/WP.371, dated 11 October 1991, presented by the Chairman of the Ad Hoc Committee, entitled 'Article IX: procedure for challenge inspections'.

- CD/CW/WP.372, dated 11 October 1991, submitted by the delegation of Switzerland, entitled 'Report on the second Swiss trial inspection'.

- CD/CW/WP.373, dated 21 October 1991, submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland, entitled 'Destruction of CW stocks, weapons and associated plant (for the meeting on technical aspects of CW destruction, 7-11 October 1991)'.

- CD/CW/WP.374, dated 31 October 1991, submitted by the delegation of Germany, entitled '"Old chemical weapons" disposal'.

- CD/CW/WP.375, dated 20 November 1991, submitted by the delegation of Italy, entitled 'Italian experience of the destruction of old and obsolete chemical weapons'.

- CD/CW/WP.376, dated 6 December 1991, submitted by the delegation of The Netherlands, entitled 'Verification of alleged use of chemical warfare agents: retrospective immunochemical detection of exposure to mustard gas'.
- CD/CW/WP.377, dated 9 December 1991, presented by the Friend of the Chair on Technical Issues (Mr. P. Canonne), entitled 'Report of Experts' Meeting on the Destruction of Chemical Weapons'.
- CD/CW/WP.378, dated 16 December 1991, submitted by the delegations of Finland and The Netherlands, entitled 'Accreditation of verification laboratories'.
- CD/CW/WP.379, dated 20 January 1992, entitled 'Draft Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament on its work during the period 30 September 1991 to 20 January 1992'.
- CD/CW/WP.380, dated 23 January 1992, entitled 'Working paper presented by the Chairman of the Ad Hoc Committee: Organization of work for the 1992 session'.
- CD/CW/WP.381, dated 14 February 1992, submitted by the delegation of the United States of America, entitled 'A report on the United States chemical weapons (CW) destruction experience at Rocky Mountain Arsenal, Colorado'.
- CD/CW/WP.382, dated 14 February 1992, submitted by the delegation of the United States of America, entitled 'Johnston Atoll Chemical Agent Disposal System (JACADS)'.
- CD/CW/WP.383 and Add.1, dated 14 February 1992, submitted by the delegation of the United States of America, entitled 'United States chemical weapons (CW) destruction safety and environmental requirements'.
- CD/CW/WP.384 (also issued as CD/1127).
- CD/CW/WP.385 (also issued as CD/1128).
- CD/CW/WP.386 (also issued as CD/1129).
- CD/CW/WP.387 (also issued as CD/1130).
- CD/CW/WP.388 (also issued as CD/1135).
- CD/CW/WP.389 (also issued as CD/1136).
- CD/CW/WP.390 (also issued as CD/1141).
- CD/CW/WP.391, dated 12 March 1992, presented by the Chairman of the Ad Hoc Committee, entitled 'Article IX: Procedure for challenge inspections'.
- CD/CW/WP.392 (also issued as CD/1146).

- CD/CW/WP.393, dated 26 March 1992, submitted by the delegation of the Islamic Republic of Iran, entitled 'Verification of the chemical industry under Article VI and its Annexes'.

- CD/CW/WP.394, dated 3 April 1992, entitled 'Chairman's tentative outline of work until the end of June 1992'.

- CD/CW/WP.395, dated 30 April 1992, presented by the Chairman of the Ad Hoc Committee, entitled 'Protocol on Inspection Procedures: Part III - Challenge inspections conducted pursuant to Article IX'.

- CD/CW/WP.396, dated 30 April 1992, submitted by the delegation of Austria, entitled 'The selection of gas chromatographic phase systems for verification analysis'.

- CD/CW/WP.397, dated 5 May 1992, submitted by the delegation of Austria, entitled 'Old chemical weapons: description of a long-term storage facility under safe conditions'.

- CD/CW/WP.398, dated 13 May 1992, submitted by the delegations of Australia, Belgium, Canada, France, Germany, Italy, Japan, The Netherlands, United Kingdom of Great Britain and Northern Ireland and United States of America, entitled 'Other relevant facilities'.

- CD/CW/WP.399, dated 18 May 1992, submitted by the delegation of Germany, entitled 'Cooperation of Signatory States with the Preparatory Commission'.

- CD/CW/WP.400 and Corr.1, dated 18 May 1992, presented by the Chairman of the Ad Hoc Committee, entitled 'Working paper for the final phase of the negotiations on the Chemical Weapons Convention'.

- CD/CW/WP.400/Rev.1, dated 22 June 1992, presented by the Chairman of the Ad Hoc Committee on Chemical Weapons, entitled 'Draft Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction'.

- CD/CW/WP.400/Rev.2, dated 10 August 1992, presented by the Chairman of the Ad Hoc Committee, entitled 'Draft Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction'.

- CD/CW/WP.401, dated 29 May 1992, submitted by the delegations of Switzerland and Sweden, entitled 'Anatomy of a chemical plant site'.

- CD/CW/WP.402, dated 4 June 1992, submitted by the delegations of Algeria, China, Egypt, India, Indonesia, Islamic Republic of Iran, Kenya, Mexico, Myanmar, Pakistan, Sri Lanka and Zaire, entitled 'The Preamble'.

- CD/CW/WP.403, dated 4 June 1992, submitted by the delegations of Algeria, China, Egypt, India, Islamic Republic of Iran, Kenya, Mexico, Myanmar, Pakistan, Sri Lanka and Zaire, entitled 'Article I: General Provisions on Scope'.

- CD/CW/WP.404, dated 4 June 1992, submitted by the delegations of Algeria, China, Egypt, India, Islamic Republic of Iran, Kenya, Mexico, Myanmar, Pakistan, Sri Lanka and Zaire, entitled 'Article II: Definitions and Criteria'.
- CD/CW/WP.405, dated 4 June 1992, submitted by the delegations of Algeria, China, Egypt, India, Islamic Republic of Iran, Kenya, Mexico, Myanmar, Pakistan, Sri Lanka and Zaire, entitled 'Old and Abandoned Chemical Weapons (proposed amendments to CD/CW/WP.400)'.
- CD/CW/WP.406, dated 4 June 1992, submitted by the delegations of Algeria, China, Egypt, India, Indonesia, Islamic Republic of Iran, Kenya, Mexico, Myanmar, Pakistan, Sri Lanka and Zaire, entitled 'Article VI: Activities not Prohibited Under the Convention'.
- CD/CW/WP.407, dated 4 June 1992, submitted by the delegations of Algeria, China, Egypt, India, Indonesia, Islamic Republic of Iran, Kenya, Mexico, Myanmar, Pakistan, Sri Lanka and Zaire, entitled 'Guidelines for Schedules of Chemicals'.
- CD/CW/WP.408, dated 4 June 1992, submitted by the delegations of Algeria, China, Egypt, India, Indonesia, Islamic Republic of Iran, Kenya, Mexico, Myanmar, Pakistan, Sri Lanka and Zaire, entitled 'Article IX: Consultations, Cooperation and Fact-finding'.
- CD/CW/WP.409, dated 4 June 1992, submitted by the delegations of Algeria, China, Egypt, India, Indonesia, Islamic Republic of Iran, Kenya, Mexico, Myanmar, Pakistan, Sri Lanka and Zaire, entitled 'Article XI: Economic and Technological Development'.
- CD/CW/WP.410 (also issued as CD/1152).
- CD/CW/WP.411, dated 5 June 1992, submitted by the delegation of Cuba, entitled, 'Aspects and principles of a system for funding the budget of the future Organization for the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction'.
- CD/CW/WP.412 (also issued as CD/1153).
- CD/CW/WP.413, dated 15 June 1992, presented by the Chairman of the Ad Hoc Committee on Chemical Weapons, entitled 'Tentative outline of work until the end of this year's session of the Conference on Disarmament (3 September 1992)'.
- CD/CW/WP.414, dated 26 June 1992, presented by the Chairman of the Ad Hoc Committee on Chemical Weapons, entitled 'Explanatory Note on the draft Chemical Weapons Convention contained in document CD/CW/WP.400/Rev.1'.
- CD/CW/WP.415, dated 26 June 1992, submitted by the delegations of Algeria, China, Egypt, India, Indonesia, Islamic Republic of Iran, Kenya,

Mexico, Myanmar, Pakistan, Sri Lanka and Zaire, entitled 'Preliminary comments on the Chairman's draft (CD/CW/WP.400/Rev.1)'.

- CD/CW/WP.416, dated 22 July 1992, submitted by the delegation of Cuba, entitled 'Basic considerations concerning the functions, general structure and qualifications of the staff of the Technical Secretariat and the Advisory Board of the new international organization to be established to ensure compliance with the provisions of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction'.

- CD/CW/WP.417, dated 24 July 1992, submitted by the delegations of Algeria, China, Cuba, Egypt, Ethiopia, India, Indonesia, Islamic Republic of Iran, Kenya, Mexico, Myanmar, Pakistan, Sri Lanka and Zaire, entitled 'Proposed joint amendments to CD/CW/WP.400/Rev.1'.

- CD/CW/WP.418, dated 27 July 1992, submitted by the delegations of Algeria, China, Cuba, Egypt, Ethiopia, Indonesia, Islamic Republic of Iran, Kenya, Mexico, Pakistan, Sri Lanka and Zaire, entitled 'Proposed additional amendment to Article II'.

- CD/CW/WP.419, dated 27 July 1992, submitted by the delegation of the Russian Federation, entitled 'Proposed amendments to CD/CW/WP.400/Rev.1'.

- CD/CW/WP.420, dated 27 July 1992, submitted by the delegation of Cuba, entitled 'Proposed amendments to CD/CW/WP.400/Rev.1'.

- CD/CW/WP.421, dated 27 July 1992, submitted by the delegation of Peru, entitled 'Proposed amendments to CD/CW/WP.400/Rev.1'.

- CD/CW/WP.422, dated 4 August 1992, submitted by the delegation of Austria, entitled 'Results of a trial identification of "capable facilities" in Austria'.

- CD/CW/WP.423, dated 4 August 1992, submitted by the delegation of Austria, entitled 'Proposal for the identification of "capable facilities" within the framework of the Chemical Weapons Convention'.

- CD/CW/WP.424, dated 4 August 1992, submitted by the delegation of the Islamic Republic of Iran, entitled 'Ethanolamines'.

- CD/CW/WP.425, dated 4 August 1992, submitted by the delegation of the Islamic Republic of Iran, entitled 'Definition of chemical weapons'.

- CD/CW/WP.426 (also issued as CD/1161).

- CD/CW/WP.427, dated 7 August 1992, presented by the Chairman of the Ad Hoc Committee on Chemical Weapons, entitled 'Amendments to CD/CW/WP.400/Rev.1'.

- CD/CW/WP.428 (also issued as CD/1168).

- CD/CW/WP.429, dated 14 August 1992, submitted by the delegation of The Netherlands, entitled 'Workshop on chemical weapons for potential inspectors to the Organization for the Prohibition of Chemical Weapons (OPCW), Rijswijk, The Netherlands (16-24 June 1992)'.

- CD/CW/WP.430, dated 14 August 1992, submitted by the delegation of The Netherlands, entitled 'Verification of non-production of chemical warfare agents'.

- CD/CW/WP.431, dated 21 August 1992, submitted by the delegation of Mexico, entitled 'Working paper containing the statement of the delegation of Mexico at the meeting of the Ad Hoc Committee on Chemical Weapons to consider document CD/CW/WP.400/Rev.2'.

- CD/CW/WP.432, dated 21 August 1992, submitted by the delegation of Cuba, entitled 'Comments on the draft Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, as contained in document CD/CW/WP.400/Rev.2'.

- CD/CW/WP.433, dated 21 August 1992, entitled 'Statement by Ambassador Ahmad Kamal, Permanent Representative of Pakistan, before the Ad Hoc Committee on Chemical Weapons on 21 August 1992'.

- CD/CW/WP.434, dated 21 August 1992, entitled 'Statement of H.E. Ambassador Dr. Mounir Zahran, Permanent Representative of Egypt, before the Ad Hoc Committee on Chemical Weapons of the Conference on Disarmament on 21 August 1992'.

- CD/CW/WP.435, dated 21 August 1992, entitled 'Statement by H.E. Ambassador Sirous Nasserri on the position of the Islamic Republic of Iran on the Chemical Weapons Draft Convention at the Ad Hoc Committee on Chemical Weapons on 21 August 1992'.

- CD/CW/WP.436, dated 24 August 1992, entitled 'Draft Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament'.

- CD/CW/WP.437 (also issued as CD/1169).

- CD/CW/WP.438, dated 24 August 1992, entitled 'Statement made by Ambassador Stephen J. Ledogar of the United States of America at the Ad Hoc Committee on Chemical Weapons on 24 August 1992'.

- CD/CW/WP.439, dated 26 August 1992, entitled 'Statement made by the Representative of Ethiopia at the Ad Hoc Committee on Chemical Weapons on 26 August 1992'.

- CD/CW/WP.440, dated 26 August 1992, entitled 'Statement made by the Representative of Peru at the Ad Hoc Committee on 26 August 1992'.

- CD/CW/WP.441, dated 26 August 1992, entitled 'Statement made by Ambassador Gérard Errera of France at the Ad Hoc Committee on 26 August 1992'.

"IV. SUBSTANTIVE WORK DURING THE 1992 SESSION

"7. In accordance with its mandate, the Ad Hoc Committee continued, and further intensified, negotiations on the draft Convention with a view to achieving final agreement during 1992. In so doing, it utilized Appendices I and II of CD/1116, as well as other proposals presented by the Chairman of the Committee, the Chairman of the Working Group, Friends of the Chair and by delegations.

"8. In discharging its mandate, the Ad Hoc Committee decided at the outset to establish the following negotiating framework:

"(a) Working Group on verification in the chemical industry

Chairman: Mr. Ron Morris, Australia
Deputy: Mr. Takuji Hanatani, Japan

- Completion of Article VI and its Annexes, as well as the relevant portions of the Protocol on Inspection Procedures, in particular:
 - Finalization of the verification regime for Schedule 2 facilities.
 - Determination of the scope and the contents of declarations under Article VI.
 - Determination of the scope of on-site verification measures.
 - Procedure for selecting declared facilities for on-site verification measures.
 - Procedures for the conduct of inspections/on-site verification measures.

"(b) Friend of the Chair on legal and organizational issues

Mr. Anil Wadhwa, India
Deputy: Mrs. Magda Bauta Solés, Cuba

- Jurisdiction or Control.
- Peaceful settlement of disputes.
- Amendments.
- Reservations.
- Financing of the Organization.
- Preparatory Commission.
- Other legal and organizational issues.

"(c) Friend of the Chair on Article XI

Mr. José Eduardo M. Felicio, Brazil
Deputy: Mr. Rafael Grossi, Argentina

- Economic and technological cooperation in the field of peaceful uses of chemical products.
- Trade relations among States Parties to the Convention.
- Trade relations between States Parties and non-States Parties to the Convention.

"(d) Friend of the Chair on technical issues

Dr. Graham H. Cooper, United Kingdom of Great Britain and Northern Ireland
Deputy: Dr. Mervin C. Hamblin, Canada

- Schedules.
- Thresholds for chemicals listed in Schedule 2 B.
- Guidelines.
- Definition of chemical weapons (Article II).
- Low concentrations/captive use.
- Declarations under Article III, paragraph 1 (c).

"(e) Friend of the Chair on old and abandoned chemical weapons

Ambassador Soemadi D.M. Brotodiningrat, Indonesia

"(f) Friend of the Chair on the Seat of the Organization

Ambassador Ahmad Kamal, Pakistan

"(g) Friend of the Chair on the Executive Council: composition, procedure and decision-making

Ambassador Tibor Tóth, Hungary
Deputy: Mr. Sylwin Giżowski, Poland

"9. The Chairman of the Ad Hoc Committee himself conducted the negotiations on the issue of challenge inspections (Article IX).

"10. Subsequently, Mr. Pierre Canonne of France and Dr. Amir Saghafinia of the Islamic Republic of Iran were appointed Friends of the Chair on the issue of destruction of chemical weapons and chemical weapon production facilities.

- Ambassador Tibor Tóth of Hungary was entrusted with the task of conducting negotiations on the Executive Council, with Ambassador W. Rasaputram of Sri Lanka, Ambassador Emeka Ayo Azikiwe of Nigeria, Ambassador Andrea Negrotto Cambiaso of Italy, Ambassador Todor Dichev of Bulgaria and Dr. Félix Calderón of Peru as main advocates for this issue;

- Ambassador Paul O'Sullivan of Australia was also entrusted with the task of conducting negotiations on Legal and "non-controversial" issues, with Mrs. Magda Bauta Solés of Cuba and Mr. Sylwin Gizowski of Poland as main advocates for these topics.

"14. Following the presentation of the reports on the negotiations undertaken within this framework, the Chairman of the Ad Hoc Committee presented a text of the draft Convention (CD/CW/WP.400/Rev.1) on 22 June 1992 which incorporated the agreements reached during these negotiations as well as proposals for solutions to outstanding issues on which final consensus remained elusive.

"15. It was agreed that this text of the draft Convention would be considered in capitals during the recess with a view to finalizing the Convention during the third part of the session.

"16. Negotiations on issues still outstanding were resumed in the framework of the Ad Hoc Committee and open-ended consultations during the third part of the session. As a result of these negotiations, the Chairman of the Ad Hoc Committee presented document CD/CW/WP.400/Rev.2, containing the revised text of the Draft Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

"17. When presenting document CD/CW/WP.400/Rev.2, the Chairman of the Ad Hoc Committee recalled that General Assembly Resolution 46/35 C, in its pertinent paragraphs, reads as follows:

'The General Assembly,

4. Strongly urges the Conference on Disarmament, as a matter of the highest priority, to resolve in the forthcoming months outstanding issues so as to achieve a final agreement during its 1992 session;

5. Requests the Conference on Disarmament to report to the General Assembly at its forty-seventh session on the results of its negotiations.'

The Chairman pointed out that the result of the negotiations was document CD/CW/WP.400/Rev.2 containing the draft Chemical Weapons Convention. He emphasized that the draft Convention had to be looked upon as a whole and that only by doing so could the overall balance of rights and obligations, of benefits and costs be evaluated and appreciated. He illustrated this point by commenting on six areas constituting the overall balance of the draft Convention:

- The comprehensive scope of general obligations set forth in Article I and supplemented by the Preamble spelled out a total ban on chemical

"11. It was also agreed to set up, under the Chairmanship of Ambassador Serguei B. Batsanov of the Russian Federation, a group entrusted with the task of preparing for the final editing and drafting of the text of the Convention. The composition of the group was as follows: Mr. Hu Xiaodi (China); Dr. Vladimir Gaspar (Czech and Slovak Federal Republic); Dr. Hesham Khalil (Egypt); Mr. Bertrand Besançon (France); Mr. Omar Zniber (Morocco); Dr. Félix Calderón (Peru); and Mr. John J. Rankin (United Kingdom of Great Britain and Northern Ireland).

"12. Based on the results achieved in the negotiations during the first part of the annual session, the Chairman of the Ad Hoc Committee presented, on 18 May 1992, a working paper for the final phase of the negotiations on the Convention (CD/CW/WP.400) which contained the non-controversial elements of CD/1116 in a re-organized and refined form, as well as draft solutions to the controversial issues provided by the Chairman of the Committee, the Working Group Chairman and the Friends of the Chair.

"13. On 9 June 1992, in order to meet the special challenges of the decisive phase reached in the negotiations, the Committee agreed to the Chairman's proposal to establish a new negotiating framework for the remainder of the second part of the session. Under this new structure:

- Ambassador Michael Weston of the United Kingdom of Great Britain and Northern Ireland was entrusted with the task of conducting negotiations on Article IX, with Ambassador Ahmad Kamal of Pakistan and Ambassador Gérard Errera of France as main advocates for this issue;

- Ambassador Abdelhamid Semichi of Algeria was entrusted with the task of conducting negotiations on Article XI, with Ambassador Prakash Shah of India and Ambassador Stephen J. Ledogar of the United States of America as main advocates for this issue;

- Ambassador Carl-Magnus Hyltenius of Sweden was entrusted with the task of conducting negotiations on Article VI, with Ambassador Sirous Nasser of the Islamic Republic of Iran and Ambassador Henrik Wagenmakers of The Netherlands as main advocates for this issue;

- Ambassador Paul O'Sullivan of Australia was entrusted with the task of conducting negotiations on Articles I and II, with Ambassador Mounir Zahran of Egypt and Ambassador Gerald Shannon of Canada as main advocates for this issue;

- Ambassador Soemadi D.M. Brotdiningrat of Indonesia was entrusted with the task of conducting negotiations on old and abandoned chemical weapons, with Ambassador Hou Zhitong of China and Ambassador Yoshitomo Tanaka of Japan as main advocates for this issue;

- Ambassador García Moritán of Argentina was entrusted with the task of conducting negotiations on Articles IV and V, with Mr. Serguei Kisselev of the Russian Federation and Dr. Robert Mikulak of the United States of America as main advocates for these issues;

weapons and banned all conceivable actions in contravention to the object and purpose of the Convention. These obligations were bearable because they enhanced the security of all and because they were absolutely non-discriminatory. Each State Party had to meet them on an equal basis. In situations where the basic obligations had not been respected, safeguards were built into the Convention through provisions for assistance and protection against chemical weapons and through measures to ensure compliance. This was one of the basic balances to be found in the Convention.

- Another basic balance was the equilibrium between credible verification and the protection of national security interests. On the one hand, the provisions in the Convention provided sufficient deterrence against any potential violator to prevent violations. On the other hand, if a suspicion arose it could be transformed from a bilateral concern (a request for a challenge inspection) into a multilateral task to verify whether a violation had taken place or not. Verification procedures in themselves were balanced again; if the concern about possible non-compliance was pursued, verification could take place without interfering with national security concerns not related to the Convention so that there was an in-built balance to secure individual State Party rights versus multilateral obligations.
- A third example was verification in the chemical industry where, in a routine manner, checks were to be carried out somewhat more intensively where it seemed necessary, less intensively where the risk was lower. Since verification was more reliable and comforting than just confidence in compliance, the Committee had worked very hard over the years to develop the verification regime for the chemical industry. This regime was balanced by the undertaking of States Parties to review restrictive measures in the field of international cooperation with chemical products with the aim of removing such measures and restrictions for the benefit of States Parties acting in full compliance with their obligations under the Convention. In this regard, there was a careful and delicate equilibrium between the interests of industrial States which would have to bear the bulk of verification and the interests of developing States whose interest in increased cooperation was recognized.
- A fourth basic balance was to be found in the provision on the composition of the Executive Council. This balance was possibly not to the happiness of every delegation, but it existed to the extent that everybody was equally unhappy with it. The majority of countries in the Executive Council rightly came from the developing world because they represented the overall majority of countries and had an important role to play in this like in all international bodies. The minority of industrialized countries, in turn, had the balancing benefit of so-called industrial seats. Again, it had been tried to find a balance between the interests which exist not only within different areas and regions, but also on a global basis in a north-south, in an east-west and in a political sense.

- A fifth example was the relationship between possessors and non-possessors of chemical weapons. Possessors were obliged to destroy not only their chemical weapons but also their chemical weapons production facilities within a period of ten years. Should they, in exceptional cases, for technological, financial, ecological or other reasons, not be in a position to do so, they would automatically be in violation of the Convention, if no provision for exceptions had been built into it. Therefore, the Convention contained provisions for a limited extension of that period at the cost of additional verification, more inspections, more openness and transparency on the part of the particular State Party benefiting from an extension.
- A sixth basic balance was to be found between national and multinational costs and benefits flowing from the Convention. States Parties had to make declarations, had to adopt some general measure of openness, had to open their chemical industries, had to accept challenge inspections, and had to bear costs. Multilaterally, they gained in terms of security, confidence, and good neighbourhood; they also gained the prospect of worldwide free and prosperous trade in chemical products under the provisions of the Convention.

The Chairman of the Ad Hoc Committee continued by stating that he did not want to elaborate on the negative aspects one had to envisage if there was no Chemical Weapons Convention. Everybody could look at the other side of the coin: less security, less trade, more restrictions and a far worse world since everybody had to fear proliferation of chemical weapons. The Chairman expressed his conviction that delegations had all reason to be proud of the results of the negotiations which the Committee had achieved and which it had to report through the Conference on Disarmament to the General Assembly. He concluded by calling upon delegations to protect and promote the draft Convention.

"18. During the consideration of the draft Convention, as contained in document CD/CW/WP.400/Rev.2, some delegations expressed positions which they wished to be included in the report. These positions follow in paragraphs 19 to 34 below:

"19. The delegation of Mexico made the following statement:

'The Government of Mexico welcomes the fact that the Conference on Disarmament at last has a draft convention on the elimination of chemical weapons. After two decades of negotiations we have before us a draft which has secured extensive support among the members of the Conference. This is, of course, a compromise text, and hence some of its provisions are far from being wholly satisfactory. Nevertheless, the Government of Mexico has reached the conclusion that the draft should be approved by the Conference and subsequently by the General Assembly in the course of this year. Delaying its approval could lead to unforeseen consequences which would jeopardize what has already been achieved. And indeed a great deal has been achieved, since the international community is on the

point of agreeing to the complete, supervised elimination of a category of weapons of mass destruction which, despite the restrictions on their use that we and other States Parties agreed to in the Geneva Protocol of 1925, have been used in a number of international and domestic armed conflicts.

'There is no doubt that any multilateral negotiating process has its ups and downs, especially when it is as long as this one has been. However, the wish to conclude the negotiations by an arbitrarily fixed date placed us in unusual situations. Starting with the second version of working paper 400, the real negotiations were broken off and the Committee began to mark time in order to fit in with its timetable.

'As far as riot control agents are concerned, it is to be regretted that the proposed amendment concerning the definition of activities not prohibited under the Convention was not freely considered in the Ad Hoc Committee, since we consider it important that all the Committee's members should be aware of the reasons for its rejection. Such an open discussion of the matter would have pointed to the source of opposition to the proposal, which we are convinced enjoyed extensive support.

'On 7 August there was no opposition to the Chairman's decision linking a proposal concerning the decision-making process in the Executive Council with matters completely irrelevant to the subject. We all know the history of the negotiations on challenge inspections. We also know how difficult it was for some delegations to accept even the smallest change in the text of Article IX or the corresponding part of the Verification Annex. Nevertheless, it did not seem very logical that deletion of the words "be under the obligation" should be tied to the retention, unchanged, of the provision concerning the decision-making process in the Executive Council.

'As we have already pointed out in the Conference plenary, as regards the issue of the decision-making machinery in the Executive Council, the Government of Mexico finds it strange that a majority of two-thirds of all the members should be required to decide whether a matter is one of substance. In other multilateral fora and instruments, such decisions are taken by a simple majority. We would have preferred to entrust the Preparatory Commission with the task of drawing up this provision in the draft rules of procedure of the Executive Council, for approval by the Conference of the States Parties.'

"20. The delegation of Cuba made the following statement:

'First of all I wish to express our gratitude for your outstanding chairmanship of the Ad Hoc Committee on Chemical Weapons, which has contributed effectively to the possibility of concluding our work on the Chemical Weapons Convention at an extremely delicate and complex juncture in the negotiation process. We also wish to express our gratitude to the distinguished and energetic group of advisers and to the efficient and dedicated team from the secretariat.

'I wish to reaffirm at this session the statement I made one year ago in the Conference on Disarmament that Cuba does not possess chemical weapons.

'The Government of Cuba, which has for years been following closely the work of this Committee and taking an active part in the negotiation process, recognizes the importance of the agreement achieved in the draft Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CD/CW/WP.400/Rev.2). This text reflects the effort of a group of countries, including our own, to arrive at a convention that eliminates this category of weapons from the arsenals of a number of States, which covers the destruction of facilities for the production of such weapons, and which also includes a control and verification regime that prevents such weapons from being manufactured by those who possess the industrial and economic capacity for that purpose. We nevertheless regret that it has not been possible to include more appropriately points which are of great importance for the developing countries, such as the prohibition of the use of herbicides as a method of warfare. In this connection, our delegation hopes that, during the meetings of the Review Conference of the Parties to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, which is to be held in this city in September, a definitive solution to this question will be discussed and agreed on.

'This morning we handed to the secretariat, for distribution as a working paper of this Committee, a text entitled: "Observations of Cuba on the draft Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction" (CD/CW/WP.400/Rev.2). This paper contains some of the opinions expressed by my delegation during the negotiations and in the statement which it made on 30 July last in the plenary Conference on Disarmament.

'I request that the symbol of this working paper should be reflected in the report which this Committee is to submit to the Conference on Disarmament and which the Conference, in turn, is to submit to the General Assembly of the United Nations at its forty-seventh session.

'Although the draft Convention which you are proposing to us today does not reflect certain questions in the manner which Cuba would have wished, we recognize that it is a compromise text which has won support among the members of this Conference and, I repeat, although some provisions are not fully satisfactory, my Government has taken the decision not to break the consensus that this text should be sent by the Conference on Disarmament to the General Assembly of the United Nations this year.

'There is no doubt that postponement of the approval of this text in the current circumstances of unilateral hegemony in the United Nations system could have unforeseen adverse consequences for what has already been achieved in the area of the total elimination and supervision of the destruction of weapons of this type.

'Although I will not go into great detail concerning opinions already expressed, I should like to reiterate my country's opinion concerning a matter which we consider to be of extreme importance and which relates to the fact that, for all practical purposes of the implementation of the future Convention, due consideration will have to be given to the situation which is created for Cuba by the presence at Guantanamo of the naval base which the United States maintains in Cuban territory usurped against the express will of our people and Government, and the consequences that derive from this fact.

'I should not like to conclude my comments without expressing our dissatisfaction at the way in which the meetings of this Committee developed during the final stage of its work. We regret that the exchanges of views which we held between 20 July and 7 August were not marked by the same willingness to negotiate on the part of all delegations, to the detriment of results that might have been more satisfactory for everyone.

'We hope very sincerely that the negotiating efforts on the important matters which the Conference on Disarmament has before it will end, in accordance with the priorities established, in a more constructive, open and less hurried manner during their final stage.'

"21. The delegation of Pakistan made the following statement:

'I have been instructed by my Government to express our serious reservations on certain provisions of your draft of a Chemical Weapons Convention, as contained in document CD/CW/WP.400/Rev.2, which was tabled by you on 19 August 1992.

'Pakistan neither possesses chemical weapons nor desires to acquire them. Consequently, we have a deep and abiding interest in a comprehensive, effective and equitable treaty, which would prohibit the development, stockpiling, acquisition and use of chemical weapons and ensure the total destruction of their existing stockpiles, facilities and delivery systems. At the same time, we would not favour any partial or discriminatory approach in a treaty which has security implications. It is in this context that we have reiterated our interest in a Chemical Weapons Convention which meets our essential security interests, in the Joint Declaration signed between the Foreign Secretaries of India and Pakistan recently.

'Pakistan has, therefore, participated actively and constructively in the negotiations so as to successfully conclude a comprehensive, effective and equitable treaty. We have made concrete and constructive proposals in an effort to finalize a truly global Convention which would generate trust in its provisions and thus lead to universal adherence. Our efforts, however, have not been entirely successful, as the text that is being offered for adoption carries within it the germs of much misuse and abuse, which if left unremedied have the potential of grossly undermining confidence in the Convention. Our particular concerns on the question of misuse and abuse relate to Articles II, VI and IX.

'The definition of "chemical weapons", as contained in Article II, is extremely wide and clearly open to interpretation, thus providing a potential abuser ample opportunity to use the verification procedures under the Convention to the detriment of another State Party. This shortcoming could have been remedied had the proposal of the delegation of twelve developing countries, suggesting that the Preparatory Commission should develop definitions for the terms in question, been duly incorporated in the text itself.

'The verification procedures which constitute the backbone of the Convention are, of course, essential to provide the assurance that the obligations assumed by a State Party are being complied with. At the same time, it is obvious that the type and intrusiveness of verification to which an activity would be subjected should be determined by the element of risk which that particular activity poses for the Convention. While the importance of the verification regime for activities not prohibited under the Convention is undeniable, some provisions of the system that has finally been developed in Article VI place an unnecessary burden on the civilian chemical industry, and at the same time take on the disguise of the challenge inspection procedure. The inclusion of such concepts not only mars the intrinsic routine nature of the proposed verification activity, but also carried within it the possibility of misuse.

'The provisions of Article IX will have a central place in the proposed Convention, both as a means of providing confidence in its implementation, as well as in order to deter potential violators. However, the intrusive nature of the challenge inspection procedure is such that the possibility of misuse and abuse cannot be ruled out. It is regrettable that the system that has been developed does not contain adequate safeguards to prevent the abuse of challenge inspection procedures, and that it fails to ensure the legitimate right of States, particularly smaller States, to protect and safeguard sensitive information and installations which are not relevant to the Convention. The Executive Council's known potential to play a role in preventing misuse and abuse has not been recognized, and that body, which represents the conscience of the international community, has instead been relegated to watching the challenge inspection proceedings from the side lines.

'In addition to the potential for abuse inherent in the draft Convention, there are serious imbalances in its provisions which impact adversely on the rights and obligations of States Parties. While non-chemical weapons possessors are rightly required to give up the chemical weapons option right from the beginning, chemical weapons possessors are allowed to retain as much as 55 per cent of their chemical weapons stocks until the seventh year of the ten-year destruction period. Despite repeated efforts, the qualitative aspects of chemical weapons have been totally ignored in the order of destruction. The imbalance is further compounded by the inclusion, through a totally non-transparent procedure, of a provision allowing for a possible extension of the destruction period by an additional five years.

'Another imbalance exists in Article X where the provision of emergency assistance in the case of use or threat of use of chemical weapons is not treated with the same degree of urgency and automaticity that is applied to the launching of a challenge inspection. Much higher priority needed to be accorded to cases of use or threat of use, rather than to suspicions of possible violations of the Convention.

'Finally, the balance between deterrence on the one hand and economic and technological development on the other, has not been established in a satisfactory manner. The language of Article XI does not address the essential concern of developing countries that existing discriminatory export control mechanisms, such as the "Australia Group", should be dismantled once the Convention comes into force. This major flaw has been compounded by the inclusion of provisions relating to the transfer of Schedule 2 and Schedule 3 chemicals, which would have serious economic implications for developing countries.

'For these reasons, my delegation cannot associate itself with any recommendation concerning your Draft Text. However, we would not stand in the way of its being forwarded to the Conference on Disarmament for the latter's consideration.'

"22. The delegation of Algeria made the following statement:

'As we read it, Article II, paragraph 9 (d), referring to riot control agents for law enforcement as "purposes not prohibited under this Convention", applies solely to domestic law enforcement. The absence of the additional adjective "domestic" might, in the opinion of the Algerian delegation, afford legal grounds for activities conducted contrary to the principles of the Charter and legitimize extra-territorial use of riot control agents in law enforcement.'

"23. The delegation of Egypt made the following statement:

'Due to the fact that the negotiations on the draft Convention were long and complicated, the outcome contains some imperfections and loopholes which lead to certain apprehensions on the part of various delegations.

'Egypt has always attached great importance to the inclusion in the draft Convention of issues that it regards as vital to its national security and interests. We genuinely hoped that such concerns would have been included in the text of the draft Convention. Allow me, at this juncture, to elaborate briefly on some of these concerns that are momentous to us:

'First, Article II is among the most important Articles of this Convention since it defines chemical weapons; the core of this Convention. The wide spectrum definition includes in its interpretation the entanglement of munitions and equipment, whether they are related or not to toxic chemicals, as long as the provision of Article II comprises the word "separately" in paragraph 1. Hence, we had hoped that the

proposal to leave the definition of "Munitions and devices and any equipment specifically designed for use directly in connection with the employment of chemical weapons" be elaborated by the Preparatory Commission. This concern has a bearing on Article III, due to the fact that every State Party to the Convention should be fully aware, in advance, of what it has to declare in view of the eventual destruction of chemical weapons according to the relevant provisions of the Convention.

'Second, Article VIII embodies the structure and functions of the Executive Council, its composition, procedure and decision-making. Our position has long been known to support the principle of equitable geographical distribution as the basis for a just composition of the Executive Council. We have always asked for a balance in the representation of regional groupings and we noted that the previous imbalance in the distribution of seats was partially corrected. However, the largest regional group, namely Africa, was unfortunately deleted from the rotating seat between the regional groupings of Africa, Latin America and Asia in paragraph 23 (f). Thus, Africa was left again with less than fair treatment in comparison with all other regional groupings.

'Third, Article IX is a vital instrument to the implementation of this Convention. There is general agreement that it entails high political value. Consequently, the verification mechanism provided for in Article IX should be equivalent to the legal context of that Article and the other provisions of the draft Convention. It is in the light of the importance of the verification mechanism that the Egyptian delegation has introduced a proposed safeguard against the possible abuse of this instrument. Unfortunately, it was not adequately reflected in document CD/CW/WP.400/Rev.2. It is worthwhile to note with misgivings that the powers of the Executive Council, in as far as the inspection is concerned, are less than adequate.

'Fourth, Article XI is of great consequential importance and especially to the developing countries. Needless to say, developing countries are entitled to safeguard the promotion of scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes. They have the legitimate right to obtain assurances that the implementation of this Convention shall not hamper the economic and technological development of the developing States Parties to this Convention according to our proposals. The present wording of Article XI, paragraph 1, is not fully satisfactory to us as long as it leaves room for the States Parties to absorb eventual damage to their economic and technological development as a result of the implementation of the Convention. In short, we express apprehension at maintaining the term "shall avoid hampering" in the final draft.

'We have to put several questions to you and the members of the Conference on Disarmament:

'(a) How to deal with these concerns and misgivings;

'(b) How to provide assurances to comfort our concerns and apprehensions; and

'(c) How to introduce full scope security assurances to face the case of the use or threat of use of chemical weapons against a State Party to the Convention by a State non-Party or by a State Party during the transitional period and until the complete destruction of chemical weapons, indeed until we free our planet from chemical weapons and all other weapons of mass destruction?

'It is worthwhile to note that the reference to the right of a State Party to receive assistance as reflected in Article X is not enough to comfort such apprehension.

'Egypt has participated actively in the negotiations on the Chemical Weapons Convention and we hope that it would achieve universal adherence by reflecting the legitimate rights and vital interests of all States in view of our need to live in peace and security and cooperate with other members of the international community in a world free from all weapons of mass destruction.

'Having stated the above concerns, I do not object that the draft Convention would merely be transmitted to the Conference on Disarmament for consideration.'

"24. The delegation of China made the following statement:

'On 19 August 1992, the English version of the Ad Hoc Committee Chairman's Working Paper CD/CW/WP.400/Rev.2 was circulated here. In view of the importance of the Chemical Weapons Convention, the Chinese delegation will, naturally, further examine carefully the text of the draft Convention, including its Chinese version. I appreciate the untiring efforts made by you, Mr. Chairman and the German delegation in the negotiations in the Ad Hoc Committee.

'Today, I am instructed by my Government to place on record the following comment and statement of position:

'The complete prohibition and thorough destruction of all chemical weapons and their production facilities have always been the common aspiration and urgent demand of the international community and should, naturally, constitute the basic objective and purpose of negotiations of the Chemical Weapons Convention in the Ad Hoc Committee.

'As a non-chemical weapon State, victim of the scourge of foreign chemical weapons, China has always stood firmly for the early conclusion of a Chemical Weapons Convention in conformity with the above objective and purpose, so as to realize a chemical weapon-free world as soon as possible. Therefore, China has always attached great importance to, actively participated in, and made due contribution to the negotiations on the Convention. China is ready to continue to work with other countries in a joint effort to bring years of negotiations to a successful conclusion.

'On preliminary examination, your document CD/CW/WP.400/Rev.2 has improved in certain aspects upon the previous draft contained in CD/CW/WP.400/Rev.1. But, in many respects, it falls short of fully reflecting the legitimate concerns and requests of the numerous developing countries. Taken as a whole, it generally reflects the current complex situation where negotiations in the Committee have made headway but divergences still remain. The Chairman's paper contains some positive parts on which years of negotiations have culminated in consensus, which contribute to safeguarding the fundamental objective of the complete prohibition and thorough destruction of all chemical weapons. A case in point is the important provisions on the Abandoning State undertaking to destroy all the chemical weapons it has abandoned on the territories of other States. These provisions are just, reasonable and balanced. In the view of the Chinese Government, it is an essential guarantee to the realization of the fundamental objectives of the Convention for the relevant States Parties to fulfil without reservation or delay these obligations of international law which they have undertaken.

'Under Government instructions, I wish to point out again that this draft Convention has not reflected adequately the just demands and reasonable propositions of numerous developing countries, including China, and contains some serious drawbacks. For this reason, China cannot but express concern and reservations.

'In China's view, the main drawbacks of this draft Convention are, inter alia, as follows:

'(a) Its scope of verification in the chemical industry is too broad. An extremely large number of chemical facilities not relevant to chemical weapons are subject, where there is no necessity at all, to declaration and verification. The intended inclusion of facilities for nuclear and space chemistry is totally unreasonable. This will inevitably create grave difficulties for, and interference in, the chemical industry of the developing countries and adversely affect the effective verification of the chemical facilities truly relevant to the Convention;

'(b) It places undue emphasis on challenge inspection being extremely intrusive and short-noticed and ignores the danger of abuse and the necessity to prevent abuse of the right to request such inspection. This will threaten the legitimate rights and interests of the developing countries. Obviously, the procedures for such inspection also contain some unreasonable and unrealistic provisions and lack measures to ensure that security and confidential facilities not related to chemical weapons are not compromised. It goes without saying that no harm whatsoever to the major security rights and interests of sovereign States can be allowed;

'(c) Its provisions on the extension of the chemical weapons destruction period, the order of destruction and permission to convert some chemical weapons production facilities do not serve the fundamental

objective of the Convention and are detrimental to the security of non-chemical weapon States;

'(d) Owing to some unjustifiable provisions in the current draft, the future Organization and its expenses will be too big, thus bearing heavily on States Parties. It is only natural that verification costs for chemical weapons and their production facilities be borne by the possessor States and that States Parties abusing the right to challenge inspection bear the costs of such inspection. But, this is not found in the draft;

'(e) Article XI on Economic and Technological Development also lacks balance. In spite of the persistent strong demand of the developing countries, this draft has not expressly provided for the removal of discriminatory restrictions on chemical trade and exchanges between States Parties;

'(f) Article II on Definition of Chemical Weapons contains ambiguities that could lead to distortion and abuse.

'China, like many other countries, feels greatly concerned that these drawbacks would adversely affect the universality and effectiveness of the Convention and be detrimental to international peace and security. It is precisely for this reason that the Chinese delegation, together with many other developing countries, put forward on numerous occasions joint constructive proposals and requested that negotiations be continued to iron out differences and remove the grave drawbacks in this draft Convention. It is regrettable that our appeals to wisdom have not met with due response. Therefore, the Chinese Government still needs to further consider whether or not China will sign this Convention.

'On instructions of the Chinese Government, the Chinese delegation requests that, in conformity with the relevant Rules of Procedure of the Conference on Disarmament, the above statement of position and reservation be placed on record and included in the annual report of the Ad Hoc Committee. Under such circumstances, should the Committee agree by consensus to submit to the Conference on Disarmament for consideration the Chairman's CD/CW/WP.400/Rev.2 as an Annex to the Committee's report, the Chinese delegation would not object.'

"25. The delegation of the Islamic Republic of Iran made the following statement:

'We are approaching a critical and decisive juncture in our multilateral efforts for the elimination of a class of weapons which were used in the past and particularly in the 1980s. For the first time in the history of disarmament and arms control, a treaty with such far-reaching objectives is being worked out. Your task has been, therefore, of great value and of immense importance to bring such an objective to fruition. Our acts here will be judged by history and generations to come. Any failure to fulfil this weighty responsibility will adversely affect the security of all in the future.

'Our people have been the latest and, hopefully, will remain the last victims of the use of chemical weapons. The anguish resulting from this use cannot escape the souls and hearts of the Iranians and, hopefully, the consciousness of the world. While people were being poisoned to death, we kept calling for decisive international reaction. Although the Geneva Protocol of 1925 was in place at that time, political expediency prevented measures warranted to stop such use. Nevertheless, the repeated use of these weapons deeply affected world public opinion and invigorated attempts to conclude a comprehensive ban on chemical weapons. We therefore may be right in the belief that no nation on this planet has been more enthusiastic than us to have such a ban through a multilateral Convention.

'In this spirit, the delegation of the Islamic Republic of Iran has actively participated in and contributed to the deliberations of the Ad Hoc Committee on Chemical Weapons and has made its utmost effort to facilitate the conclusion of a strong, verifiable, effective, solid and fool-proof Chemical Weapons Convention. We have always been and will remain a faithful proponent of such a Convention. Any view by my delegation should be evaluated in this context. We wholeheartedly support the conclusion of such a Convention which is backed not only by words but also by the sincere conviction for its universal adherence following its signature. It has always been our consistent determination to be an original signatory to such a Convention; a Convention not only agreed to, but enthusiastically embraced by all States of the world, thus giving a true meaning to its fundamental objective of universality.

'Preparing such a Convention has been entrusted to you in this final year of negotiations. All of us have been witness to the restless efforts by you and your delegation to materialize this lofty goal. During these tense and intense periods of negotiations, you kept your strong resolve and with high spirit performed your formidable job.

'We acknowledge with thanks and appreciation what you have done and what you attempted to do. However, since an evaluation of the present text was presented by the Chairman in our meeting on 19 August 1992, allow me also to offer our own assessment of CD/CW/WP.400/Rev.2:

'(a) In Article I, balance may still be questioned since the commitment not to use herbicides as a method of warfare has been excluded from the General Obligations. Herbicides have been used in the past and, in high concentration, they can affect human beings and plants. Furthermore, law enforcement agents have been permitted to be employed outside national borders. These shortcomings have adversely affected what could be an all-encompassing treaty with no loophole in its scope of obligations.

'(b) It is clear that the definition in Article II is the most fundamental part of the Convention, as the whole body of the Convention is built about, around and upon this definition. As far as the toxic chemicals and their precursors are concerned, they have been elaborated

and described throughout the text and a system of verification has been envisaged to check any chemicals being used as weapons.

'Munitions, submunitions, devices and equipment which have been tagged as being chemical weapons, despite the Chairman's statement, could be clarified further. Due to time constraints, it was not possible to include any clarification or elaboration in the text of the draft Convention at this stage.

'(c) There exists unambiguous obligations in Article I for the destruction of chemical weapons and chemical weapons production facilities. However, such an obligation has been diluted in Articles IV and V by allowing the possible extension of duration of the destruction period and conversion of chemical weapons production facilities. I reiterate this position despite the fact that a member of our delegation, as the Co-chairman of the related Working Group has, in that independent capacity, and as a Friend of the Chair, contributed to finding a compromise. This new provision means that we will be living with the spectre of chemical weapons for the next two decades. This could have at least been somehow balanced by a qualitative order of destruction starting with the most lethal chemical weapons. This legitimate, significant and scientifically feasible proposal was not given necessary weight and attention in the negotiations and, as a result, States are to be left under a shadow of insecurity. The verification system for chemical weapons destruction, embodied in CD/1116, has therefore been significantly weakened.

'In addition, the new insertions have, in practice, replaced the international verification system by a bilateral verification system. If the Organization seeks to inspect chemical weapons production facilities and chemical weapons stocks, the subject will be treated under complementary verification for which all States Parties are obliged to bear the cost. Unfortunately, the addition of paragraph 17 in Article IV with the present wording creates a loophole which, in practice, I should reiterate, weakens the verification system under Article IV and its relevant Annexes.

'(d) It has been stated that a credible verification system has been balanced by guarantees against disclosure of national security information unrelated to the Convention. In the past, there was a well-defined and effective verification system based on risk assessment. The present mechanism, however, has been weakened by bringing into it almost every chemical facility which is even unrelated to the Chemical Weapons Convention; facilities which, even if diverted, will not pose a significant risk to the objectives of the Convention. This new approach will raise the costs of verification that would eventually be shouldered by the developing countries as the end-users and final consumers of such chemicals. By the time the Convention enters into force, the price of Schedule 3 chemicals will rise both for psychological reasons and the expectation of verification costs.

'Here, balance meant stringent treatment of Schedule 2 chemicals which have extremely limited commercial utility and a cost-effective and feasible system of verification of Schedule 3 chemicals. It should also be recalled that three new chemicals, with vast commercial application for everyday life, have been added to the Schedule 3 chemicals at the latest stage with no justification.

'Moreover, the verification system has not been properly balanced, as envisaged earlier, by the present provisions of Articles X and XI. Despite some encouraging statements by some countries and changes in the provisions of Article XI, it appears that, aside from the Convention, States Parties would have to rely on the faithful implementation of this Article by chemically developed countries and on their commitment to remove restrictions. Contrary to unambiguous obligations for verification, there is no equally binding and clear-cut commitment for financial contributions envisaged in Article X to render assistance in the case of use of chemical weapons. If there is no money in the so-called voluntary fund, Article X will be of no use.

'(e) On the question of composition of the Executive Council, it has been stated that all regional groups are equally unhappy. I have strong doubts that those who are to be privileged by the provision of this Article will be equally unhappy. Furthermore, each European State has more than a 20 per cent chance of being elected to the Executive Council. This chance is reduced to less than 10 per cent for an Asian State. This is certainly not a balance.

'My delegation still maintains a strong position on these points. Yet, our desire for the conclusion of the Chemical Weapons Convention, in the ultimate balance, will prevail. Discussions during the last week, which have led to a unified common understanding on Articles II, VIII and XI have been helpful. We also take note that persistent efforts are being continued in order to reach an understanding on the composition of the Executive Council within the Asian Group.

'Due to this ongoing effort, therefore, and at this stage, we are only prepared to agree that this text be transmitted to the Conference on Disarmament, along with the reservations we have just expressed, for its consideration. I must stress that our final position vis-à-vis the text at the Conference on Disarmament will be contingent upon the final outcome of the discussions related to Article VIII.'

"26. The delegation of the Russian Federation made the following statement:

'The text of the draft Convention on the Prohibition of Chemical Weapons as presented rests on many compromises which, naturally, bear fragments of antagonistic positions and, hence, have their internal contradictions. Moreover, not all compromise decisions are fully acceptable to us as, indeed, to many other countries. However, we would be ready to overlook many drawbacks of the draft Convention if it were not for two instances, unacceptable in principle, which make it

impossible for the Government of the Russian Federation to agree to the text of the draft Convention on the Prohibition of Chemical Weapons as presented.

'First, it concerns meeting the costs of verification of storage and destruction facilities as well as of former chemical weapons production facilities (paragraph 16 of Article IV and paragraph 19 of Article V).

'The Russian Government believes that the costs of verification under Articles IV and V should be met on the basis of the United Nations scale of assessment. However, we are ready not to insist on our position being reflected now in the text of the Convention and we agree to postpone finding a solution to substantive issues for a later date. Thus, the Russian delegation has proposed to include in the text of the Convention the following language to replace existing text:

- for paragraph 16 of Article IV:

"Each State Party shall meet the costs of destruction of chemical weapons it is obliged to destroy. The question of meeting the costs of verification of storage and destruction of these chemical weapons by the Organization will be resolved by States accepting the Convention by no later than 31 January 1993";

- for paragraph 19 of Article V:

"Each State Party shall meet the costs of destruction of chemical weapons production facilities it is obliged to destroy. The question of meeting the costs of verification by the Organization will be resolved by States accepting the Convention by no later than 31 January 1993".

'Second, it concerns the language of the definition of specialized equipment in paragraph 5, Part I of the Annex on Implementation and Verification. Preserving this definition the way it was formulated several years ago makes it impossible to count on the viability of the Convention's provisions concerning the conversion of former chemical weapons production facilities. In this case as well we are not suggesting to record some different definition. All we want is to leave this question open in such a way that the road for Russia to the Convention be open.

'Thus, our delegation has suggested the following language for paragraph 5 of Part I of the Annex on Implementation and Verification:

"The question of the definition of 'specialized equipment' will be resolved by States accepting the Convention by no later than 31 January 1993".

'I would like to stress that these proposals do not infringe on any aspects of the security regime under the future Convention on the Prohibition of Chemical Weapons. They concern only financial aspects and

protection of Russian economic interests. Our estimates done by the Government show that, in case we sign the Convention with the existing provisions for meeting the costs under Articles IV and V, our total costs for this type of verification would amount to 450 million US dollars; in case the existing definition of specialized equipment remains, our economic losses from stopping the operation of existing facilities to establishing new ones would amount to 10 billion roubles annually, plus 50 billion roubles - for reconstruction of facilities. It is obvious that with such provisions the Convention on the Prohibition of Chemical Weapons stands no chance to be approved by the Government of the Russian Federation and the Supreme Soviet of the Russian Federation.'

"27. The delegation of the United Kingdom noted the statements made by delegations setting out their national positions. It did not accept that such statements had any authoritative status at the level of interpretation or otherwise and reserved its right to comment further on such statements at a later stage. This position was shared by the delegations of Argentina, Australia, Belgium, Brazil, Canada, France, Hungary, Nigeria, Peru, Sweden and Venezuela.

"28. The delegation of the United States of America made the following statement:

'As we have previously stated, the United States considers that, on balance, the draft Chemical Weapons Convention is acceptable. We have heard a number of delegations complain that the draft text still does not contain their preferred positions. The text also does not contain some preferred positions of the United States. Examples include certain provisions related to challenge inspection, assistance, verification of chemical industry, destruction of chemical weapons and chemical weapons production facilities, and the Executive Council. Nonetheless, we are prepared to go ahead and sign this text.

'In this connection, we have also heard some statements containing national understandings of certain provisions of the draft text. Our understanding of these provisions is that the draft text clearly speaks for itself.'

"29. The delegation of Italy made the following statement:

'The Draft Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, as embodied in document CD/CW/WP.400/Rev.2, is the product of time-honoured negotiations and takes into account the different views expressed by all the delegations that participated in the negotiations. It is obvious that the draft could not verbatim translate into its provisions all the detailed proposals of each delegation. However, the draft is a balanced text, whose transmission forward to the plenary of the Conference on Disarmament is supported with an equal spirit of compromise by all and reflects a broad and general consensus.

'Notwithstanding that, a number of delegations felt that their specific observations needed to be registered in their entirety in the proceedings. The majority of delegations, on the other hand, felt that such a procedure runs against the spirit in which the draft text was elaborated. Accordingly, they abstained from proceeding likewise, albeit in a number of cases nurturing neither fewer nor minor observations. Therefore, the Italian Delegation, like many others, has accepted that the Convention be transmitted to the plenary of the Conference on Disarmament, and later to the forty-seventh session of the United Nations General Assembly, without pursuing the registration of any observation on its substance.

'In these circumstances Italy feels obliged to state that national observations recorded in the Chairman's report can neither alter the compromise reached with the text transmitted to the Conference on Disarmament, nor influence in any way the provisions contained therein.'

"30. The delegation of Myanmar made the following statement:

'Allow me to express the position of my delegation on the question of the system of election to the geographical seats for the Asia Region on the Executive Council of the future Organization for the Prohibition of Chemical Weapons for the first 10 years.

'My delegation attaches great importance to this principle of rotation which is duly reflected in Article VIII of the present text contained in CD/CW/WP.400/Rev.2. Here I am speaking on the basis of principle and principle alone.

'When we proposed this principle of rotation during the phase of negotiations we had in mind that a State Party to the Chemical Weapons Convention should not only have the right to serve on the Executive Council but also should have a fair chance to serve on the Executive Council. Accordingly, my delegation will have serious difficulties to go along with any proposal that would erode the principle of rotation for the geographical seats for the Asia Region and also which would deny a fair chance to a State Party.'

"31. The delegation of Sri Lanka made the following statement:

'My delegation wishes to make the following observations with regard to the composition of the Executive Council membership within the Asian Group.

'At present there are 42 member states in the Asian Group. This excludes the Central Asian States who joined the United Nations recently. The total number of seats allocated to the Asian Group in the Executive Council is 9, with one floating seat in every 2 years. Of these 9 1/2 seats 4 seats shall, as a rule, be allocated to the countries with the most significant national chemical industry, taking into account other regional factors as well, thus leaving 5 1/2 seats for the remaining 38 States.

'If we are to designate a seat from among these 5 1/2 seats to a particular State Party for an extended period, that procedure will run contrary to the principle of designation of seats stipulated in the draft Convention.

'In addition, my delegation is of the view that such an arrangement will create a precedent for other countries to make similar requests. Accommodation of such requests will further reduce the limited opportunities available to the remaining large number of states in the region.

'However, my delegation has no objection to such a request being considered, provided that we can arrive at an understanding or establish a principle on the basis of which such a request could be entertained. My delegation holds the view that it is desirable if a matter of this nature is discussed and an understanding reached or a principle established by the Asian Group, so that such an understanding, or a principle will not be contested by future States Parties from the region, the majority of which are not members of the Conference on Disarmament.'

"32. The delegation of France made the following statement:

'We believe that the text of the draft Convention, contained in document CD/CW/WP.400/Rev.2, represents a delicate equilibrium balancing many interests, and that the results achieved during the very intensive concluding rounds of negotiations are to be commended for the following reasons:

'A. The Chemical Weapons Convention will entail substantial progress for international security.

'Indeed, this draft Convention is the first multilateral disarmament agreement with effective verification provisions banning a whole class of weapons of mass destruction:

- it prohibits not only the production, but also the acquisition, stockpiling, transfer, use or military preparation for use of chemical weapons as well as assistance to anyone engaged in activities prohibited under the Convention;
- the prohibition encompasses not only the chemical agents as such, but also their means of delivery and any device designed for the use of chemical weapons;
- any State Party having chemical weapons or having abandoned chemical weapons on other States Parties' territories is under the obligation to destroy such weapons, as well as any production facility, in accordance with the relevant provisions of this draft Convention.

'Thus the ban is really a comprehensive one.

'Moreover, this draft Convention introduces an unprecedented verification regime that will provide a deterrent against covert chemical weapons development programmes.

'Apart from the provisions on the verification of the destruction of chemical weapons and inspections in chemical industry, the Chemical Weapons Convention contains a major innovative combination of provisions:

- it introduces for the first time the concept of challenge inspection in a worldwide agreement;
- such inspections can be carried out not only in declared facilities but also in undeclared facilities; and
- these inspections will be conducted by international inspection teams provided by the future Organization set up by the Convention.

'This unprecedented system of verification could well become a reference for other multilateral disarmament agreements or for the strengthening of existing verification regimes.

'By establishing an internationally agreed norm and granting the international community the practical means of enforcing it, the Chemical Weapons Convention constitutes a major step in the collective endeavour to eradicate weapons of mass destruction.

'France supports the assessment of the Chairman of the Ad Hoc Committee on Chemical Weapons to the effect that this draft Convention contains the proper balance between fundamental requirements:

- '(i) It provides for balance between the need for credible verification and safeguarding national interests.

'It reconciles the possibility of inspections anywhere with the need to protect security interests:

- it grants the Organization, through on-site inspections, the practical means of detecting non-compliance with the Convention. Therefore it has a real deterrent value vis-à-vis possible violators. The challenge verification regime allows a bilateral concern about possible non-compliance to trigger a multilateral inspection carried out by the Technical Secretariat and a multinational inspection team dispatched by the Organization.
- at the same time, the draft Convention contains a set of provisions (on time-frames, managed access to the inspected site, measures against abuse) allowing States Parties to protect sensitive facilities or information unrelated to chemical weapons.

'It also takes into account the need to safeguard economic and commercial interests.

'Under the draft Convention, States Parties must declare their chemical production facilities capable of producing chemical weapons. Various risk levels are defined for each agent and different levels of verification are applied to each category. Thus, capable facilities are covered in a sufficiently broad sense.

'But the draft Convention ensures that world chemical industry would not be subject to an unnecessarily intrusive or bureaucratic system of inspections.

'(ii) It provides a proper balance between rights and obligations for all States Parties.

'Because of their chemical industry capacities, the most industrialized countries will bear most of the weight of verification in industry. However, due to the concept of capable facilities, all States Parties having some chemical industry will be affected by verification at an appropriate time.

'Similarly, it is natural that those countries subject to the constraints of verification and complying fully with their obligations should expect to benefit from relaxation of the measures taken by other States Parties to prevent chemical weapons proliferation. This was recognized by the members of the 'Australia Group' in the statement recently made in the Conference on Disarmament (CD/1164).

'The composition of the Executive Council established by the draft Convention has been designed to ensure equitable distribution between the regions of the world. In determining the number of seats for each region, due account has been taken of the relative importance of chemical industry capacities of States Parties. This industrial criterion is expressed in a sufficiently flexible manner so as to allow possible regional internal re-arrangements or the necessary future adjustments.

'The draft Convention provides for the obligation of any State Party possessing chemical weapons or chemical weapons production facilities to destroy all of them within 10 years after the entry into force of the Convention. At the same time, it addresses the technological or financial difficulties which some States Parties could face in the destruction of their arsenals. The draft Convention thus provides for the exceptional possibility to modify or extend the 10-year destruction period for a State Party, but under conditions of strengthened verification by the international community. The same situation applies with regard to the exceptional conversion of chemical weapons production facilities to civil uses.

'B. France shares the view expressed by the Chairman of the Ad Hoc Committee on Chemical Weapons that there was no realistic possibility of producing a better text through further negotiations. It strongly agrees about the negative consequences, for the international community as a whole, of failure to agree on this draft Convention now.

'Such a situation would condone existing clandestine chemical weapons development programmes and encourage further spread of chemical weapons, thus affecting the security of all States, particularly the least developed ones and the likely consequence would be further use of chemical weapons.

'The corollary of such a prospect would be the necessary strengthening of unilateral non-proliferation regimes, including formalization of these regimes. Inevitably, there would be increased obstacles to trade and transfers of technology penalizing those countries abiding by their commitments, particularly developing countries.

'In the end, the absence of this Convention would encourage the application of unilateral actions, including the use of force, instead of a multilateral action which would be to the benefit of the States complying with the common norm.

'It is for these reasons that France is of the view that the Draft Convention, as an historic achievement of the Conference on Disarmament, should now be transmitted to the United Nations General Assembly for commendation and opened for signature at an early date.'

This position was shared by the delegations of Australia, Belgium, Bulgaria, Canada, Germany, Hungary, Italy, Japan, Mongolia, the Netherlands, Nigeria, Poland, Romania, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zaire.

"33. The delegation of Argentina, also on behalf of the delegation of Brazil, made the following statement:

'Brazil and Argentina consider the draft Convention as contained in document CD/CW/WP.400/Rev.2 to be the auspicious outcome of a long and complex negotiating process which this year was fortunate enough to go full steam ahead. The Convention strikes, in our view, a delicate and favourable balance between security requirements and the legitimate concerns of the chemical industry.

'Its innovative verification arrangements will mark a watershed in the history of multilateral disarmament. Their scope and characteristics will doubtless be taken as a reference for future agreements and for tightening up agreements already in existence.

'The application of this verification system will help to make export control schemes for militarily significant technology gradually more multilateral.

'Lastly, the favourable attributes of this draft Convention provide unbeatable grounds for universal accession and swift entry into force.

'The delegations of Brazil and Argentina believe the draft Convention should be warmly endorsed by the Conference on Disarmament so that it can secure at the forty-seventh session of the United Nations General Assembly the speedy approval a text like this deserves'.

"34. The delegation of Peru made the following statement:

'First of all, my delegation would like to associate itself with much of the statement just made by the Ambassador of France on behalf of his country and other delegations.

'The draft Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction constitutes a major contribution to the strengthening of international peace and security.

'The Convention, the first of its kind in its scope and complexity, negotiations on which have finally been concluded, constitutes an extensive exercise in cooperation and solidarity among the States Parties for the purpose of achieving the elimination of these horrific weapons of mass destruction once and for all. It builds upon the precedent set by the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. And bright prospects are undoubtedly opening up for the realization of nuclear disarmament, including the complete prohibition of nuclear tests, in the not too distant future.

'Although Peru's decision to be an original signatory of the Convention is well known, I should like to take this opportunity to place on record my country's full support for the draft Convention contained in document CD/CW/WP.400/Rev.2. It is no secret to anyone that the draft Convention contains the minimum that is acceptable to the vast majority of delegations. But it is this very common denominator which made it possible for the Ad Hoc Committee to accomplish in full the task entrusted to it.

'Peru's expectations were greater, as no doubt were those of other member States of this Conference. Nevertheless, the draft Convention embodies the concessions that the member States had to make to one another, guided by the sole objective of eliminating chemical weapons from the face of the Earth.

'My delegation could make many observations on the draft Convention at the end of the negotiating process. For the moment I will restrict myself to making only a few such observations, relating to some aspects of its content. In the first place, it might perhaps have been desirable to update the preamble, which dates for the most part from 1985, in order to bring it into line with the scope of the general obligations set out in Article I.

'Second, we consider that the definitions and criteria in Article II are consistent with the prohibitions appearing in Article I. Even though the definition of chemical weapons displays a degree of latitude, we proceed from the assumption that good faith on the part of the States Parties will prevent possible combinations of circumstances from being readily confused with an alleged intention to flout obligations entered into. In any case, in the interests of safety it would appear preferable to have a degree of flexibility in interpretation rather than a narrow definition which might be overtaken in the future by ceaseless technological development, particularly in the field of non-lethal chemicals.

'Third, it is true that if law enforcement is not referred to as "domestic", as in Article II, paragraph 9 (d), this might give rise to far-fetched interpretations of what the negotiators intended. Consequently, my delegation considers it appropriate to point out that, as far as Peru is concerned, law enforcement is within the competence of each geographical State, except for activities that might be carried out by United Nations peace-keeping forces.

'Fourth, in Peru's view the good faith of the States possessing chemical weapons will be judged by the way in which they implement their general plans for the destruction of their stockpiles; it would be desirable for the destruction of chemical weapons to be effected more rapidly, except in the cases specified in Part IV (A), paragraph 21, of the Annex on Implementation and Verification. We continue to regard it as regrettable that States will be under the obligation to destroy only 45 per cent of their chemical weapons by the end of the seventh year of the destruction process, especially since this appears to prejudge the extension of the destruction period for five more years, as referred to in Part IV (A), paragraph 24. This is why Peru attaches particular importance to the principle set forth in Article IV, paragraph 16, regarding the obligation of a State possessing chemical weapons also to meet the costs of verification of storage and destruction of such chemical weapons, unless the Executive Council decides otherwise.

'Fifth, the provisions of Article VI, in the view of experts, restrict the scope of verification of world chemical industry. Of course, it was in no one's mind to cover the whole of this dynamic industrial sector, since verification would have been unmanageable and exorbitantly costly. Yet it was thought to be possible to cover more than 30 per cent of "capable facilities". In the end, the objectives of the Convention proved to be more modest, either because thresholds were raised or because it focused solely on "PSF facilities".

'Sixth, the agreed composition of the Executive council was not the happiest solution for Latin America and the Caribbean. We accepted the agreement as the best way of stimulating greater involvement, particularly by Africa, among the original signatories. Yet at the same time we attach particular importance to Article VIII, paragraph 25, under which, as soon as the destruction of chemical weapons and production facilities has been completed, the Conference may, at the request of a majority of the members of the Executive Council, review the composition of the Council, taking into account developments related to the principles specified in paragraph 23.

'Seventh, it is worth highlighting the provisions contained in Article IX relating to challenge inspections. This was not, of course, what we originally sought, but we accepted it as a compromise formula. There are no precedents for this kind of verification, and we believe that this constitutes one of the greatest contributions that the Conference on Disarmament has made in the area of multilateral disarmament negotiations.

'Eighth, Peru continues to believe that the amendment procedure set out in Article XV suffers from the shortcoming that it makes the new Convention very rigid, to the point that it might become fossilized through the actions of a single State Party which either opposed an amendment or, less dramatically, merely decided to refrain from ratifying it, after having voted in favour.

'Ninth, Peru welcomes the important statement made by the Ambassador of Australia, Paul O'Sullivan, on behalf of the Australia Group, whereby the member countries of the Group made a commitment to seek to eliminate restrictions on transfers among the States Parties. For the same reasons, my delegation welcomes the inclusion in Parts VII and VIII of the Verification Annex of important provisions designed to monitor transfers to States which are not Parties to the Convention.

'Lastly, it is to be hoped that the ban on making reservations to the various Articles of the Convention will not lead to the unhealthy practice of interpretative declarations. Under the Vienna Convention on the Law of Treaties, such declarations must be regarded to all intents and purposes as reservations, and they therefore fall under the ban.'

"35. Also during the consideration of the draft Convention as contained in document CD/CW/WP.400/Rev.2, the Chairman, in order to facilitate the understanding of some provisions of the draft Convention, provided the explanations following in paragraphs 36 to 40 below which, in his view, answer some of the concerns reflected in paragraphs 19 to 34 above.

"36. With regard to Article II: The definition of the term 'chemical weapons' in Article II is formulated broadly to cover not only toxic chemicals and their precursors, but also specifically-designed means of delivery. The term 'munitions' refers to items that utilize directly or indirectly an explosive to disseminate a toxic chemical on the battlefield. The term 'devices' refers to items that use non-explosive means to disseminate a toxic chemical on the battlefield. The term 'equipment' refers to, inter alia, items that are part of a chemical weapons delivery system but do not actually contain toxic chemicals or precursors. It does not refer to general purpose delivery systems that are common in all modern armed forces that can be used to deliver different types of ammunition containing, inter alia, conventional explosives, but which do not contain any special features designed specifically for the delivery of chemical munitions or devices.

"37. With regard to Articles IV and V: Articles IV (paragraph 16) and V (paragraph 19) set forth the general rule that a State Party shall meet the costs of verification under these Articles unless the Executive Council decides otherwise. Except for the particular case of bilateral or multilateral verification agreements, no conditions and criteria are specified under which the Executive Council may take a decision differing from the general rule. Since the Preparatory Commission will be in any case engaged in preparation of the budgetary proposals to the Organization in accordance with paragraph 10 of the Text on the Establishment of a Preparatory Commission, it is understood that it will have to take up these questions as well.

"38. With regard to Article VIII: The criteria for membership in the Executive Council, as specified in paragraph 23 of Article VIII, are intended to ensure that the membership of the Executive Council is broadly representative of the membership of the treaty. Members of each regional group will decide among themselves on the designation of Executive Council members from their region, taking into account the criteria specified in the Convention. The regional groups shall also take into account regional factors in designating these members. By using a balanced approach, regional groups are given some flexibility in designating seats within the groups.

"39. With regard to Article IX: The provisions on challenge inspections foresee that the request for a challenge inspection, including information on the location of the inspection site, shall be transmitted to the inspected State Party not less than twelve hours prior to the planned arrival of the inspection team at the point of entry (cf. Article IX, paragraph 15; Verification Annex, Part X, paragraphs 6, 10 and 11).

"These provisions have to be seen in the context of the over-all timespan elapsing between the point in time when the inspected State Party is informed on the location of the inspection site and the point in time when the inspection team may actually enter the site. This timespan might last as long as five days. Given this relatively lengthy timespan which might pass before the inspection starts, it proved impossible to add anywhere to the "timelines" in case of a challenge inspection since many delegations held the view that any prolongation would put into doubt the effectiveness of this instrument of verification.

"However, the provisions on the twelve hours notification time referred to above are not intended to place the inspected State Party in a position where, for practical reasons, it might become impossible to fulfil the obligations under the Convention. Therefore, the procedural provisions on carrying out a challenge inspection have been drafted in such a way as to allow for up to 36 hours passing between the inspection team's arrival at the point of entry and its arrival at the inspection site (these 36 hours might include up to 24 hours travelling time within the territory of the inspected State Party). Furthermore, it has been understood that the Technical Secretariat, in planning the time at which the inspection team will arrive at the point of entry, should take into account: the respective time zone(s) of the inspected State Party as related to the seat of the Organization; the geographic and infrastructural conditions in that country; and the location and accessibility of the inspection site as related to the point of entry.

"40. With regard to Article XI: In connection with Article XI, attention is drawn to the CD plenary statement by the Australian representative on 6 August 1992, in which he stated:

'They (members of the "Australia Group") undertake to review, in the light of the implementation of the Convention, the measures that they take to prevent the spread of chemical substances and equipment for purposes contrary to the objectives of the Convention, with the aim of removing such measures for the benefit of States Parties to the Convention acting in full compliance with their obligations under the Convention.'

"41. The draft Convention, as contained in document CD/CW/WP.400/Rev.2, met with the support of most delegations, who were of the opinion that the draft Convention, as a compromise text, necessarily could not satisfy all negotiating positions of each delegation; that the text of the draft Convention, after many years of negotiation, represented a delicate equilibrium balancing many interests; that the results achieved during the concluding, very intensive rounds of negotiations were to be commended; and that the draft Convention, as an historic achievement of multilateral arms control and disarmament negotiations, should now be transmitted to the United Nations General Assembly for commendation and opened for signature at an early date.

"V. CONCLUSIONS AND RECOMMENDATIONS

"42. The results of the negotiations on the draft Convention are reflected in the Appendix to this report containing the draft Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, as well as the text on the Establishment of a Preparatory Commission and the material to be transmitted to the Preparatory Commission.

"43. The Ad Hoc Committee agreed to transmit this report and its Appendix to the Conference on Disarmament for its consideration."

The appendix to the report of the Ad Hoc Committee on Chemical Weapons is attached as appendix I to this report.

74. It was agreed by consensus that the draft Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, adopted by the Conference on Disarmament, be transmitted to the forty-seventh session of the United Nations General Assembly.

E. Prevention of an Arms Race in Outer Space

75. The list of documents presented to the Conference during its 1992 session under the agenda item is contained in the report submitted by the Ad Hoc Committee referred to in the following paragraph.

76. At its 632nd plenary meeting, on 18 August 1992, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 612th plenary meeting (see paragraph 8 above). That report (CD/1165) is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. At its 612th plenary meeting on 13 February 1992, the Conference on Disarmament adopted the following decision (CD/1125):

'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 1992 session.'

"2. In that connection, some delegations made statements regarding the scope of the mandate.

"II. ORGANIZATION OF WORK AND DOCUMENTS

"3. At its 613th plenary meeting on 20 February 1992, the Conference on Disarmament appointed Ambassador Romulus Neagu of Romania as Chairman of the Ad Hoc Committee. Mr. Vladimir Bogomolov, Political Affairs Officer, United Nations Office for Disarmament Affairs served as the Committee's Secretary.

"4. The Ad Hoc Committee held 13 meetings between 10 March and 11 August 1992.

"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 1992 session:

- CD/1142 Letter dated 11 March 1992 from the Permanent Representative of Canada addressed to the Secretary-General of the Conference on Disarmament transmitting Compendia on Outer Space comprising Plenary Statements and Working Papers from 1991 Session of the Conference on Disarmament.
- CD/OS/WP.52 Programme of Work
- CD/OS/WP.53 Letter dated 15 May 1992 from the Friend of the Chairman of the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space addressed to the Chairman of the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space, forwarding the Working Paper 'Table of Statements and Proposals by the members of the Conference on Disarmament relating to Confidence-Building Measures (CBMs) in Outer Space Activities'.
- CD/OS/WP.54 Working Paper entitled 'Confidence-Building Measures in Space Activities', submitted by the Friend of the Chair, Col. G. Diachenko of the Delegation of the Russian Federation.
- CD/OS/WP.55 Working Paper entitled 'Nuclear Power Systems in Space', submitted by Mr Luciano Anselmo, Expert of the Delegation of Italy.
- CD/OS/WP.56 Working Paper entitled 'Remarks on keep-out zones in a code of conduct regime for outer space', submitted by Dr. Hubert Feigl, Expert of the Delegation of Germany.

"III. SUBSTANTIVE WORK DURING THE 1992 SESSION

"6. Following consultations on the organization of work, at its first meeting on 10 March 1992, the Ad Hoc Committee adopted the following Programme of Work for the 1992 Session:

^{1/} The List of Documents of the previous sessions may be found in the 1985, 1986, 1987, 1988, 1989, 1990 and 1991 Reports of the Ad Hoc Committee, and in the special report to the Third Special Session of the General Assembly devoted to Disarmament (CD/642, CD/732, CD/787, CD/870, CD/834, CD/956, CD/1039 and CD/1111, respectively).

'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 with a view to finding and building upon areas of convergence, the Ad Hoc Committee will take into account relevant proposals, initiatives and developments since the establishment of the Committee in 1985 including those presented at the 1991 session of the Conference on Disarmament aimed at enhancing the work of the Ad Hoc Committee as reflected in the work of the Friends of the Chairman, who dealt with the following specific issues in open-ended consultations: Terminological Aspects related to the prevention of an arms race in outer space, issues related to Verification of ASATs and Confidence-Building Measures, including improvement of existing and future databases relating to space activities.'

"7. With regard to the organization of work, the Ad Hoc Committee agreed that it would give equal treatment to the subjects covered by its mandate and specified in its Programme of Work. Accordingly, the Committee agreed to allocate the same number of meetings to each of those subjects. It was noted that any member wishing to do so may discuss any subject important and relevant to the work of the Committee.

"8. The work of the Ad Hoc Committee was governed by the mandate which aims at the Prevention of an Arms Race in Outer Space.

"9. The Ad Hoc Committee agreed to continue to enjoy the assistance of the Friends of the Chairman who were appointed by the Chairman to deal with the following issues without prejudice to positions of delegations in open-ended consultations: (a) terminological aspects, related to prevention of an arms race in outer space (The Hon. Anthony Monckton, Delegation of the United Kingdom of Great Britain and Northern Ireland); (b) issues related to verification of ASATs (antisatellite weapons) (Dr. M. Kareem, Delegation of Egypt); (c) confidence-building measures in space activities (Col. G. Diachenko, Delegation of the Russian Federation).

"10. The Committee benefited from the scientific and technical contributions of experts from various delegations, who addressed specific issues and initiatives under consideration in the Committee. The subjects addressed included technical, legal and terminological issues, i.e. peaceful and military uses, protection of satellites, keep-out zones, radioactive materials in outer space and principles governing the re-entry of nuclear power sources in the atmosphere, a need to build a set of principles of CBMs.

"A. Examination and identification of issues relevant to the prevention of an arms race in outer space

"11. Many delegations considered that, in the post cold war period, preventing an arms race in outer space was one of the principal tasks facing the Conference on Disarmament. In this age of high technology and qualitative increases in weapons precision, outer space stood out as an environment vulnerable to militarization. Some delegations stressed that action by the Conference on Disarmament in preventing an arms race in outer space was not only timely, but essential for ensuring that the province of all mankind was indeed explored and used exclusively for peaceful purposes. For those delegations weaponization of outer space was a potential hazard to the space activities of mankind and the peaceful use of outer space. In their view it would be too late to set about drafting a treaty on the prohibition of the weaponization of outer space once such weaponization became a fait accompli.

"12. Many delegations expressed their regret that the mandate of the Committee remained the same, and that no substantive change had been added to its programme of work. Some delegations pointed out that the Ad Hoc Committee should as early as possible conduct substantive negotiations on the conclusion of a comprehensive legal instrument on the prevention of an arms race in outer space.

"13. The Group of 21 considered that there was an urgent need to address this important agenda item so as to achieve progress. For this reason, the Group took a flexible position on the question of the mandate and the programme of work although it would have preferred the Committee to work under a negotiating mandate, which would help to concentrate the efforts of the Committee on concrete proposals.

"14. In the view of several delegations the most promising directions of work of the Committee appeared to be in the area of CBMs: the development of a code of conduct/rules of the road, the establishment of 'keep-out zones', the legal protection of satellites, an agreement on their immunity, the creation of an international trajectography centre, and of a satellite image processing agency.

"15. One delegation of the Western Group addressing the subject of space debris indicated that various misconceptions about them had caused some to conclude that an international legal regime on space debris would be needed. In the view of this delegation for such a regime to be established, several legal issues, including the definition of space debris, jurisdiction and control over space debris, and the treatment of liability for damage from orbital debris would be only some of the many legal issues that would need to be resolved. Another delegation of the Western Group presented an expert who gave his own views on the legal background to some terminological issues. The expert referred to other international treaties and concluded that in his view, even though in some contexts 'peaceful' meant 'non-military', any ambiguity had been clarified by State practice which had not been contradicted in a forceful manner by any State formally protesting military utilization of space. The expert believed that current military uses of space such as communications, navigation, photo reconnaissance, early warning and weather monitoring all appeared to be lawful.

"16. Some delegations referred to the issue of the 'Global Protection Against Limited Strikes' (GPALS). One delegation not belonging to any group indicated that although the world had undergone major changes, the research and development of space weapons had not come to an end. The new anti-ballistic missile system was not totally defensive in nature and also had an attacking capability. In its view the development of such a system would inevitably give rise to mutual suspicion among the States and contribute to more tensions in the world. It could also provoke countries with the ability to develop a ballistic missile system to speed up its development. In the opinion of that delegation the implementation of GPALS would surely violate the ABM Treaty, which would have to be either terminated or amended.

"B. Existing agreements relevant to the prevention of an arms race in outer space

"17. A majority of the members of the Committee pointed out that the legal regime applicable to outer space by itself did not guarantee the prevention of an arms race in outer space. There was a need to consolidate and reinforce that regime and enhance its effectiveness. Existing legal instruments were not satisfactory. Limited in scope, they were utterly inadequate in forestalling an arms race in outer space in that they contained no clear-cut provisions on the prohibition of deployment of various types of space weapons, except that of nuclear weapons and other weapons of mass destruction. According to some delegations it was therefore necessary to conclude a legal instrument, acceptable to all States, on the de-weaponization of outer space, and on the prohibition of all types of space weaponry.

"18. Some delegations of the Western Group maintained that the existing legal regime provided an equitable and balanced response to the need to promote peaceful uses and arms control in outer space.

"19. One delegation of the Western Group stated that the legal regime governing outer space could be seen to be wide-ranging and logical. According to that delegation there were no contradictions in its framework, nor was the existing regime full of gaps and holes. It was effective, practical and, most of all, workable. It was not perfect, but its problems would be inherent in any legal regime for arms control in outer space. Any perceived gaps in the legal regime could be satisfied by particular attention to the principles now in existence. Other delegations of the same Group emphasized that what was really in question was compliance with the existing legal regime. They underlined that there were many nations that have not ratified or acceded to the existing international agreements pertaining to outer space and, for this reason, cooperative efforts could not be pursued on this subject in an effective manner.

"20. Another delegation of the same group argued that the legal regime could be reinforced by improving State practice under existing conventions. For example, with respect to the Registration Convention, the United Nations Secretariat might devise some standard form of automatic despatch of notices to remind States of their obligations under the Convention. This would strengthen the role of the Secretary-General in the pursuit of greater transparency in outer space activities. The Conference on Disarmament might also recommend to the Security Council that it adopt a resolution both

requesting the Secretary-General to send out automatic reminder notices, and setting up a committee of the Council to review periodically any failures of States to register their launches. The delegation suggested that more frequent use of Article IX of the Outer Space Treaty of 1967, might well serve as a consultative mechanism to expand the kind and amount of information to be provided under the Registration Convention. Article XI of the Outer Space Treaty could serve as a basis for requiring data beyond that which is currently routinely provided under the Registration Convention. It would also underline the more active role which the Secretary-General might play and indeed seemed already authorized to play in serving a data-collection function.

"C. Existing proposals and future initiatives on the prevention of an arms race in outer space

"21. The Group of 21 recalled its proposal for the Ad Hoc Committee to have a negotiating mandate. The Group held the position that the Committee should focus on concrete proposals for measures with a view to conducting negotiations for the conclusion of an agreement or agreements, as appropriate, to prevent an arms race in outer space in all its aspects.

"22. Some delegations reiterated that the Outer Space Treaty, in the first paragraph of Article IV, left a legal loophole exploited by some space Powers to develop a new generation of weapons that could be placed in outer space. In this connection, one delegation recalled its proposal contained in document CD/851 to amend Article IV. It stressed that the proposal was aimed at filling in an important juridical vacuum in the Outer Space Treaty and to prevent the stationing in outer space of weapons other than nuclear and mass destruction weapons.

"23. The question of the functioning of the Registration Convention and ways of strengthening the regime established by it, was again addressed by several delegations. Improvements could include the provision of more timely and specific information concerning the function of satellites, including whether the satellite was fulfilling a civilian or military mission.

"24. In connection with the legal protection of satellites, some delegations indicated that both the questions of ASAT weapons and of immunity of space devices should be addressed in order to achieve an ASAT prohibition and to guarantee legal immunity for satellites performing definitive peaceful functions. One delegation of the Western Group recalled that it had not found any measure in the field of ASATs that would be verifiable or equitable. The inability to construct a suitable and effective verification system could prevent agreements from being finalized. On the subject of 'keep-out zones', it had concluded that the physical characteristics of space and spacecraft motion, coupled with the sheer number of objects that would need to be tracked, would make it difficult, if not impossible, for most space nations to monitor compliance with 'keep-out zones'. In its view 'keep-out zones' would not be practical for providing protection to satellites. Another delegation indicated that verification and monitoring of observance of such zones would be a delicate task and hence the usefulness of a trajectory tracking centre. One delegation of the Western Group presented an expert's report on 'Keep-Out Zones' as part of a Code of Conduct. 'Keep-Out Zones' could play an

essential role in a Protection regime which cared for the protection of a State's space activities through agreed and verifiable provisions. The concept of 'Keep-Out Zones' in this understanding might be combined with declared or notified pre-launch information, thus contributing essentially to confidence-building measures.

"25. A substantial part of the discussions was devoted to confidence-building measures and ensuring greater transparency in space activities. Many delegations were of the view that CBMs was one of the areas where some degree of certainty and convergence of views existed and could form part of a negotiating process with a view to reaching agreements. Several delegations favoured the approach centred on non-interference with non-aggressive activities and CBMs which would support that objective.

"26. One delegation emphasized that while the CBMs contributed to the positive development in international relations, the discussions on CBMs should not obstruct the creation of a substantive and legally binding treaty banning all space weapons. In its view some of the CBMs already on the table could be considered as verification measures for a future treaty, among them the establishment of an appropriate international supervisory body to inspect objects before they are launched into space.

* * *

"27. The discussion of the Friend of the Chair for Terminological Issues centred on two non-papers prepared by him on the phrases 'peaceful purposes' and 'the militarization of space'. Some delegations of the Western Group thought that basic groundwork on terminology was essential if areas of consensus were to be found. The debate on 'peaceful purposes' indicated that some delegations maintained that the concept meant 'no military use of space', while other delegations believed it meant 'non aggressive use of space'. One delegation of the Western Group considered that since no delegation questioned the illegality of any aggressive use of outer space, a common denominator existed on that notion. On 'militarization' there was agreement that further work was needed on the definition of a 'space weapon'. One delegation of the Western Group suggested that it would be useful to concentrate on what was regarded as being 'destabilizing' rather than on trying to define the 'acceptable' uses of space.

"28. The Friend of the Chair for verification of ASATs held open-ended consultations on the basis of the paper he had prepared (CD/OS/WP.50). In these consultations some delegations insisted that there was no legal instrument that governed activities of States with regard to this system and other delegations of the Western Group recalled that the existing legal regime placed a wide variety of legal restraints on the nature, deployment and use of ASATs. For those delegations the lack of a clear and broad enough definition of antisatellite weapons and their components was a serious obstacle to progress in the preparation of legal instruments. It was suggested that, in spite of their complexities, the problems of definition and verification could be dealt with by the Conference on Disarmament. The question of verification would eventually depend on the type of instrument that was being devised. It was also proposed to explore whether there existed or not, from a strategic or

military point of view, any difficulties or any objections ad initio to the preparation of a legal instrument. Some delegations proposed to deal with the subject in a gradual progressive fashion and by confidence-building, transparency and trajectory control measures that would raise the financial and political costs of an aggressive use of Outer Space. One delegation of the Western Group also indicated that ASATs could not be dealt with without having as a legal basis or background an agreement on the concept of aggression. It was the view of the Friend of the Chair that the joint participation of several experts from interested delegations could help to facilitate a better understanding of the problems under consideration and identification of promising areas. One delegation presented a Non-Paper entitled 'ASATs: Realities and Prospects'.

"29. The Friend of the Chair for confidence-building measures in space activities conducted consultations with the interested parties. As the outcome of those consultations, as well as on the basis of the statements and documents previously submitted to the Committee, he drafted an analytical non-paper where he identified five possible areas for the development of CBMs in outer space: (a) Strengthening of the 1975 Convention on Registration of Objects Launched into Outer Space; (b) Use of satellite monitoring in the interests of the international community; (c) Drawing up of 'rules of the road'/a 'code of conduct'; (d) Inspections of space objects at launching sites; (e) Establishment of an international trajectory centre. As a result of further consultations and at the recommendation of several delegations, these areas were grouped under three main headings: (a) Measures to promote transparency, openness and predictability; (b) Rules for the behaviour of space objects ('Rules of the road'/a 'code of conduct' for outer space); (c) 'Institutional' measures (the establishment of various types of body for the implementation of confidence-building measures: world space organization, international satellite monitoring agency, satellite image processing agency, international space monitoring agency, inspectorate and trajectory centre). The Friend of the Chairman stated that there was wide agreement on the extension of the volume and nature of the information supplied by States on space objects and, perhaps, on a few of the simplest notification measures discussed in the context of 'rules of conduct' in outer space. Hence, a study of those topics with the help of technical and scientific experts, would be a promising way of promoting broad consensus.

"IV. CONCLUSIONS

"30. There continued to be general recognition in the Ad Hoc Committee of the importance and urgency of preventing an arms race in outer space and readiness to contribute to that common objective. The work of the Committee since its establishment in 1985 has contributed to the accomplishment of this task. The debates and the presentations made by experts at this annual session contributed to further identifying and clarifying a number of issues relevant to the prevention of an arms race in outer space. The Committee has also advanced in its efforts to identify areas of convergence suitable for a more structured work. It was recognized once more that the legal regime applicable to outer space by itself did not guarantee the prevention of an arms race in outer space. There was again recognition of the significant role that the legal regime applicable to outer space played in the prevention of an arms

race in that environment and of the need to consolidate and reinforce that regime and enhance its effectiveness and of the importance of strict compliance with existing agreements, both bilateral and multilateral. In the course of the deliberations, the common interest of mankind in the exploration and use of outer space for peaceful purposes was acknowledged. In this context, there was also recognition of the importance of paragraph 80 of the Final Document of the first special session devoted to disarmament, which stated 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'. The Ad Hoc Committee continued its examination of existing and some new proposals 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.

"31. In the context of their contribution to the discussions on all aspects of the mandate and work programme, the importance of the presentations in the Committee relating to confidence-building measures and to greater transparency and openness in space made in the course of the 1992 session was recognized by the Committee. Although cognizant of the various positions on these matters the Committee also recognized the relevance of that discussion to the work of the Committee.

"32. The Committee noted the valuable and significant contribution to the discussions of the experts from several delegations and expressed its appreciation to those delegations that provided those contributions. The Committee equally voiced its appreciation of the preliminary work continued by the Friends of the Chairman and their organization of open-ended consultations on such important issues as those related to ASATs, CBMs and terminological aspects of the prevention of an arms race. It viewed the outcome of their efforts as an encouraging development in the process of building upon the areas of convergence. The Ad Hoc Committee recommended to continue such exercises in 1993.

"33. It was agreed that substantive work on this agenda item should 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 1993 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

77. The document presented to the Conference during its 1992 session under the agenda item is contained in the report submitted by the Ad Hoc Committee referred to in the following paragraph.

78. At its 631st plenary meeting on 13 August 1992, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 606th plenary meeting (see paragraph 8 above). That report (CD/1160) is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. At its 606th plenary meeting on 21 January 1992 the Conference on Disarmament decided to re-establish, for the duration of its 1992 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. It further decided that the Ad Hoc Committee would report to the Conference on the progress of its work before the conclusion of the 1992 annual session (CD/1121).

"II. ORGANIZATION OF WORK

"2. At its 613th plenary meeting on 20 February 1992, the Conference on Disarmament appointed Ambassador Sirous Nasser of the Islamic Republic of Iran as Chairman of the Ad Hoc Committee. Mr. V. Bogomolov, Political Affairs Officer, United Nations Office for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

"3. The Ad Hoc Committee held three meetings between 22 June and 3 August 1992.

"4. In addition to the documents of the previous sessions related to this item, the following working paper was submitted to the Ad Hoc Committee by France at this annual session: CD/SA/WP.14 dated 3 August 1992 entitled 'Basic elements for a legally binding agreement on negative security assurances'.

"III. SUBSTANTIVE WORK

"5. At the beginning of the annual session, the Chairman of the Ad Hoc Committee conducted informal consultations with the delegations and the Group coordinators to determine the best way to address the item entitled 'Effective International Arrangements to Assure Non-nuclear-weapon States against the Use or Threat of Use of Nuclear Weapons' this year, particularly in light of the Conference's focus on concluding the Chemical Weapons Convention. These consultations revealed that all delegations, including those of the nuclear-weapon States, continued to attach importance to the agenda item and were ready to engage in substantive discussions on the issue.

"6. During the formal meetings of the Ad Hoc Committee, various groups and individual delegations reaffirmed or further elaborated their respective positions, the detailed descriptions of which can be found in the previous annual reports of the Committee, related Conference documents and working papers, and Plenary records.

"IV. CONCLUSIONS AND RECOMMENDATIONS

"7. 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 some aspects and elements of a solution, together with the series of informal consultations by the Chairman, 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'. The formal debates and informal consultations demonstrated the readiness of delegations to continue the search for a common approach on the substance of Negative Security Assurances.

"8. Against this background the Conference on Disarmament continued to recognize the importance of the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and felt that there was a need to take a fresh look at this question, in light of recent transformations in the international political climate and other positive developments in order to achieve forward movement in this extremely important area so as to enable the Ad Hoc Committee to fulfil its mandate as soon as possible.

"9. Accordingly there was agreement on the recommendation that the Ad Hoc Committee should be re-established at the beginning of the 1993 session."

G. New Types of Weapons of Mass Destruction and New Systems of Such Weapons: Radiological Weapons

79. The list of documents presented to the Conference during its 1992 session under the agenda item is contained in the report submitted by the Ad Hoc Committee referred to in the following paragraph.

80. At its 629th plenary meeting on 6 August 1992, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 606th plenary meeting (see paragraph 8 above). That report (CD/1159) 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 606th plenary meeting held on 21 January 1992, as contained in document CD/1122, the Ad Hoc Committee on Radiological Weapons was re-established, for the duration of the 1992 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 its 1992 session.

"II. ORGANIZATION OF WORK AND DOCUMENTATION

"2. At its 613th plenary meeting on 20 February 1992, the Conference on Disarmament appointed Ambassador Serguei Batsanov of the Russian Federation as Chairman of the Ad Hoc Committee. Mr. Michael Cassandra of the United Nations Office for Disarmament Affairs served as Secretary of the Ad Hoc Committee.

"3. The Ad Hoc Committee held four meetings from 17 March to 27 July 1992. In addition, the Chairman held a number of informal consultations with delegations.

"4. In accordance with the decision of the Conference at its 603rd plenary meeting on 22 August 1991, the Ad Hoc Committee was open to non-member States invited by the Conference to participate in its work.

"5. In addition to various resolutions adopted by the United Nations General Assembly on the subject at its previous sessions, the Ad Hoc Committee had before it resolution 46/36 E adopted by the General Assembly at its forty-sixth session entrusting specific responsibilities to the Conference on Disarmament on this subject.

"6. The following working papers were presented to the Ad Hoc Committee:

CD/RW/WP.94 dated 17 March 1992 entitled 'Programme of Work and Tentative Timetable for the 1992 session';

CD/RW/WP.94/Add.1 dated 22 June 1992 entitled 'Timetable for the remainder of the 1992 session';

CD/RW/WP.95 dated 22 June 1992 entitled 'Report of Contact Group A';

CD/RW/WP.96 dated 27 July 1992 entitled 'Report of Contact Group B'.

"III. WORK DURING THE 1992 SESSION

"7. At its first meeting on 17 March 1992, at the suggestion of the Chairman, the Ad Hoc Committee agreed that it continue the same method of work adopted since 1987, that is, that Contact Group A continue to consider the prohibition of radiological weapons in the 'traditional' sense and that Contact Group B continue to consider issues relevant to the prohibition of attacks against nuclear facilities.* It was also agreed that the work of the two groups should be pursued as recommended in the 1991 report of the Ad Hoc Committee (CD/1099), that is, to draw upon the two annexes contained in that report as a basis for its work.

"8. At the same meeting, the Ad Hoc Committee appointed Mr. John L. Ausman of Canada to coordinate the work of Contact Group B. At a subsequent meeting on 23 March 1992, the Ad hoc Committee appointed Mr. Nebojsa Dimitrijevic of Yugoslavia to coordinate the work of Contact Group A.

"9. The Ad Hoc Committee held a general exchange of views, after which its work was carried out principally in the framework of the Contact Groups as established above. On the basis of that work, the Coordinator of Contact Group A presented to the Ad Hoc Committee, at its 3rd meeting on 22 June 1992, the report of the Contact Group (CD/RW/WP.95). The Coordinator of Contact Group B presented the report of the Contact Group (CD/RW/WP.96) on 27 July 1992. These two reports are reproduced in Annexes I and II to the

"* One delegation did not take part in the work on the prohibition of attacks against nuclear facilities.

present report and reflect 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 and are without prejudice to further work.

"IV. CONCLUSIONS AND RECOMMENDATIONS

"10. The work conducted by the Ad Hoc Committee during its 1992 session contributed further to the clarification of different approaches which continue to exist with regard to both the important subjects under consideration. It is recommended that the Conference on Disarmament re-establish the Ad Hoc Committee at the beginning of the 1993 session and that it give guidance to the Ad Hoc Committee on reviewing the organization of its work with the aim of fulfilling its mandate.

"ANNEX I

"Report of Contact Group A

"1. In accordance with the decision taken by the Ad Hoc Committee on Radiological Weapons at its first meeting on 17 March 1992, Contact Group A was re-established to continue consideration of the issues relevant to the prohibition of radiological weapons.

"2. Contact Group A held four meetings from 23 March to 22 June 1992. In addition, the Coordinator held a number of informal consultations with delegations.

"3. According to the guidelines set out during the first meeting of the Ad Hoc Committee, Contact Group A used as a basis for its substantive work the Coordinator's record as contained in the Report of the Ad Hoc Committee to the Conference on Disarmament in 1991 (CD/1099, Annex I, Attachment). The Contact Group reviewed the draft articles for a convention on the prohibition of radiological weapons contained therein. New language was added in the footnote attached to the second alternative of both 'Scope' and 'Definitions'. Further, in the section 'Verification and Compliance' the bracketed language in paragraph 3 was deleted, as well as the proposal in paragraph 2 of the 'Annex'. In consequence, the footnote attached to paragraph 6 of 'Other Main Elements' was also deleted.

"4. The amended Coordinator's record is attached to the report and reflects the current stage of the Contact Group's consideration of the question.

"5. The Coordinator's record is not binding upon any delegation and does not preclude any delegation from introducing proposals to the text as a whole or the elements thereof at a later stage. It is recommended that it be appended to the Ad Hoc Committee's report to the Conference on Disarmament, as a basis for future work.

"Attachment

"DRAFT ARTICLES FOR A CONVENTION ON THE PROHIBITION OF RADIOLOGICAL WEAPONS

"PREAMBLE

"The States Parties to this Convention, hereinafter referred to as the 'Parties to the Convention',

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

"determined to act with a view to achieving 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 as well as the development of new types of such weapons as radiological weapons,

....

"bearing in mind that the prohibition of radiological weapons is a step in the process towards general and complete disarmament,

"further bearing in mind longlasting effects of radioactive contamination on living creatures as well as on the environment,

"Have agreed as follows:

"I. SCOPE

"Paragraph 1

"First alternative

"Each Party to the Convention undertakes to prohibit radiological weapons and hence never under any circumstances

"(a) to disseminate deliberately any radioactive material, including radioactive waste, for the purpose of causing injury, death, damage or destruction by means of the radiation produced directly or indirectly by the decay of such material;

"(b) to develop, produce, stockpile, otherwise acquire, possess or transfer any device specifically designed for the dissemination of radioactive material prohibited under (a) of this paragraph.

"Second alternative

"[Each Party to the Convention undertakes not to develop, produce, stockpile, otherwise acquire, possess, transfer or use under any circumstances Radiological Weapons as defined in Section II.] 1/

"1/ Views were expressed that the second alternative of paragraph 1 of 'Scope', combined with the second alternative of 'Definitions' needed further study by all delegations to see whether this or modified language would provide a definition of a radiological weapon which would allow for the deletion of the first alternative and possibly for the deletion of paragraphs 1 and 2 of 'Other Main Elements'.

"Paragraph 2

"Each Party to the Convention undertakes to take any measures it considers necessary in accordance with its constitutional procedures and its international obligations anywhere under its jurisdiction and control to

"(a) prohibit and prevent any activity which would constitute a violation of the obligations undertaken by the Parties to the Convention;

"(b) prohibit the diversion and prevent the loss of radioactive material which could be used for purposes prohibited by this Convention.

"Paragraph 3

"Each Party to the Convention undertakes not to assist, encourage or induce anyone to engage in activities prohibited by the provisions of this Convention.

"[II. DEFINITIONS]

"First alternative

"[For the purposes of this Convention the term 'radiological weapon' means:

- "(i) any device specifically designed for the dissemination of radioactive material to cause [as its primary effect] injury, death, damage or destruction by means of the decay of such material,
- "(ii) any radioactive material specifically designed and prepared for employment, by its dissemination, to cause injury, death, damage or destruction by the decay of such material,
- "(iii) any other radioactive material if used for employment by its dissemination to cause injury, death, damage or destruction by the decay of such material.]

"Second alternative

"[For the purpose of the Convention, the term 'radiological weapon' means any device containing radioactive material or waste as its principal harmful element and specifically designed or used to cause injury, death, environmental damage, or destruction through the direct or indirect effects of ionizing radiation, without involving the critical assembly of any fissile material.] 1/

1/ Views were expressed that the second alternative of paragraph 1 of 'Scope', combined with the second alternative of 'Definitions' needed further study by all delegations to see whether this or modified language would provide a definition of a radiological weapon which would allow for the deletion of the first alternative and possibly for the deletion of paragraphs 1 and 2 of 'Other Main Elements'.

"III. PEACEFUL USES

"Paragraph 1

"Nothing in this Convention should be interpreted as affecting in any way

"(a) the full exercise of the inalienable rights of all Parties to the Convention, without discrimination, to develop, acquire and use nuclear technology, equipment and materials for the peaceful use of nuclear energy and all peaceful applications of their nuclear programmes for economic and social development in accordance with their national priorities, needs and interests, bearing in mind the need to prevent the proliferation of nuclear weapons in all its forms. International cooperation in the peaceful uses of nuclear energy should be conducted under agreed and appropriate international safeguards applied on a non-discriminatory basis;

"(b) the undertakings of Parties to the Convention to contribute to the fullest possible extent to international cooperation and assistance to ensure the development and effective implementation of adequate measures of protection for all States against the harmful effects of radiation.

"Paragraph 2

"Nothing in this Convention shall be interpreted as requiring or permitting a Party to the Convention to take measures which could affect the programmes of other States for peaceful uses of nuclear energy or technology for their economic or social development.

"IV. OTHER MAIN ELEMENTS

"Paragraph 1

"The provisions of this Convention shall not apply to nuclear explosive devices or to radioactive material produced by them. 1/

"Paragraph 2

"Nothing in this Convention shall be interpreted as in any way legitimizing the development and the use of nuclear weapons or detracting from the obligations of States to refrain from the use or threat of use of such weapons. 1/, 2/

"Paragraph 3

"Parties to the Convention 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. 2/, 3/

"1/ Objections were raised against the need for this paragraph.

"2/ A view was expressed that this subject might be better dealt with in the preambular part.

"3/ Some delegations were of the view that such an undertaking was outside the purview of this Convention.

"Paragraph 4

"Nothing in this Convention shall be interpreted as in any way limiting or detracting from rules of international law, including

"(a) the Charter of the United Nations;

"(b) law applicable to armed conflicts;

"(c) obligations assumed by Parties to the Convention under other international agreements.

"Paragraph 5

"Ten years after entry into force of the Convention, or earlier if requested by a simple majority of States Parties, a Conference of States Parties to the Convention shall be held at Geneva, Switzerland. The Conference shall review the operation of the Convention with a view to assuring that the purposes of the preamble and the provisions of the Convention were being realized. Such review shall take into account any relevant technological developments.

"At intervals of not less than five years thereafter, a simple majority of the States Parties to the Convention may obtain by submitting a proposal to this effect to the Depositary, the convening of a Conference with the same objectives.

"If no Conference has been convened pursuant to paragraph 2 of this Article within 10 years following the conclusion of a previous Conference, the Depositary shall solicit the views of all States Parties to this Convention, concerning the convening of such a Conference. If one third of the States Parties respond affirmatively, the Depositary shall take immediate steps to convene the Conference.

"Paragraph 6

"Each State Party to the Convention undertakes as it considers appropriate to provide or support technical and humanitarian assistance in accordance with the provisions of the Charter of the United Nations, to any State Party which so requests, harmed as a result of a violation of the Convention by another State Party or as a result of the use of radiological weapons by a State not party to the Convention.

"For purposes of assistance, the services of appropriate international organizations may also be utilized.

"Paragraph 7

"Any State Party to this Convention may propose amendments to the Convention. The text of any proposed amendment shall be submitted to the Depositary, who shall promptly circulate it to all States Parties.

"An amendment shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

"Paragraph 8

"The Secretary-General of the United Nations shall be the Depositary of this Convention.

"V. VERIFICATION AND COMPLIANCE

"Paragraph 1

"Parties to the Convention shall exchange to the fullest possible extent, bilaterally or multilaterally, information necessary to provide assurance of fulfilment of their obligations under the Convention.

"Paragraph 2

"Parties to the Convention undertake to consult one another and to cooperate in solving any problems which may be raised in relation to the objectives of, or in the application of, the provisions of the Convention.

"Consultation and cooperation pursuant to this paragraph may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a Committee of Experts. For these purposes the Depositary shall, within one month of the receipt of a request from any State Party to the Convention, convene a Committee of Experts.

"Paragraph 3

"Each Party to the Convention which has reasons to believe that any other Party to the Convention is acting in breach of the obligations deriving from the provisions of the Convention may lodge a complaint with the Depositary. Such a complaint shall include all relevant information as well as all possible evidence supporting its validity. In order to evaluate such information, the Depositary may convene the Committee of Experts.

"The Depositary, assisted by the Committee of Experts, shall conduct an investigation of the alleged facts, whenever the evaluation of the information provided to him indicates that such an investigation is warranted.

"The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all Parties to the Convention and to the Security Council and shall indicate his conclusions and suggestions for possible action. In case of urgency, the Depositary may request the Committee to submit its report within 10 days.

"Paragraph 4

"Each Party to the Convention undertakes to cooperate to the fullest possible extent with the Committee of Experts, in accordance with the provisions of the Charter of the United Nations.

"Paragraph 5

"The functions and rules of procedure of the Committee of Experts mentioned in the above paragraphs 2, 3, and 4 are set out in the Annex, which constitutes an integral part of the Convention.

"Paragraph 6

"The provisions of paragraph 3 of this section shall not be interpreted as affecting the rights and duties of Parties under the Charter of the United Nations, including bringing to the attention of the Security Council concerns about compliance with this Convention.

"ANNEX

"1. The Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to the Convention by the Party requesting the convening of the Committee. It may be requested by the Depositary to carry out investigations in case of complaints lodged by a Party to the Convention.

"2. The work of the Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of the Annex. In the process of such investigations, including fact-finding, every effort should be made to apply appropriate methods and procedures which are non-discriminatory and which do not unduly interfere with the internal affairs of other States or jeopardize their economic and social development.

"3. The Depositary shall:

- compile and maintain a list of qualified experts whose services may be available for the work of the Committee of Experts in accordance with paragraphs 1 and 2 of the Annex;
- base the list of qualified experts on proposals which had been made to him by Parties to the Convention;
- appoint members of the Committee of Experts from such a list with due regard to ensuring appropriate geographical balance and to the character of the question involved.

"4. The Depositary or his representative shall serve as the Chairman of the Committee.

"5. Each expert may be assisted at meetings by one or more advisers.

"6. Each expert shall have the right, through the Chairman, to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work. Each Party undertakes not to use deliberate concealment measures which impede verification of compliance with the Convention.

"ANNEX II

"Report of Contact Group B

"1. In accordance with the decision taken by the Ad Hoc Committee on Radiological Weapons at its 1st meeting on 17 March 1992, Contact Group B was re-established to continue consideration of the issues relevant to the prohibition of attacks against nuclear facilities.

"2. Contact Group B held five meetings from 23 March to 27 July 1992. In addition, the Coordinator held private consultations with some delegations.

"3. According to guidelines set out during the 1st meeting of the Ad Hoc Committee, Contact Group B used as a basis for its substantive work the Coordinator's record as contained in the Report of the Ad Hoc Committee to the Conference on Disarmament in 1991 (CD/1099, Annex II, Attachment). The Contact Group focused on the most basic elements of its work, that related to the scope of an agreement, and reviewed one by one the three existing alternatives. Two new alternatives were circulated as informal documents but were withdrawn as neither attracted wide support. A modification has been made under the 'Criteria' section, with the deletion of '[10¹⁸]' in paragraph 1 (iii), (iv) and (v).

"4. The amended Coordinator's record is attached to the report and reflects the current stage of the Contact Group's consideration of the question.

"5. The Coordinator's record is not binding upon any delegation and its main purpose is to facilitate future consideration. It is recommended that it be appended to the Ad Hoc Committee's report to the Conference on Disarmament, as a basis for future work.

"Attachment

"POSSIBLE ELEMENTS RELEVANT TO THE PROHIBITION OF ATTACKS
AGAINST NUCLEAR FACILITIES 1/ 2/

"I. SCOPE

"Paragraph 1

"First alternative

"Each State Party undertakes never under any circumstances to attack nuclear facilities covered by this Treaty.

"Second alternative

"Each State Party undertakes never under any circumstances to attack or to threaten to attack any nuclear facility.

"Third alternative 3/

"Each State Party undertakes never under any circumstances to release and disseminate radioactive substances by attacking nuclear facilities covered by this Treaty.

"Paragraph 2

"Each State Party undertakes not in any way to assist, encourage or induce any person, State, group of States, or international organization to act in contravention of this Treaty.

"1/ 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.

"2/ One delegation stated that, apart from the fact that the elements listed were controversial, the third alternative under Scope, paragraph 1 of the Definitions and the sections on Criteria and Special Marking were not essential to the elaboration of a convention. The section on Special Marking could have been recast within the section on Register. That was not, however, the case of the other elements mentioned, particularly the section on Criteria, which, in its opinion, seemed incompatible with the rule of jus cogens in article 2, paragraph 4, of the Charter of the United Nations.

"3/ 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 of Definitions, paragraph 1 of Criteria, paragraphs 1 to 3, the first alternative of paragraph 4, paragraphs 5 and 6 of Register as well as Special Marking in paragraph 1 under Other Main Elements constitute one complete and consistent set of elements to be included in a draft Treaty.

"II. DEFINITIONS

"Paragraph 1

"For the purposes of this Treaty, the term 'attack' means any act by a State which is designed to cause or 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.

"Paragraph 2

"First alternative

"For the purpose of this Treaty, the term 'nuclear facilities' means: 1/

- "(i) Nuclear reactors;
- "(ii) Intermediate spent fuel storages;
- "(iii) Reprocessing plants;
- "(iv) Waste deposits, including temporary waste storages;
- "(v) Installations for production or use of important and intensive sources of gamma radiation; 2/

"which are included in a Register maintained by the Depositary.

"Second 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.

"1/ A suggestion was made to add two further categories after '(iii) Reprocessing plants;'

"(iv) Nuclear fuel processing plants;

"(v) Uranium enrichment plants.

"2/ A view was expressed that this provision should be further refined.

"III. CRITERIA

"Paragraph 1

"The nuclear facilities mentioned in paragraph 2 of Definitions shall meet the following specifications: 1/

- "(i) They shall be stationary on land; 2/ 3/
- "(ii) Nuclear reactors; 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; designed for storing radioactive material exceeding 10^{17} Bq;
- "(iv) Reprocessing plants; designed for containing radioactive material exceeding 10^{17} Bq;
- "(v) Waste deposits: containing radioactive material exceeding 10^{17} Bq;
- "(vi) Installations for production or use of intensive sources of gamma radiation: designed to contain radioactive material whose gamma-radiation-dissipated power is equal to or greater than 6×10^{16} [10^{17}] Bq x Mev.

"Paragraph 2

"Additional specification suggested to the above specifications:

"Nuclear facilities mentioned in paragraph 2 of Definitions which are under the safeguards of the International Atomic Energy Agency are covered by the provision of this Treaty.

"1/ Views were expressed that nuclear facilities mentioned in paragraph 2 of Definitions shall be used for peaceful purposes and subject to IAEA safeguards.

"2/ Views were expressed that nuclear facilities stationed in territorial waters and the exclusive economic zones should also be considered.

"3/ Views were expressed that such nuclear facilities should not belong to weapons systems.

"IV. REGISTER

"Paragraph 1

"The Depositary shall establish, on the basis of initial communications by States Parties, as set out in paragraph 2 below, a comprehensive Register of nuclear facilities covered by this Treaty, and shall maintain this Register on the basis of subsequent communications on changes, as set out in paragraph 5 below.

"Certified copies of the Register shall be transmitted to each State Party ... days after entry into force of the Treaty.

"Certified copies of the Register in its entirety including all modifications shall be transmitted to each State Party at intervals of ... and be available to States Parties at any time in the offices of the Depositary.

"Paragraph 2

"States 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) Identification of the type of nuclear facility;

"(b) Detailed specifications in accordance with paragraph 1 of Criteria of this Treaty;

"(c) Details on the exact geographical location of the nuclear facility.

"Paragraph 3 1/

"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 a mission to the facility, when necessary.

"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.

"For the purpose of carrying out the procedures in paragraph 3 (b) above the Depositary shall, with the cooperation of States Party to the Treaty, compile and maintain a list of qualified experts, whose services could be made available to undertake such missions.

"1/ A view was expressed that this provision calls for further discussion.

"Paragraph 4

"First alternative

"The Depositary shall include the facility in the Register as well as the information required by paragraph 2 of this section, as soon as the information given in the request has been confirmed according to paragraph 3 above, and shall immediately notify States Parties to the Treaty of the aforesaid inclusion.

"Second alternative

"The Depositary shall include the facility in the Register as well as the information required by paragraph 2 of this section and shall immediately notify States Party to the Treaty of aforesaid inclusion.

"Paragraph 5

"A State Party shall inform the Depositary, within ... days/months, of any change in the information it had provided for inclusion in the Register. Upon the receipt of such information, the Depositary shall act, mutatis mutandi, in accordance with the procedures outlined in paragraphs 3 and 4 of this section.

"Paragraph 6 1/

"The costs for implementing these procedures shall be borne by the requesting State.

"V. VERIFICATION AND COMPLIANCE

"Paragraph 1

"States Parties to this Treaty shall make every possible effort to consult one another and to cooperate in solving any problems which may be raised in relation to the objectives of, or in the application of the provisions of, the Treaty.

Paragraph 2

"A State Party may lodge a complaint with the Depositary in case it believes that any other State Party is in breach of obligations deriving from this Treaty. Such complaint shall include all relevant information and all possible evidence supporting the validity of the complaint.

"1/ There was general agreement that the modalities as well as the placement of this provision should be further discussed.

"Paragraph 3

"First alternative

"Within ... days of the receipt of a complaint from any State Party the Depositary shall initiate an investigation to ascertain facts relevant to the complaint. Such an investigation may include a fact-finding mission to or at the site of the nuclear facility concerned and to any other site as may be appropriate. The fact-finding mission shall submit its findings to the Depositary within ... days.

"Second alternative

"Within ... days of the receipt of a complaint from any State Party the Depositary shall initiate an investigation to ascertain facts relevant to the complaint. Such an investigation shall include a fact-finding mission to or at the site of the nuclear facility concerned and to any other site as may be appropriate. The fact-finding mission shall submit its findings to the Depositary within ... days.

"Paragraph 4

"For purposes of carrying out a fact-finding mission the Depositary shall maintain a list of qualified experts, selected on as wide a geographical basis as possible, whose services may be available to undertake such missions.

"Paragraph 5

"States Parties undertake to cooperate in carrying out the investigation which the Depositary may initiate on a complaint received from any State Party. The Depositary shall inform the States Parties of the results of the investigation. A copy of the report on the investigation shall be transmitted also to the Security Council and the General Assembly of the United Nations.

"Paragraph 6

"First alternative

"The Depositary shall, upon request of a State Party, convene the Conference of States Parties to consider the report on the investigation as well as possible courses of action.

"Second alternative

"The Depositary shall immediately convene the Conference of States Parties to consider the report on the investigation and to adopt such measures as may be appropriate.

"Paragraph 7

"First alternative

"The continuing application of IAEA safeguards at a nuclear facility will form an essential part of the arrangements to verify that the facility is a peaceful nuclear facility within the meaning of the Treaty. 1/ 2/

"Second alternative

"The determination that a facility is and remains a peaceful nuclear facility within the meaning of the Treaty shall be made by the application of IAEA safeguards. 1/ 2/

"Third alternative

"The application of IAEA safeguards to a nuclear facility shall be of no relevance to the verification of compliance with obligations assumed by States Parties to this Treaty.

"VI. OTHER MAIN ELEMENTS

"Paragraph 1

"A State Party may mark its nuclear facilities included in the Register with Special Marking.

"Paragraph 2 3/ 4/ 5/

"States Parties undertake to provide or support assistance to any State Party harmed as a result of the violation of the Treaty.

"Paragraph 3

"Provisions of this Treaty are without prejudice to the obligations of State Parties undertaken in other international instruments relevant to the subject of this Treaty.

"Paragraph 4

"The Secretary-General shall be designated as Depositary of this Treaty."

"1/ It was stated that the application of IAEA safeguards was irrelevant to the objectives of this Treaty and that if anyway addressed, the issue belonged under the provisions for inclusion in the Register.

"2/ The view was expressed that the application of IAEA safeguards could not verify that a nuclear facility was a peaceful one but rather that nuclear material remained in peaceful use.

"3/ A view was expressed that the obligation of States Parties to provide assistance was limited to the radiological damage caused by an attack.

"4/ Views were expressed that the assistance to be provided or supported to any harmed State Party should not be limited to cases of violations by States Parties, but should also cover harm inflicted by attacks from States not party to the Convention.

"5/ Views were expressed that there should be no mandatory obligation of States Parties to provide assistance."

81. The Conference continued to consider the question of new types of weapons of mass destruction and new systems of such weapons at its plenary meetings. At the 606th plenary meeting on 21 January 1992, the President suggested that the Conference keep under review, with expert assistance, as appropriate, the prohibition of the development and manufacture of such weapons and their systems with a view to making, when necessary, recommendations on undertaking specific negotiations on the identified types of such weapons. This procedure met with no objection.

82. Some delegations belonging to the Group of East European and other States and some members of the Group of 21 maintained their support for the proposal to convene a group of qualified experts with a view to identifying any new types of weapons of mass destruction and making, as appropriate, recommendations on undertaking specific negotiations on the identified types of such weapons. Western delegations maintained their view that as no new types of weapons of mass destruction had been identified since 1948 nor was their existence imminent, the practice followed thus far of making plenary statements and holding informal meetings of the Conference from time to time was the most appropriate one to deal with this question.

H. Comprehensive Programme of Disarmament

83. Bearing in mind the conclusions reached by the Ad Hoc Committee on the Comprehensive Programme of Disarmament in its report to the Conference on Disarmament in 1989 to the effect that "it should resume work with a view to resolving the outstanding issues in the near future, when circumstances are more conducive to making progress in this regard", (CD/955, para. 7), the Conference continued to consider the question of the Comprehensive Programme of Disarmament at its plenary meetings.

84. In conformity with the decision taken by the Conference at its 1990 session on its improved and effective functioning (CD/1036), at the 612th plenary meeting on 13 February 1992, the President of the Conference appointed Ambassador Mounir Zahran of Egypt as Special Coordinator charged with seeking consensus on an appropriate organizational arrangement for agenda item 8. The Special Coordinator conducted informal consultations during the first and second parts of the 1992 session. He reported to the President that, as there had been no significant changes in the positions of delegations, those consultations had been inconclusive.

85. Twenty delegations of the Group of 21 reiterated the importance they attached to the conclusion of the Comprehensive Programme of Disarmament. They referred to resolution 46/38 B which had been adopted by the forty-sixth General Assembly by 123 votes in favour. They felt therefore that a majority of the international community clearly favoured the continuation and conclusion of the work on the Comprehensive Programme of Disarmament. The resolution recommended the conclusion of the work on the CPD which embraced issues which recently have been the subject of many important international gatherings. These included the role of the United Nations and the continuing relevance of its Charter; the efforts to ensure peace, stability and cooperation; the commitment to collective security; peace-keeping efforts;

nuclear disarmament and non-proliferation in all its aspects regarding weapons of mass destruction, to name but a few of those brought to the attention of the international community in the final statement of the Security Council summit held in New York on 31 January 1992 and which have already been examined in depth in the multilateral negotiations that have been devoted throughout the years to a CPD. For this reason, among others, the significance that the large majority of countries attributed to the Comprehensive Programme of Disarmament should not be mistakenly interpreted as the inertia of yesterday's priorities, but rather as the harbinger of a viable and practical way to approach the issues of today. The basic reasoning behind resolution 46/38 B, stated in preambular paragraphs, was that "a comprehensive programme of disarmament would provide an appropriate framework for the various multilateral, bilateral and unilateral initiatives and proposals put forward recently", and added: "Considering that the present international situation is conducive to a renewed effort towards the conclusion of the comprehensive programme of disarmament". Those delegations then referred to the conclusion drawn in the 1989 final report of the Conference on Disarmament to the General Assembly regarding the Comprehensive Programme of Disarmament that the Ad Hoc Committee agreed that it should resume work with a view to resolving the outstanding issues in the near future, when circumstances are more conducive to making progress in this regard. Reminders that the international climate had changed abounded and was perhaps more conducive to greater multilateral understanding and cooperation. Yet the Conference on Disarmament was not able to implement resolution 46/38 B which called for the re-establishment of the Ad Hoc Committee on the Comprehensive Programme of Disarmament and the solution of the outstanding issues and conclusion of those negotiations. Those delegations were convinced that a Comprehensive Programme of Disarmament would be beneficial to all States in seeking to establish an agreed framework for future multilateral disarmament negotiations.

86. Two delegations of the Group of 21 felt that the new international situation motivated a fresh look to be taken with regard to the agenda item on the Comprehensive Programme of Disarmament. The Conference on Disarmament should, according to these two delegations, consider, without prejudice, in which way the notions and ideas comprised in the Comprehensive Programme of Disarmament should be dealt with in the new international context.

87. At the same meeting, a nuclear-weapon State, not member of any group, expressed its support for the above proposal by 20 delegations of the Group of 21. It reiterated the importance it attached to agenda item 8. In the view of this delegation, in the present circumstances it was appropriate to resume work on the formulation of the Comprehensive Programme of Disarmament and to re-establish the Ad Hoc Committee in accordance with General Assembly resolution 46/38 B, so as to build on the texts already agreed to, with a view to resolving the outstanding issues.

88. The Western Group referred to resolution 46/38 B adopted in December 1991 by the forty-sixth General Assembly of the United Nations and invited delegates to take a close look at the voting pattern pertaining to this text. Whilst it was true that 123 votes were cast in favour, the group underlined that 6 countries expressed negative votes and no less than 32 others

abstained. It was also worth noting that these abstentions stemmed from delegations belonging to all groups. This result not only showed growing overall reservations about this subject but also underlined that present circumstances were no more conducive to making progress on the Comprehensive Programme of Disarmament than they were in previous years. Moreover, the group pointed out that of those who voted negatively or abstained, 18 were members of the Conference on Disarmament. This demonstrated clearly that there was no consensus on this question.

89. The Group of East European and other States considered that the proportion of votes cast for resolution 46/38 B during the last General Assembly of the United Nations had clearly indicated the different views which still exist on this question. The Group underlined that its position had not changed with respect to the conclusion reached by the Ad Hoc Committee on the Comprehensive Programme of Disarmament in 1989 on "resuming work with a view to resolving the outstanding issues in the near future, when circumstances are more conducive to making progress in this regard". The Group believed that the Conference on Disarmament itself was able to find various appropriate ways to transform all the positive international changes that have occurred into a constructive process aimed at successful negotiations on multilateral arms control and disarmament agreements in the future.

90. It was agreed that the organizational framework to deal with this agenda item, as in the case of other agenda items, be considered at the beginning of the 1993 session.

I. Transparency in Armaments

91. At the start of its 1992 session, the Conference, under the guidance of its President, held informal consultations on appropriate organizational arrangements to meet the requests made to it by the General Assembly in paragraphs 12, 13 and 15 of resolution 46/36 L, taking account of the information supplied by the Secretary-General in accordance with paragraph 14 of that resolution.

92. At its 617th plenary meeting, on 19 March 1992, the President of the Conference appointed Ambassador Mounir Zahran of Egypt as Special Coordinator to conduct consultations with all delegations on all aspects of the question before the Conference.

93. At its 622nd plenary meeting on 26 May 1992, the Special Coordinator submitted a draft decision on organizational arrangements in connection with General Assembly resolution 46/36 L, which was adopted by the Conference. It reads as follows (CD/1150):

"The Conference on Disarmament, having considered the requests of the United Nations General Assembly included in its resolution 46/36 L, 'to address, as soon as possible, the question of the interrelated aspects of the excessive and destabilizing accumulation of arms, including military holdings and procurement through national production,

and to elaborate universal and non-discriminatory practical means to increase openness and transparency in this field; to address the problems of, and the elaboration of practical means to increase openness and transparency related to the transfer of high technology with military applications and to weapons of mass destruction, in accordance with existing legal instruments; and to include in its annual report to the General Assembly a report on its work on this issue', and bearing in mind the time-frame established in paragraph 11 (b) of said resolution, decides to add to its agenda for its 1992 session an item entitled 'Transparency in armaments', under which it can address those issues. The Conference on Disarmament further decides to include in its 1992 report to the United Nations General Assembly a section covering its work on this agenda item.

"The Conference also decides to address the agenda item in a series of informal meetings, under the chairmanship of Ambassador Mounir Zahran of Egypt.

"The Conference has taken due note of the request of the General Assembly to the Secretary-General of the United Nations in paragraph 11 (b) of resolution 46/36 L, to take into account the work of the Conference in his preparation of a report in 1994 on the continuing operation of the United Nations Register and its further development. Further, the Conference has also taken note of the request made to the Secretary-General of the United Nations in paragraph 14 of the same resolution to provide the Conference all relevant information, including, inter alia, views submitted to him by Member States and information provided under the United Nations system for the standardized reporting of military expenditures, as well as on the work of the Disarmament Commission under its agenda item entitled 'Objective information on military matters'."

94. In conformity with the above decision, at its 622nd plenary meeting on 26 May 1992, the Conference included the item "Transparency in armaments" in its 1992 agenda (CD/1119/Add.1).

95. Also in accordance with the above decision, the Conference held five informal meetings on the agenda item between 9 and 26 June 1992, under the chairmanship of Ambassador Mounir Zahran of Egypt.

96. At the first informal meeting, the Chairman, under his own responsibility, put forward guidelines for the conduct of the work of the informal meetings. Drawing from the terms of the requests made to the Conference in General Assembly resolution 46/36 L, he suggested that the informal meetings might address:

1. the question of interrelated aspects of the excessive and destabilizing accumulation of arms, including:

- (i) military holdings, and
- (ii) procurement through national production;

2. the elaboration of non-discriminatory practical means to increase openness and transparency in this field;

3. the problems and the elaboration of practical means to increase openness and transparency related to:

- (i) transfer of high technology with military applications, and
- (ii) weapons of mass destruction.

97. The Chairman stressed that his proposed guidelines were not binding on any delegation and that, in accordance with the practice of the Conference, any delegation wishing to do so might raise any subject relevant to the item. Moreover, the Chairman also pointed out that the formulation contained in the decision of the Conference (CD/1150) was general enough to allow for discussion of any matter relevant to the question of transparency in armaments. It was understood that the proposed guidelines would not prejudice the future work of the Conference on this item.

98. In accordance with the decision of the Conference at its 603rd plenary meeting on 22 August 1991, the informal meetings were open to all non-member States invited by the Conference, upon their request, to participate in its work. Several non-members participated in the informal meetings.

99. The following background documents were submitted during the annual session:

(a) Document CD/1113, dated 26 November 1991, submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland, transmitting the official text of the Communiqué issued following the meeting held in London on 17 and 18 October 1991 between representatives of the five States permanent members of the United Nations Security Council concerning arms transfers and non-proliferation.

(b) CD/TIA/WP.1, dated 21 July 1992, submitted by the delegation of Cuba, entitled "Transparency in arms transfers".

(c) CD/TIA/WP.2, dated 28 July 1992, submitted by the delegation of France, entitled "Working paper on transparency in armaments".

(d) CD/TIA/CRP.1, dated 22 June 1992, submitted by the delegation of Japan, containing information on the "Tokyo Workshop on transparency in armaments", held from 1 to 3 June 1992.

(e) CD/TIA/INF.1, dated 19 June 1992, prepared by the Secretariat, entitled "Background paper pursuant to General Assembly resolution 46/36 L, 'Transparency in armaments'", containing a list of documents issued by the General Assembly and the Disarmament Commission, relevant to the questions set out in paragraph 14 of said resolution.

(f) CD/TIA/INF.1/Add.1, dated 3 August 1992, circulated by the Secretariat upon request of the informal meeting, containing the text of the "Guidelines and Recommendations for objective information on military matters", adopted by the United Nations Disarmament Commission at its substantive session in May 1992.

100. Many delegations expressed their views on the item in plenary meetings of the Conference throughout the 1992 session, as contained in its official records.

101. In paragraph 1 of this annual report, the work of the Conference is characterized as being of an exceptional nature in the 1992 session, as intensive efforts were made to conclude the chemical weapons convention. This fact also affected the Conference's work on the agenda item "Transparency in armaments". Thus, the discussions held in the informal meetings devoted to the item were limited to a preliminary exchange of views and no attempt was made to reach agreement on any of the ideas raised and proposals put forward. For the same reasons, the report of the Conference on this item for this year does not constitute a precedent for work on this item in future years. Owing to the preliminary character of the discussions, they have been reported below in the form of an outline of various subjects addressed at the informal meetings, rather than that of a narrative of the different points of views expressed.

102. The informal meetings addressed the following questions relating to organizational aspects of the Conference's consideration of transparency in armaments, and delegations gave views on what they felt could or should be the role of the Conference in this area. Varying views were expressed on:

- how the Conference should respond and the importance it should give to the requests made to it by resolution 46/36 L;
- the need for balance in the Conference's response to General Assembly requests made in connection with the Conference's agenda items;
- the overall time-frame for the Conference's consideration of the item, whether limited or indefinite;
- the modalities for the Conference's consideration of the item in future years, such as, in the context of informal meetings or in an ad hoc committee with a mandate and programme of work;
- the need for the Conference to reach a common understanding of its task in this field;
- the need for the Conference to agree on terminology which it would be using, e.g., "international transfer of conventional arms", "excessive and destabilizing accumulation of arms", "military holdings" and "procurement through national production";

- the possibility that the General Assembly might clarify terminological issues related to the question in order to facilitate the work of the Conference.

103. It was noted that openness and transparency in armaments had already been the subject of various agreements among States at the regional and bilateral level, as well as at the multilateral level. In order for the Conference to have at its disposal as exhaustive an inventory as possible, summarizing the existing measures or agreements at the multilateral, regional and bilateral level, it was agreed that the Secretariat would draw up such a list and that delegations wishing to do so may include in that list any measure they feel would be relevant to the subject.

104. Attention was drawn to the "Guidelines and Recommendations for objective information on military matters", the text of which was adopted on a consensus basis by the Disarmament Commission at its substantive session in 1992 and which constituted an important element for the consideration of the agenda item "Transparency in armaments" in the Conference. It was agreed that the text of the "Guidelines" be circulated to the Conference (see CD/TIA/INF.1/Add.1).

105. Varying views were expressed on the concept of transparency in armaments itself. Some of the issues raised in this regard were:

- transparency in arms transfers as a part of a global disarmament process;
- transparency as a means to diminish inter-State tensions caused by misperceptions of intentions;
- the need for equal and balanced rights and responsibilities of States participating in a transparency regime;
- the need for transparency to be pursued in a fair, reasonable, comprehensive and balanced manner;
- the need for a transparency regime to restrict the indiscriminate sale of arms;
- transparency in armaments in the context of the peaceful settlement of conflicts;
- the need to incorporate research and development in a transparency in arms arrangement;
- the need to include the financial aspects of the arms trade to enhance transparency;
- the limits to openness and transparency, including, most particularly, the need to preserve the sovereign right of any State to individual or collective self-defence;

- the need to avoid the misuse of any information exchanged so as not to threaten the security of small or weaker countries;
- the need to avoid the abuse of commercial confidentiality;
- the need to avoid vital defence information falling into the hands of States not participating in any transparency regime;
- whether transparency in armaments was sufficient in and of itself in the solution of regional conflicts;
- the need for the countries that are the biggest suppliers of armaments to adopt genuine and effective measures of self-restraint, including substantial reductions in arms exports, so as to create favourable conditions for the political settlement of regional conflicts;
- the eventual verification or monitoring of a transparency regime;
- the overall issue of illicit arms trading, taking into account General Assembly resolution 46/36 H;
- the interrelationship between the emerging systems of transparency in armaments agreed at the multilateral, regional and bilateral level.

106. Delegations referred to the following problems and issues with respect to the question of the interrelated aspects of the excessive and destabilizing accumulation of arms, including military holdings and procurement through national production, and varying views were expressed on them:

- the need to take account of the inherent right to individual or collective self-defence;
- the expansion of the United Nations Register of Conventional Arms to include information on military holdings and procurement through national production;
- the difficulties that some States might have in reporting this further information on the Register;
- the need to expand the Register on a step-by-step basis;
- the need for the Conference to take account of the report of the Panel of Governmental Technical Experts considering the expansion of the Register;
- the need to keep the provision of this type of information on a voluntary basis;
- the need to ensure there is no link between the supply of information and decisions on economic and technological assistance;

- the need to report transfers of know-how and technical services linked to production, operation or maintenance of conventional arms, foreign technical support, transfers of plant technology, certain raw materials and the construction by foreign contractors of installations necessary for the functioning, maintenance or production of such arms;
- that the Conference take up the questions of the comparability of statistics, the nationality criteria for production facilities and the legal means used by Governments to obtain information from private sources;
- that the Conference consider an exchange of information on the organization and structure of military forces and of military budgets;
- that the Conference could play an important role in the movement towards the evaluation of information exchanged, leading eventually to a legally binding exchange of information linking suppliers and recipients.

107. The sensitive nature of the problems of openness and transparency related to the transfer of high technology with military applications was underlined, as well as the need to handle this type of transfer in a manner different from conventional weapons.

108. In this regard, delegations referred to the following problems and issues and varying views were expressed on them:

- the need for a definition;
- that technology in and of itself was neutral;
- the dual-use nature of high technology;
- the need for freedom of access to high technology by developing countries;
- the existing arrangements for the harmonization of export control policies dealing with the transfer of high technology with military applications, such as, the Nuclear Suppliers Group, the Missile Technology Control Regime and the Australia Group;
- the repercussions on the economies of both supplier and recipient countries;
- whether transfers of high technology would include those with application to conventional weapons or weapons of mass destruction or both;
- that the Conference conduct in-depth studies to define the scope of transparency in the area of high technology with military applications and to identify the current practices governing States' activities in this field;

- that the Conference examine the national rules and legislation governing the activities of participants in the existing arrangements for the harmonization of export control policies, as well as the export control procedures in place to implement the legislation with a view to helping States without such legislation to adopt such legislation, and to promoting cooperation in a framework ensuring security;
- that the Conference focus on the establishment of universal, transparent and predictable non-proliferation norms, principles or "rules" for the transfer of high technology, as opposed to the existing unilateral arrangements for the harmonization of export control policies which some States consider to be discriminatory;
- that the Conference take account of the initiative to study scientific and technological developments and their impact on international security presented by one delegation in 1988 at the Third Special Session on Disarmament which was an attempt to deal with the issue in a universally transparent manner;
- that the Conference take account of efforts already under way in this field, such as under the auspices of IAEA, which is studying the possibility of the establishment of a Register on the transfer of nuclear material and equipment or the studies made by the Organization for Economic Co-operation and Development.

109. Delegations attached importance to problems of openness and transparency related to weapons of mass destruction. Delegations referred to the following problems and issues and varying views were expressed on them:

- increasing transparency as regards the nuclear-weapon States;
- the clandestine production of weapons of mass destruction;
- increasing transparency in non-States Parties to existing legal instruments;
- the elaboration of universal and non-discriminatory means in this field;
- the relevance or the lack of relevance to the question of the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, and the future Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, specifically the provisions therein relating to the non-transfer of such weapons or their related equipment, and related arrangements with respect to exchanges of information among States Parties to these agreements;

- the need for the expansion of the United Nations Register to include this type of information exchange in order to reduce its discriminatory aspects.

110. Delegations forwarded ideas as to what the practical means to increase openness and transparency might be, or might aim towards, and varying views were expressed on them:

- for the Conference to develop such practical means beyond the scope of the United Nations Register;
- the elaboration of means to create conditions towards an international atmosphere whereby States would demonstrate their readiness to cooperate to ensure openness and transparency;
- the development of internationally applicable regulations to enable States to exercise more effective control over arms transfers;
- the elimination of semi-legal and fraudulent arms transfers through international cooperation;
- the monitoring of military-related license transfers, including of dual-purpose techniques and technologies;
- the presence of a group of international experts during the process of destruction of nuclear weapons;
- for the discussions in the Conference on the United Nations Register to be guided strictly by the terms of resolution 46/36 L;
- for the nuclear-weapon States to put aside their policy of not declaring nuclear weapons on ships;
- the elaboration of guidelines to regulate the transfer of high technology with military applications;
- the elaboration of legally-binding and institutionalized regulations for transparency in the armaments outlined in paragraphs 12 and 13 of resolution 46/36 L;
- for discussions in the Conference to take duly into account that references were made to the ambiguities of some terms of resolution 46/36 L and of its partial and discriminatory aspects;
- ways to encourage States to participate in the implementation of the Register;
- the establishment of a complementary register to collate information being obtained under existing arrangements relevant to weapons of mass destruction;

- the agreement on a code of conduct by supplier and recipient States governing illicit arms trading, taking into account General Assembly resolution 46/36 H;
- the expansion of the Register to cover other items, such as inter alia arms production, research and development activities, storage conditions, transfers of high technology of a military nature to other countries, and any previous information relating to weapons of mass destruction including nuclear weapons;
- to ensure that emphasis is placed on the universal and non-discriminatory aspects of the Register, that it be kept simple to promote universality, and that it be expanded on a step-by-step basis.

111. It was generally agreed that the Conference's discussions in informal meetings this year on transparency in armaments were useful and that the organizational framework to deal with this item, as in the case of other items on its agenda, be taken up at the beginning of the Conference's 1993 session.

J. Consideration of Other Areas Dealing with the Cessation of the Arms Race and Disarmament and Other Relevant Measures

112. During its 1992 session, the Conference also had before it the following documents:

(a) Document CD/1133, dated 21 February 1992, submitted by the delegation of Canada, transmitting the Arms Control Verification Paper No. 9 entitled "Verifying Limitations on Military Personnel".

(b) Document CD/1137, dated 27 February 1992, submitted by the delegation of Canada, transmitting the Arms Control Verification Study No. 4 entitled "Verification to the Year 2000".

(c) Document CD/1138, dated 27 February 1992, submitted by the delegation of Canada, transmitting a Publication entitled "Bibliography on Arms Control Verification: 1962-1991".

113. In its resolution 44/116 O of 15 December 1989, the General Assembly requested the Conference on Disarmament, in consultation with the States parties to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Sea-bed and the Ocean Floor and in the Subsoil Thereof, and taking into account existing proposals and any relevant technological developments, to proceed promptly with consideration of further measures in the field of disarmament for the prevention of an arms race on the sea-bed and the ocean floor and the subsoil thereof. In that same resolution, the Conference was also requested to report on its consideration of the measures outlined above at the forty-seventh session of the General Assembly.

114. In response to the above requests, the Conference decided to hold an informal meeting on 23 July 1992. The Conference noted that the Treaty continued to be a significant arms limitation measure and that no technological developments had been brought to its attention that might affect the operation of the Treaty or would require the Conference to take action. However, the Conference also noted the importance of continued monitoring of technological developments relevant to the Treaty.

115. It was also recalled that the Third Review Conference of the Sea-bed Treaty had requested the Secretary-General of the United Nations to report by 1992 on technological developments relevant to the Treaty and to verification of compliance with the Treaty, including dual-purpose technologies for peaceful and specified military ends. The hope was expressed that all States Parties, and in particular, the three Depositary Governments of the Treaty, would present such reports in order to allow them to judge the appropriate time for the next review Conference and to assess the proper functioning of the Treaty. The view was expressed that nothing had happened since the adoption of the Final Declaration of the Third Review Conference in 1989 that would require at this stage the setting of a date for the next review conference.

116. The steps recently taken by three of the nuclear-weapon States towards a significant decrease in their nuclear weapons on board naval vessels were welcomed. Furthermore, the agreement reached in the START Treaty not to emplace strategic nuclear weapons systems on the sea-bed in territorial seas, outside the zone of application of the Sea-bed Treaty, was also welcomed.

117. Several delegations made reference to the confirmation by all States Parties to the Sea-bed Treaty, contained in the Final Declaration of its Third Review Conference in 1989, that they had not emplaced any nuclear weapons or other weapons of mass destruction on the sea-bed outside the zone of application of the Treaty as defined by its Article II and had no intention to do so. The view was expressed that this confirmation was an important contribution to the achievement of a "shore-to-shore" concept for the prohibition of all nuclear weapons and other weapons of mass destruction on the sea-bed. One delegation of a Depositary State expressed its continued support for the provisions of Article II which define the zone of application, and its opposition to any formal extension of the scope of the Treaty to territorial seas.

118. The view was expressed that the discussion in the informal meeting on this item had been a useful contribution to the monitoring of the functioning of the Treaty.

K. Consideration and adoption of the Annual Report of
the Conference and any other Report as Appropriate
to the General Assembly of the United Nations

119. The annual report to the forty-seventh session of the General Assembly of the United Nations, as adopted by the Conference on 3 September 1992, is transmitted by the President on behalf of the Conference on Disarmament.

Michel Servais
Belgium
President of the Conference