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CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS

Letter dated 30 March 1983 from the Chargé d'affaires a.i. of the
Permanent Mission of the Union of Soviet Socialist Republics to
the United Nations addressed to the Secretary-General

I request you to have the text of the letter dated 30 March 1983 from the Permanent Mission of the USSR to the United Nations relating to General Assembly resolution 37/98 D, which concerns the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, distributed as an official document of the General Assembly under item 61 of the preliminary list.

(Signed) R. OVINNIKOV
Deputy Permanent Representative of
the USSR to the United Nations

* A/38/50.

ANNEX

Letter dated 30 March 1983 from the Permanent Mission of the
Union of Soviet Socialist Republics to the United Nations
addressed to the Secretary-General

The Permanent Mission of the Union of Soviet Socialist Republics to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to General Assembly resolution 37/98 D, concerning the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, would like to draw his attention to the following.

The Soviet Union has made vigorous efforts over a protracted period for the complete elimination of any chemical danger from the life of human society. To that end, together with other socialist States, it initiated back in 1969 a proposal on the complete prohibition and destruction of chemical (together with bacteriological) weapons, and is making consistent efforts to attain that objective.

As a party to the 1925 Geneva Protocol for more than 50 years, and having scrupulously observed its provisions, it advocates action to ensure effectiveness of the prohibition of the use of poisonous substances for military purposes.

Taking into account the view of a number of States, the Soviet side considered that it would be advisable to include in the convention on the prohibition of chemical weapons being drafted in the Committee on Disarmament a provision banning the use of such weapons and providing for appropriate verification procedures and the use of machinery to monitor the convention, including verification in situ on a voluntary basis. We consider that the drafting and conclusion of the above-mentioned convention at the earliest possible date would be the most effective and complete guarantee of the non-use of chemical weapons. It would therefore appear to be essential to focus all efforts on speeding up the drafting of that convention and to avoid any actions that might hamper that process.

From that standpoint, we cannot but welcome the appeals in General Assembly resolution 37/98 D concerning the need to expand the number of parties to the 1925 Geneva Protocol and to expedite the negotiations in the Committee on Disarmament concerning a convention on the prohibition of chemical weapons. However, that resolution also contains provisions with which the Soviet Union cannot in any way agree.

In providing for the establishment of procedures for verifying observance of one of the international agreements in force in the field of curbing the arms race - the 1925 Geneva protocol - the resolution ipso facto entails an increase in the scope of obligations assumed by States parties to the Protocol. Such a decision would be quite illegal, since it would be taken not as a result of agreement among the parties to that instrument, but by means of the adoption of a United Nations resolution with the additional participation of those States which have not yet acceded to that Protocol.

A dangerous precedent would thereby be created by the imposition through the United Nations of a revision of international agreements in force in the disarmament field with no account being taken of the views of all the parties thereto, and, what is more, in defiance of the opinion of a significant number of parties. Suffice it to say that, of the 99 parties to the Geneva Protocol which are Members of the United Nations, a little over half the number of States voted for that resolution. The remaining States parties to the Protocol did not support it.

Such a practice of amending agreements is in blatant contradiction to the 1969 Vienna Convention on the Law of Treaties, particularly its article 39, which permits the amendment of treaties only by agreement between the parties.

To undertake an illegal review of the Geneva Protocol may cause harm not only to the Protocol itself but to the entire system of international agreements in the field of arms limitation and disarmament.

Serious objections arise also in connection with the attempt made in the resolution to impose on the United Nations Secretary-General the functions of monitoring the implementation of agreements in the disarmament field, functions which are not assigned to him under the United Nations Charter.

The Soviet side expresses the hope that the Secretary-General will consider its position with regard to that resolution. It is self-evident that the Soviet Union will not only not take part in its implementation but will also point out to other States the serious negative consequences that would arise from the observance of the provisions of that resolution.

The Permanent Mission of the USSR to the United Nations takes this opportunity to renew to the Secretary-General the assurances of its highest consideration.
