

# CONFERENCE ON DISARMAMENT

CD/875  
Appendix I/Volume III  
20 September 1988

Original: ENGLISH

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## REPORT OF THE CONFERENCE ON DISARMAMENT

APPENDIX I

VOLUME III

Text of documents issued by the  
*Conference on Disarmament*

# CONFERENCE ON DISARMAMENT

CD/828  
12 April 1988

Original: ENGLISH

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## FEDERAL REPUBLIC OF GERMANY

### Provision of data relevant to the Chemical Weapons Convention

1. The provision multilaterally of essential data prior to the signing of the Convention is required. The types of data which need to be submitted in this regard on a voluntary basis are set out in the attachment. Where necessary the data should be provided according to stated references.

It is important for the holders of the largest stocks to provide early data. It is also important for the Convention to be truly effective, that such multilateral provision of data should be conducted with the widest possible participation of States.

2. Exchanges of additional data relevant to the Convention could be a matter for bilateral arrangements between interested States.

Attachment

TYPE OF DATA	PURPOSE
1. Presence of CW on own territory;  Possession of CW on territory of another State	To determine the number of States requiring inspections of CW
2. Aggregate number of facilities for the production and storage of CW, and for production, processing and consumption of chemicals on schedules (1), (2), (3) above thresholds to be determined */	To determine the number of inspections, the size of the International Inspectorate and costs (order of magnitude)
3. - Types and names of CW agents produced  - Types of CW munitions stored; CW agents in bulk  - Names of chemicals on schedules (1), (2) and (3) produced in the chemical industry */	To determine the qualifications and training of personnel, determine equipment needed for the International Inspectorate, and to determine costs
4. Plans and methods for the destruction of CW including the number of facilities and the anticipated length of their operation during the 10 year destruction period	To determine the practicability of the destruction process

\*/ The question of information on toxic chemicals not listed in schedules (1), (2) or (3) that might be relevant to the Convention requires further consideration pending further work on the matter.

## CONFERENCE ON DISARMAMENT

Original: ENGLISH

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### GROUP OF 21

#### DRAFT MANDATE FOR AN AD HOC COMMITTEE ON ITEM 1 OF THE AGENDA OF THE CONFERENCE ON DISARMAMENT

The Conference on Disarmament decides to establish an Ad Hoc Committee on item 1 of its agenda with the objective of carrying out the multilateral negotiation of a comprehensive nuclear test ban treaty.

The Ad Hoc Committee will set up two Working Groups which will deal, respectively, with the following interrelated questions:

- (a) Working Group I - Contents and scope of the treaty;
- (b) Working Group II - Compliance and verification.

Pursuant to its mandate, the Ad Hoc Committee will take into account all existing proposals and future initiatives. In addition, it will draw on the knowledge and experience that have been accumulated over the years in the consideration of a comprehensive test ban in the successive multilateral negotiating bodies and the trilateral negotiations. The Ad Hoc Committee will also take into account the work of the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events.

The Ad Hoc Committee will report to the Conference on Disarmament on the progress of its work before the conclusion of the 1988 session.

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\* This draft mandate is put forward in a spirit of co-operation and constitutes a clear proof of the flexible approach adopted by the Group of 21. If a similar flexibility is reciprocated by the other groups, this could replace the draft mandate contained in document CD/520/Rev.2 of 21 March 1986.

\*\* Re-issued for technical reasons.

# CONFERENCE ON DISARMAMENT

CD/830  
CD/CW/WP.201  
19 April 1988

Original: ENGLISH

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LETTER DATED 18 APRIL 1988 FROM THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF A DOCUMENT ENTITLED "INFORMATION PRESENTED TO THE VISITING SOVIET DELEGATION AT THE TOOELE ARMY DEPOT, 18-21 NOVEMBER 1987 1/

I have the honour to transmit herewith the text of a document entitled "Information Presented to the Visiting Soviet Delegation at the Tooele Army Depot, 18-21 November 1987."

I would request that you make arrangements for the document to be issued as an official document of the Conference on Disarmament, and as a working paper of the Ad Hoc Committee on Chemical Weapons.

(Signed) Max L. Friedersdorf  
United States representative  
to the Conference on Disarmament

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1/ A limited distribution of this document in English only has been made to the members of the Conference on Disarmament. Additional copies are available from the United States Delegation to the Conference on Disarmament at Geneva.

# CONFERENCE ON DISARMAMENT

CD/831/Corr.1  
29 April 1988

Original: ENGLISH  
CHINESE, ENGLISH, FRENCH  
RUSSIAN and SPANISH only

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## SPECIAL REPORT OF THE AD HOC COMMITTEE ON CHEMICAL WEAPONS TO THE CONFERENCE ON DISARMAMENT

### Corrigendum

Page 104, paragraph 1, appendix II

The paragraph should read:

"1. The elaboration of the Order of Destruction shall build on the undiminished security for all States during the entire destruction stage, confidence-building in the early part of the destruction stage, gradual acquisition of experience in the course of destroying chemical weapons stocks and applicability irrespective of the actual composition or size of the stockpiles and the methods chosen for the destruction of the chemical weapons."

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SPECIAL REPORT OF THE AD HOC COMMITTEE ON CHEMICAL WEAPONS  
TO THE CONFERENCE ON DISARMAMENT

I. INTRODUCTION

1. Taking into consideration paragraph 75 of the Final Document of the First Special Session of the General Assembly of the United Nations devoted to disarmament which, while noting that negotiations had been proceeding for several years, stated that the conclusion of a convention on chemical weapons was one of the most urgent tasks of multilateral negotiations, and the reaffirmation of this objective by the General Assembly of the United Nations in 1982 and on subsequent occasions, the Conference on Disarmament continued the elaboration of a convention to ban chemical weapons during the second part of its 1982 session as well as during its sessions in 1983, 1984, 1985, 1986, 1987 and in the first part of the 1988 session.

II. MANDATES AND SUBSTANTIVE WORK OF THE AD HOC COMMITTEE  
DURING THE PERIOD 1982-1987

2. During the 1982 and 1983 sessions, the then-Committee on Disarmament re-established the then-Ad Hoc Working Group on Chemical Weapons with the following mandate:

"... In discharging its responsibility for the negotiation and elaboration as a matter of high priority, of a multilateral convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction, the Committee on Disarmament decides to establish, for the duration of its 1982 session, an ad hoc working group of the Committee to elaborate such a convention, taking into account all existing proposals and future initiatives with a view to enabling the Committee to achieve agreement at the earliest date."

The Ad Hoc Working Group on Chemical Weapons was chaired by Ambassador B. Sujka of Poland during the second part of 1982 and by Ambassador D.S. McPhail of Canada during the 1983 session.

3. Since the 1984 session of the Conference on Disarmament, the Ad Hoc Committee on Chemical Weapons was re-established each year with the following mandate:

"... In discharging its responsibility to conduct as a priority task the negotiations on a multilateral convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction, and to ensure the preparation of the convention, the Conference on Disarmament decides to re-establish, in accordance with its rules of procedure, the Ad Hoc Committee to start the

full and complete process of negotiations, developing and working out the convention, except for its final drafting, taking into account all existing proposals and drafts as well as future initiatives with a view to giving the Conference a possibility to achieve an agreement as soon as possible."

In 1984, the Ad Hoc Committee on Chemical Weapons was chaired by Ambassador Rolf Ekéus of Sweden, in 1985 by Ambassador Stanislaw Turbanski of Poland, in 1986 by Ambassador Ian Cromartie of the United Kingdom and in 1987, again, by Ambassador Rolf Ekéus of Sweden.

4. As of 1983, the Ad Hoc Committee on Chemical Weapons has held, on a regular basis, resumed sessions of limited duration during periods in which the Conference on Disarmament is not in session.

5. Throughout the period, a number of official documents and working papers relating to chemical weapons were presented by delegations. These are listed in successive annual reports of the Conference on Disarmament to the General Assembly (CD/335, CD/421, CD/540, CD/642, CD/732 and CD/787).

6. An account of the work undertaken by the Ad Hoc Committee and the progress achieved in the elaboration of the Convention during this period are registered in each of the annual reports of the Conference on Disarmament to the General Assembly (CD/335, CD/421, CD/540, CD/642, CD/732 and CD/787).

7. At various stages of the work of the Ad Hoc Committee, the following States not members of the Conference on Disarmament participated in its work: Austria, Denmark, Greece, Finland, Ireland, New Zealand, Norway, Portugal, Spain, Switzerland, Viet Nam and Zimbabwe.

### III. MANDATE AND SUBSTANTIVE WORK OF THE AD HOC COMMITTEE DURING THE FIRST PART OF THE 1988 SESSION

#### A. Organization of work and documentation

8. At its 438th plenary meeting on 9 February 1988, the Conference on Disarmament adopted the following decision on the re-establishment of the Ad Hoc Committee on Chemical Weapons (CD/805):

"The Conference on Disarmament, keeping in mind that the negotiation of a Convention should proceed with a view to its final elaboration at the earliest possible date, in accordance with United Nations General Assembly resolution 42/37 A, and in discharging its responsibility to conduct as a priority task the negotiations on a multilateral convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction, and to ensure the preparation of the convention, decides to re-establish, in accordance with its rules of procedure, for the duration of its 1988 session,



the Ad Hoc Committee to continue the full and complete process of negotiations, developing and working out the convention, except for its final drafting, taking into account all existing proposals and drafts as well as future initiatives with a view to giving the Conference a possibility to achieve an agreement as soon as possible. This agreement, if possible, or a Report on the progress of the negotiations, should be recorded in the report which this Ad Hoc Committee will submit to the Conference at the end of the second part of its 1988 session.

The Conference further decides that the Ad Hoc Committee will report to the Conference on the progress of its work before the conclusion of the first part of its 1988 session, in view of the convening of the Third Special Session of the General Assembly devoted to disarmament."

9. At its 438th plenary meeting on 9 February 1988, the Conference on Disarmament appointed Ambassador Bogumil Sujka of Poland as Chairman of the Ad Hoc Committee. Mr. Abdelkader Bensmail, Senior Political Affairs Officer of the Department for Disarmament Affairs, continued to serve as Secretary of the Ad Hoc Committee.

10. The Ad Hoc Committee held 10 meetings from 12 February to 20 April 1988. In addition, the Chairman held a number of informal consultations with delegations.

11. At their request, the representatives of the following States not members of the Conference participated in the work of the Ad Hoc Committee: Austria, Denmark, Greece, Finland, Ireland, New Zealand, Norway, Portugal, Spain, Switzerland and Zimbabwe.

12. In addition to the papers of the previous sessions listed in the documents mentioned in paragraph 5, the Ad Hoc Committee had the following documents before it:

- Document CD/789, dated 16 December 1987, entitled "Letter dated 16 December 1987 from the Representative of the Union of Soviet Socialist Republics addressed to the President of the Conference on Disarmament, transmitting a Working Paper entitled, 'Information on the presentation at the Shikhany Military Facility of standard chemical munitions and of technology for the destruction of chemical weapons at a mobile unit'".

- Document CD/790, dated 13 January 1988, entitled "Letter dated 12 January 1988 from the Representative of the Union of Soviet Socialist Republics, addressed to the President of the Conference on Disarmament, transmitting the text of the Statement by the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics of 26 December 1987".

- Document CD/791 (also issued as CD/CW/WP.183), dated 25 January 1988, submitted by the delegation of the Federal Republic of Germany, entitled "Verification of non-production": the case for ad hoc checks".

- Document CD/792 (also issued as CD/CW/WP.184), dated 25 January 1988, submitted by the delegation of the Federal Republic of Germany, entitled "Super-toxic lethal chemicals (STLCs)".

- Document CD/795, dated 29 January 1988, entitled "Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament on its work during the period 12-29 January 1988".
- Document CD/802 (also issued as CD/CW/WP.186), dated 5 February 1988), submitted by the delegation of the United States of America, entitled "Threshold for monitoring chemical activities not prohibited by a convention".
- Document CD/805, dated 9 February 1988, entitled "Decision on the Re-establishment of the Ad Hoc Committee on Chemical Weapons".
- Document CD/808 (also issued as CD/CW/WP.188), dated 19 February 1988, entitled, "Letter dated 18 February 1988 from the Representative of the Union of Soviet Socialist Republics, addressed to the President of the Conference on Disarmament, transmitting a document entitled 'Memorandum on multilateral data exchange in connection with the elaboration of a convention on the complete and general prohibition and destruction of chemical weapons (proposal by the USSR)'".
- Document CD/809 (also issued as CD/CW/WP.189), dated 26 February 1988, submitted by the delegation of Argentina, entitled "Assistance for protection against chemical weapons".
- Document CD/812, dated 4 March 1988, submitted by the delegation of the German Democratic Republic, entitled "Chemical Weapons Convention: The Executive Council: composition, size, decision-making and other procedural matters".
- Document CD/821 (also issued as CD/CW/WP.196), dated 29 March 1988, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Letter dated 28 March 1988 from the representative of the Union of Soviet Socialist Republics to the President of the Conference on Disarmament transmitting a text of the Statement of the Ministry of Foreign Affairs of the USSR on 16 March 1988".
- Document CD/822 (also issued as CD/CW/WP.197), dated 29 March 1988, submitted by the delegations of the Federal Republic of Germany and Italy, entitled "The order of destruction of chemical weapons".
- Document CD/823, dated 31 March 1988, submitted by the delegation of Canada, entitled "Chemical Weapons Convention: Factors involved in determining verification inspectorate personnel and resource requirements".
- Document CD/826, dated 11 April 1988, submitted by the delegation of the Federal Republic of Germany, entitled "Note from the Government of the Federal Republic of Germany evoked by the recent reports about the use of chemical weapons in the war between Iraq and Iran".
- Document CD/827, dated 12 April 1988, entitled "Letter dated 11 April 1988 from the Permanent Representative of the Islamic Republic of Iran addressed to the President of the Conference on Disarmament, containing the list of occasions of use of chemical weapons by Iraq against Iran from January 1981 to March 1988".
- Document CD/828, dated 12 April 1988, submitted by the delegation of the Federal Republic of Germany, entitled "Provisions of data relevant to the chemical weapons convention".

- Document CD/830 (also issued as CD/CW/WP.201), dated 19 April 1988, entitled "Letter dated 18 April 1988 from the Representative of the United States of America addressed to the President of the Conference on Disarmament transmitting the text of a document entitled 'Information presented to the visiting Soviet delegation at the Tooele Army Depot, 18-21 November 1987'".

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

- CD/CW/WP.182, dated 15 January 1988, submitted by the delegation of Mongolia, entitled "Order of destruction of chemical weapons stocks".

- CD/CW/WP.183 (also issued as CD/791), dated 25 January 1988, submitted by the delegation of the Federal Republic of Germany, entitled "Verification of non-production: the case for ad hoc checks".

- CD/CW/WP.184 (also issued as CD/792), dated 25 January 1988, submitted by the delegation of the Federal Republic of Germany, entitled "Super-toxic lethal chemicals (STLCs)".

- CD/CW/WP.185, dated 27 January 1988, entitled "Draft Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament on its work during the period 12-19 January 1988".

- CD/CW/WP.186 (also issued as CD/802), dated 5 February 1988, submitted by the delegation of the United States of America, entitled "Thresholds for monitoring chemical activities not prohibited by a convention".

- CD/CW/WP.187, dated 12 February 1988 entitled, "Working Paper presented by the Chairman: outline for the organization and programme of work of the Ad Hoc Committee on Chemical Weapons for the first part of the 1988 session".

- CD/CW/WP.188 (also issued as CD/808), dated 19 February 1988, entitled, "Letter dated 18 February 1988 from the Representative of the Union of Soviet Socialist Republics, addressed to the President of the Conference on Disarmament, transmitting a document entitled 'Memorandum on multilateral data exchange in connection with the elaboration of a convention on the complete and general prohibition and destruction of chemical weapons (proposal by the USSR)'".

- CD/CW/WP.189 (also issued as CD/809), dated 26 February 1988, submitted by the delegation of Argentina, entitled "Assistance for protection against chemical weapons".

- CD/CW/WP.190, dated 8 March 1988, submitted by the delegation of Italy, entitled "Convention on Chemical Weapons: some remarks on the toxicity index (LD 50) chosen as parameter to identify chemicals not listed in Schedules [1], [2] or [3]".

- CD/CW/WP.191, dated 11 March 1988, submitted by the delegation of the Federal Republic of Germany, entitled "Some aspects of a challenge inspection régime".

- CD/CW/WP.192, dated 11 March 1988, submitted by the delegation of the Federal Republic of Germany, entitled "Non-production: Annex to Article VI [1]".
- CD/CW/WP.193, dated 18 March 1988, submitted by the delegation of Austria, entitled "Article VI".
- CD/CW/WP.194, dated 18 March 1988, submitted by the delegation of the German Democratic Republic, entitled "Chemical weapons convention: provisions to ensure the confidentiality of information provided in connection with verification activities".
- CD/CW/WP.195, dated 22 March 1988, submitted by the delegation of the German Democratic Republic, entitled "Article VI: Régime for chemicals in Schedule [1]".
- CD/CW/WP.196 (also issued as CD/821), dated 29 March 1988, entitled "Letter dated 28 March 1988 from the representative of the Union of Soviet Socialist Republics to the President of the Conference on Disarmament transmitting a text of the Statement of the Ministry of Foreign Affairs of the USSR on 16 March 1988".
- CD/CW/WP.197 (also issued as CD/822), dated 29 March 1988, submitted by the delegations of the Federal Republic of Germany and Italy, entitled "The order of destruction of chemical weapons".
- CD/CW/WP.198, dated 5 April 1988, submitted by the delegation of the German Democratic Republic, entitled "Chemical Weapons Convention: on-site inspection on challenge - guidelines on the International Inspectorate".
- CD/CW/WP.199, dated 7 April 1988, submitted by the delegation of France, entitled "Security stocks: proposed amendments".
- CD/CW/WP.200, dated 15 April 1988, entitled "Draft Special Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament".
- CD/CW/WP.201 (also issued as CD/830), dated 19 April 1988. entitled "Letter dated 18 April 1988 from the Representative of the United States of America addressed to the President of the Conference on Disarmament transmitting the text of a document entitled 'Information presented to the visiting Soviet delegation at the Tooele Army Depot, 18-21 November 1987'".

#### B. Substantive work during the first part of the 1988 session

14. In accordance with its mandate, the Ad Hoc Committee continued the negotiation and further elaboration of the convention. In so doing, it utilized Appendices I, II and III of CD/795 (Report of the Ad Hoc Committee on Chemical Weapons on its work during the period 12-29 January 1988), as well as other proposals presented by the Chairman of the Committee and by delegations.

15. The Committee agreed to deal with all the Articles of the draft convention as follows:

Cluster I:

- Article I: General provisions on scope
- Article II: Definitions and criteria

Cluster II:

- Article III: Declarations
- Article IV: Chemical weapons
- Article V: Chemical weapons production facilities
- Article X: Assistance

Cluster III:

- Article VI: Activities not prohibited by the convention
- Article XI: Economic and technological development

Cluster IV:

- Article VII: National implementation measures
- Article VIII: The Organization
- Article IX: Consultations, co-operation and fact-finding

Cluster V:

- Article XII: Relation to other international agreements
- Article XIII: Amendments
- Article XIV: Duration, withdrawal
- Article XV: Signature, ratification, entry into force
- Article XVI: Languages
- Preamble

It was further decided to focus the efforts of the Committee in the first instance on Clusters II, III, IV and V. To this end, it was agreed that Group A, under the Chairmanship of Mr. Andrej Cima of Czechoslovakia, would deal with Articles VI and XI; that Group B, under the Chairmanship of Mr. Pablo Macedo of Mexico, would deal with Articles III, IV, V and X; and that Group C, under the Chairmanship of Mr. Sadaaki Numata of Japan, would deal with Articles VII, VIII and IX. In addition, the Chairman of the Ad Hoc Committee conducted open-ended consultations aimed at the elaboration of Articles XII, XIII, XIV, XV XVI and the Preamble. The Committee agreed that Cluster I will also be dealt with when it resumes its work in July 1988. All proposals, without exception, will be taken into account.

IV. CURRENT STAGE OF THE NEGOTIATIONS ON THE  
CHEMICAL WEAPONS CONVENTION

16. The results achieved to date in the negotiations on the draft convention on chemical weapons are contained in the attached Appendices:

- Appendix I represents the present stage of elaboration of the provisions of the draft convention.

- Appendix II contains papers reflecting the results of work undertaken so far on issues under the convention. They are enclosed as a basis for future work.

CD/831  
page 8  
Appendix I

APPENDIX I

Preliminary structure of a Convention on chemical weapons

Preamble

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

Annexes and other documents

Preamble 1/

The States Parties to this Convention,

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

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

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

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

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

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

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

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

Have agreed as follows:

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



I. GENERAL PROVISIONS ON SCOPE 1/ 2/

1. Each State Party undertakes not to:

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

2. Each State Party undertakes not to:

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

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1/ One delegation pointed out, in CD/CW/WP.199 of 7 April 1988, the preoccupying effects, in its view, on the security of States deriving from the very large disproportion, during the transitional period, between existing chemical weapons capabilities. In this context, it recalled its opinion that it is necessary to provide for the possibility, for the States which wish to do so, to establish, upon entry into force of the Convention and until the end of the 10-year period, a transitory régime organizing a limited security stock which would be destroyed during the last two years. The building up and the maintenance in good condition of this stock would be ensured by one single production facility attached to it, placed under international control, and destroyed during the ninth year.

2/ Other delegations stressed that, in their view, the continuation of the production of chemical weapons after the entry into force of the Convention would have preoccupying effects from the point of view both of the spread of chemical weapons and of the distortion of the very objective of the Convention. As to the disproportion between existing chemical weapons capabilities, the solution would be, in their view, the strict implementation of the Convention's provisions concerning the declarations, verification, continuous monitoring of stocks, their subsequent destruction and the cessation of the production of chemical weapons from the beginning.

3. Each State Party undertakes not to use chemical weapons. 1/ 2/
4. [Each State Party undertakes not to [conduct other activities in preparation for use of chemical weapons] [engage in any military preparations for use of chemical weapons].]
5. Each State Party undertakes to destroy chemical weapons which are in its possession or under its [jurisdiction or] control. 3/
6. Each State Party undertakes to [destroy] [destroy or dismantle] chemical weapons production facilities which are in its possession or under its [jurisdiction or] control.

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

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

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

## II. DEFINITIONS AND CRITERIA

For the purposes of this Convention:

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

- (i) toxic chemicals, including super-toxic lethal chemicals, other lethal chemicals, other harmful chemicals and their precursors, including key precursors [and key components of binary and/or multicomponent chemical systems for chemical weapons], 3/ except such chemicals intended for purposes not prohibited by the Convention as long as the types and quantities involved are consistent with such purposes;
- (ii) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals, as referred to above, which would be released as a result of the employment of such munitions and devices;

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

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

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

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

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

[2. "Toxic chemicals" means:

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

[2. "Toxic chemicals" means:

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

Toxic chemicals are divided into the following categories:]

(a) "super-toxic lethal chemicals", which have a median lethal dose which is less than or equal to 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m<sup>3</sup> (by inhalation) when measured by an agreed method 1/ set forth in ... 2/

(b) "other lethal chemicals", which have a median lethal dose which is greater than 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m<sup>3</sup> (by inhalation) and less than or equal to 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m<sup>3</sup> (by inhalation) when measured by an agreed method set forth in ... 2/

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

[and "other harmful chemicals" has a median lethal dose which is greater than 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m<sup>3</sup> (by inhalation).]

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

2/ Recommended procedures for toxicity determinations are contained in pages 93-97 of this document.

3. Purposes not prohibited by the Convention means:

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

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

4. "Precursor" means:

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

(a) "Key Precursor" means:

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

It may possess [possesses] the following characteristics:

- (i) It may play [plays] an important role in determining the toxic properties of a [toxic chemicals prohibited by the Convention] [super-toxic lethal chemical].
- (ii) It may be used in one of the chemical reactions at the final stage of formation of the [toxic chemicals prohibited by the Convention] [super-toxic lethal chemical].
- [(iii) it may [is] not be used, or [is] used only in minimal quantities, for permitted purposes.] 2/

Key precursors are listed in ...

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

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

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

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

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

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

5. "Chemical weapons production facility" means: 1/

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1/ Consultations on this issue are under way. A paper that could serve as a basis for further work is included in Appendix II.

III. DECLARATIONS 1/

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

(a) Chemical Weapons

- (i) whether it has any chemical weapons under its jurisdiction or control 2/ anywhere;
- (ii) whether it has on its territory any chemical weapons under the jurisdiction or control of others, including a State not Party to the Convention;
- (iii) whether it has transferred or received any chemical weapons and whether it has transferred to or received from anyone the control over such weapons since [1 January 1946] [26 March 1975].

(b) Chemical Weapons Production Facilities

- (i) whether it has any chemical weapons production facilities under its jurisdiction or control anywhere or has had such facilities at any time since [1.1.1946];
- (ii) whether it has any chemical weapons production facilities on its territory under the jurisdiction or control of others, including a State not Party to this Convention, or has had such facilities at any time since [1.1.1946];
- (iii) whether it has transferred or received any equipment for the production of chemical weapons [and documentation relevant to the production of chemical weapons] since [1.1.1946], and whether it has transferred to, or received from, anyone the control of such equipment [and documentation].

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

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

(c) Other declarations 1/

The precise location, nature and general scope of activities of any facility and establishment 2/ on its territory or under its jurisdiction or under its control anywhere 3/ designed, constructed or used since [1.1.46] for development of chemical weapons, inter alia, laboratories and test and evaluation sites.

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

---

1/ One delegation held the view that these provisions do not apply to the production facility attached to the security stockpile as defined in document CD/CW/WP.199.

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

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



IV. CHEMICAL WEAPONS 1/

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

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

(a) specifies the [precise location,] 2/ aggregate quantity and detailed inventory of any chemical weapons under its jurisdiction or control;

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

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

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

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

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

5. Each State Party shall:

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

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

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

---

1/ One delegation held the view that the provisions of this Article and its Annex shall apply without exception other than the rules relating to the security stock as defined in document CD/CW/WP.199.

2/ One delegation reserved its position on this question.

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

7. Any chemical weapons discovered by a State Party after the initial declaration of chemical weapons shall be reported, secured and destroyed, as provided in the Annex to Article IV. 1/ 2/

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

9. Any State Party which has on its territory chemical weapons which are under the control of a State that is not a Party to this Convention shall ensure that such weapons are removed from its territory not later than [30 days] after the date on which the Convention entered into force for it.

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

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

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

3/ One delegation reserved its position on this question.

V. CHEMICAL WEAPONS PRODUCTION FACILITIES 1/

1. The provisions of this article shall apply to any and all chemical weapons production facilities under the jurisdiction or control of a State Party, regardless of location. 2/

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

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

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

(a) specifies any chemical weapons production facilities under its jurisdiction or control, or on its territory under the control of others, 4/ including a State not party to this Convention, at any time since [1 January 1946] [at the time of entry into force of the Convention];

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

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

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

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

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

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1/ One delegation held the view that the provisions of this Article shall apply to any and all chemical weapons production facilities, except the production facility assigned to the security stock as dealt with in document CD/CW/WP.199.

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

3/ Some delegations consider this paragraph redundant.

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

6. Each State Party shall:

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

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

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

8. Each State Party shall:

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

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

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

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

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

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

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1/ One delegation held the view that the detailed plans in question should be submitted by each State Party within 12 months of the entry into force of the Convention for it.

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

VI. ACTIVITIES NOT PROHIBITED BY THE CONVENTION 1/ 2/

1. Each State Party:

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

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

2. Toxic Chemicals and their Precursors:

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

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

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

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

Annex to Article VI [...]: Production of super-toxic lethal chemicals not listed in Schedules [1].

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

2/ One delegation expressed the view that the question of collection and forwarding of data and other information to verify non-production requires further consideration. This delegation made reference to the Working Paper CD/CW/WP.159 of 19 March 1987, which includes draft elements for inclusion in the rolling text.

3/ Some delegations consider that these chemicals should be dealt with in the Annex to Article VI [2] Schedule [2]. Other delegations consider that a separate Annex [4] is required. Until this issue is resolved, the designation Annex to Article VI [...] is used.

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

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

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

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

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

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

8. The provisions of this article shall be implemented in a manner designed in so far as possible to avoid hampering the economic or technological development of parties to the Convention and international co-operation in the field of peaceful chemical activities including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for peaceful purposes in accordance with the provisions of the Convention. 2/ 3/

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

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

(b) take every precaution to protect confidential information coming to its knowledge in the implementation of the Convention; 2/ and

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

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

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

2/ It was agreed that provisions to ensure the confidentiality of the information provided should be elaborated.

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

## VII. NATIONAL IMPLEMENTATION MEASURES

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

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

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

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

National Technical Means 2/

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

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

VIII. THE ORGANIZATION 1/

A. General Provisions

1. The States Parties to the Convention hereby establish the Organization for the Prohibition of Chemical Weapons, to achieve the objectives of the Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and co-operation among States Parties. 2/
2. All States Parties to the Convention shall be members of the Organization.
3. The seat of the headquarters of the Organization shall be ...
4. There are hereby established as the organs of the Organization the [Consultative Committee] [General Conference], the Executive Council and the Technical Secretariat.

B. [The Consultative Committee] [The General Conference]

(a) Composition, procedure and decision-making

1. The [Consultative Committee] [General Conference] shall be composed of all the States Parties to this Convention. Each State Party to the Convention shall have one representative in the [Consultative Committee] [General Conference], who may be accompanied by alternates and advisers.
2. The first session of the [Consultative Committee] [General Conference] shall be convened by the Depository at (venue) not later than 30 days after the entry into force of the Convention.
3. The [Consultative Committee] [General Conference] shall meet in regular sessions which should be held annually unless it decides otherwise. It shall meet in special sessions, as the [Consultative Committee] [General Conference] may decide, at the request of the Executive Council or at the request of any State Party supported by [8-10] 3/ [one third of] the States Parties. When necessary a special session shall be convened at short notice.

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1/ One delegation has expressed reservations with regard to the approach being given to the concept of an Organization for the Prohibition of Chemical Weapons, or any other similar solution for this purpose, and has expressed the view that before proceeding further in the examination of this question, there is a need to define the principles that will govern the financing of such an Organization.

2/ A view was expressed that the achievement of these objectives should be sought in close co-operation with the United Nations.

3/ A view was expressed that a smaller number of States Parties supporting such a request could also be sufficient.



4. Sessions shall take place at the headquarters of the Organization unless the [Consultative Committee] [General Conference] decides otherwise.
5. The [Consultative Committee] [General Conference] shall adopt its rules of procedure. At the beginning of each regular session, it shall elect its Chairman and such other officers as may be required. They shall hold office until a new Chairman and other officers are elected at the next regular session.
6. A majority of the members of the [Consultative Committee] [General Conference] shall constitute a quorum.
7. Each member of the [Consultative Committee] [General Conference] shall have one vote.
8. Decisions on questions of procedure, including decisions to convene special sessions of the [Consultative Committee] [General Conference], shall be taken by a simple majority of the members present and voting. Decisions on questions of substance shall be taken by a two-thirds majority of the members present and voting unless otherwise specifically provided for in the Convention. When the issue arises as to whether a question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the [Consultative Committee] [General Conference] by the majority required for decisions on questions of substance. 1/ 2/

(b) Powers and functions

1. The [Consultative Committee] [General Conference] shall be the [principal] [supreme] organ of the Organization. It shall consider any questions, matters or issues within the scope of the Convention, including those relating to the powers and functions of the Executive Council and Technical Secretariat. It may make recommendations and take decisions 2/ on any questions, matters or issues related to the Convention raised by a State Party or brought to its attention by the Executive Council.
2. The [Consultative Committee] [General Conference] shall oversee the implementation of the Convention, and promote and [assess] review compliance with it. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issue guidelines in accordance with the Convention to either of them in the exercise of their functions.

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1/ It has also been proposed that decisions should be taken by consensus, except as specified elsewhere and, if a consensus were not possible within 24 hours, by a simple majority of the members present and voting. It has also been pointed out that there should be no differentiation between decisions on questions of procedure and those of substance.

2/ A view was expressed that the report of a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.

3. In addition, the powers and functions of the [Consultative Committee] [General Conference] shall be:

- (i) To consider and adopt at its regular sessions the report of the Organization, consider other reports 1/ and consider and adopt the programme and budget of the Organization, submitted by the Executive Council;
- (ii) to [encourage] [promote] international co-operation for peaceful purposes in the chemical field;
- (iii) to review scientific and technological developments which could affect the operation of the Convention;
- (iv) to decide on the scale of financial contributions to be paid by States Parties; 2/
- (v) to elect the members of the Executive Council;
- (vi) to appoint the Director of the Technical Secretariat; 3/
- (vii) to approve the rules of procedure of the Executive Council submitted by the latter;
- (viii) to establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Convention. 4/ 5/
- (ix) ... 6/

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1/ It has been proposed that reports should be sent to the United Nations.

2/ The entire problem of the costs of the Organization needs to be considered.

3/ The option of candidates being proposed by the Executive Council and by States Parties for appointment should be discussed.

4/ It has been proposed that a Scientific Advisory Council be established as a subsidiary body.

5/ It has been proposed that a Fact-finding Panel be established as a subsidiary body.

6/ The question of functions relating to the implementation of Articles X and XI will be considered at a later stage. Other functions, e.g. the action to be taken in the event of non-compliance by a State Party, could be included as well.

4. The [Consultative Committee] [General Conference] shall, after the expiry of 5 and 10 years from the date of entry into force of this Convention and at such other times within that time period as may be agreed on, meet in special sessions to undertake reviews of the operation of this Convention. Such reviews shall take into account any relevant scientific and technological developments. At intervals of five years thereafter, unless otherwise agreed upon by a majority of the States Parties, further sessions of the [Consultative Committee] [General Conference] shall be convened with the same objective. 1/

[5. The Chairman of the [Consultative Committee] [General Conference] shall serve as non-voting Chairman of the Executive Council.]

#### C. The Executive Council

(a) Composition, procedure and decision-making

(To be elaborated)

(b) Powers and functions

1. The Executive Council shall be the executive organ of the [Consultative Committee] [General Conference], to which it shall be responsible. It shall carry out the powers and functions entrusted to it under the Convention and its Annexes, as well as such functions delegated to it by the [Consultative Committee] [General Conference]. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the [Consultative Committee] [General Conference] and assure their continuous and proper implementation.

2. In particular, the Executive Council shall:

(a) promote the effective implementation of, and compliance with, the Convention;

(b) supervise the activities of the Technical Secretariat;

(c) co-operate with the appropriate national authorities of States Parties and facilitate consultations and co-operation among States Parties at their request;

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1/ The placement and wording of this provision as well as the possible need for separate review conferences require further consideration.

(d) consider any issue or matter within its competence, affecting the Convention and its implementation, including concerns regarding compliance, and cases of non-compliance, 1/ and, as appropriate, inform States Parties and bring the issue or matter to the attention of the [Consultative Committee] [General Conference];

(e) consider and submit to the [Consultative Committee] [General Conference] the draft programme and budget of the Organization;

(f) consider and submit to the [Consultative Committee] [General Conference] the draft report of the Organization on the implementation of the Convention, the report on the performance of its own activities and such special reports as it deems necessary or which the [Consultative Committee] [General Conference] may request;

(g) conclude agreements with States and international organizations on behalf of the Organization, subject to approval by the [Consultative Committee] [General Conference], and approve agreements relating to the implementation of verification activities, concluded by the Director-General of the Technical Secretariat with States Parties;

(h) (i) meet for regular sessions. Between regular sessions, it shall meet as often as may be required for the fulfilment of its functions;

[(ii) elect its Chairman;]

(iii) elaborate and submit its rules of procedure to the [Consultative Committee] [General Conference] for approval;

(iv) make arrangements for the sessions of the [Consultative Committee] [General Conference] including the preparation of a draft agenda.

3. The Executive Council may request the convening of a special session of the [Consultative Committee] [General Conference]. 2/

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1/ A view was expressed that the report of a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.

2/ It has been proposed that the Executive Council should request the convening of a special session of the [Consultative Committee] [General Conference] whenever obligations set forth in Article I of the Convention are violated.

D. Technical Secretariat

1. A Technical Secretariat shall be established to assist the [Consultative Committee] [General Conference] and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the functions entrusted to it under the Convention and its Annexes, as well as such functions assigned to it by the [Consultative Committee] [General Conference] and the Executive Council.

2. In particular, the Technical Secretariat shall:

(a) address and receive communications on behalf of the Organization to and from States Parties on matters pertaining to the implementation of the Convention;

(b) negotiate the subsidiary agreements with States Parties relating to systematic international on-site verification for approval by the Executive Council;

(c) execute international verification measure provided for in the Convention; 1/

(d) inform the Executive Council of any problems which have arisen with regard to the execution of its functions, and of [doubts, ambiguities or uncertainties about compliance with the Convention] which have come to its notice in the performance of its verification activities and/or which it has been unable to resolve or clarify through its consultations with the State Party concerned;

(e) provide technical assistance and technical evaluation to States Parties [in accordance with] [in the implementation of the provisions of] the Convention; 2/

(f) prepare and submit to the Executive Council the draft programme and budget of the Organization;

(g) prepare and submit to the Executive Council the draft report of the Organization on the implementation of the Convention and such other reports as the Executive Council and/or the [Consultative Committee] [General Conference] may request;

(h) provide administrative and technical support 2/ to the [Consultative Committee] [General Conference], the Executive Council and other subsidiary bodies.

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1/ It has been suggested that the International Inspectorate may request inspections for some insufficiently clear situations in the context of their systematic verification activities.

2/ The phrasing of this paragraph needs to be considered further in the light of the elaboration of the relevant provision of the Convention. It has been suggested that the technical assistance or evaluation may relate, inter alia, to developing technical procedures, improving the effectiveness of verification methods, and revising lists of chemicals.

3. The International Inspectorate shall be a unit of the Technical Secretariat and shall act under the supervision of the Director-General of the Technical Secretariat. Guidelines on the International Inspectorate are specified in ... 1/
4. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, and inspectors and such scientific, technical and other personnel as may be required.
5. The Director-General of the Technical Secretariat shall be appointed by the [Consultative Committee] [General Conference] [upon the recommendation of the Executive Council] 2/ for [4] [5] years [renewable for one further term, but not thereafter]. The Director-General shall be responsible to the [Consultative Committee] [General Conference] and the Executive Council for the appointment of the staff and the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of services shall be the necessity of securing the highest standards of efficiency, competence and integrity. Only citizens of States Parties shall serve as international inspectors or as other members of the professional and clerical staff. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to a minimum necessary for the proper execution of its responsibilities.
6. In the performance of their duties, the Director-General of the Technical Secretariat, the inspectors and other members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organization. They shall refrain from any action which might reflect on their positions as international officers responsible only to the [Consultative Committee] [General Conference] and the Executive Council. In particular, subject to such responsibilities, they shall not disclose to any unauthorized persons any confidential information coming to their knowledge in the performance of their official duties. The Director-General shall establish a régime governing the handling and protection of confidential data by the Technical Secretariat.
7. Each State Party shall undertake to respect the exclusively international character of the responsibilities of the Director-General of the Technical Secretariat, the inspectors and the other members of the staff and not seek to influence them in the discharge of their responsibilities.

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1/ Because of considerations under way in some capitals, the question of how to approach these guidelines will be decided later. For the convenience of delegations Attachment (A) of the Report of the Co-ordinator for Cluster IV (CD/CW/WP.175) is included as Addendum I to this Appendix.

2/ It has been proposed that the Director-General of the Technical Secretariat be appointed by the [Consultative Committee] [General Conference] upon the recommendation of the Secretary-General of the United Nations.

IX. CONSULTATIONS, CO-OPERATION AND FACT-FINDING 1/ 2/

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

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

Procedure for requesting clarification

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

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

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

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

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

2/ One delegation held the view that the specific procedures of the challenge inspection régime applicable to the security stock shall be those defined in document CD/CW/WP.199.

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

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

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

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

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

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

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

Procedure for requesting a fact-finding mission

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

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1/ Consultations on this issue were carried out by the Chairman of the Ad Hoc Committee for the 1987 session. The state of affairs, as seen by the Chairman is presented in Appendix II with the aim of facilitating further consideration of the issue. Further consultations are being carried out by the Chairman of Group C.



X. ASSISTANCE 1/

XI. ECONOMIC AND TECHNOLOGICAL DEVELOPMENT 1/

XII. RELATION TO OTHER INTERNATIONAL AGREEMENTS 2/

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

XIII. AMENDMENTS 2/

XIV. DURATION, WITHDRAWAL 2/

...

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

XV. SIGNATURE, RATIFICATION, ENTRY INTO FORCE 2/

XVI. LANGUAGES 2/

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1/ Work on this Article continued. With the aim of facilitating further consideration of the issues involved, the text reflecting the current stage of discussion is included in Appendix II.

2/ During the first part of the 1988 session, work on this Article was undertaken. With the aim of facilitating further consideration of the issues involved, the text reflecting the current stage of discussion is included in Appendix II.

ANNEX TO ARTICLE III

I. DECLARATIONS OF CHEMICAL WEAPONS

A. Possession or non-possession

1. Possession of chemical weapons on own territory

Yes .....

No .....

2. Possession, jurisdiction or control over chemical weapons elsewhere

Yes .....

No .....

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

Yes .....

No .....

C. Past transfers

Yes .....

No .....

II. DECLARATIONS OF CHEMICAL WEAPONS PRODUCTION FACILITIES

A. Possession or non-possession

1. Possession of chemical weapons production facilities on own territory

Yes .....

No .....

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

Yes .....

No .....

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

Yes .....

No .....

C. Past transfers of equipment [or technical documentation] <sup>1/</sup>

Yes .....

No .....

[III. OTHER DECLARATIONS]

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<sup>1/</sup> The view was expressed that technical documentation should not be included.

ANNEX TO ARTICLE IV

I. DECLARATIONS OF CHEMICAL WEAPONS

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

1. The aggregate quantity of each chemical declared.

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

- name;

- geographical co-ordinates.] 1/

3. Detailed inventory for each storage facility:

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

(a) Chemicals shall be declared within the schedules specified in the Annex to Article VI. 2/

(b) For a chemical not listed in the Schedules in the Annex to Article VI, 2/ the information required for possible assignment of the chemical to one of the proper schedules shall be provided, including the toxicity of the pure compound. For a precursor chemical, the toxicity and identity of the principal final reaction product(s) shall be provided.

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

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

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

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1/ One delegation reserved its position on this question.

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

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

- type
- size or calibre
- number of items
- weight of chemical fill per item

In addition, for chemicals stored in bulk the percentage purity shall be declared.

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

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

- (a) the number of items
- (b) the fill volume per item
- (c) the intended chemical fill, if known.

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

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

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

C. Past transfers and receipts.

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

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

1. Storage facility description

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

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

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

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

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

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

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

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

3. Agreements on subsidiary arrangements 1/

(a) Within [6] months after entry into force of the convention, States Parties shall conclude with the International Authority agreements on subsidiary arrangements for verification of their storage facilities. Such agreements shall be based on a Model Agreement and shall specify for each storage facility the number, intensity, duration of inspections, detailed inspection procedures and the installation, operation and maintenance of the seals and monitoring devices by the International Authority. The Model Agreement shall include provisions to take into account future technological developments.

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

4. International verification of declarations of chemical weapons

(a) International verification by on-site inspections

- (i) The purpose of the international verification of declarations of chemical weapons shall be to confirm through on-site inspections the accuracy of the declarations made in accordance with Article IV. 3/
- (ii) The International Inspectors shall conduct this verification promptly after a declaration is submitted. They shall, inter alia verify the quantity and identity of chemicals, types and number of munitions, devices and other equipment.
- (iii) They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the chemical weapons at each storage facility.
- (iv) As the inventory progresses, International Inspectors shall install such agreed seals as may be necessary to clearly indicate if any stocks are removed, and to ensure the securing of the storage facility.

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

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

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

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

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

5. International systematic monitoring of storage facilities

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

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

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

(d) In the period before the activation of the continuous monitoring with on-site instruments and at other times when this continuous monitoring is not feasible, seals installed by International Inspectors may only be opened in the presence of an International Inspector. If an extraordinary event requires the opening of a seal when an inspector is not present, a State Party shall immediately inform the International Authority and International Inspectors will return as soon as possible to validate the inventory and re-establish the seals.

(e) Monitoring with instruments.

(i) For the purpose of the systematic monitoring of a chemical weapons storage facility, International Inspectors will install, in the presence of host country personnel and in conformity with the relevant agreement on subsidiary arrangements, a monitoring system consisting of, inter alia, sensors, ancillary equipment and transmission systems. The agreed types of these instruments shall be specified in the Model Agreement. They shall incorporate, inter alia, seals and other tamper-indicating and tamper-resistant devices as well as data protection and data authentication features.



- (ii) The monitoring system shall have such abilities and be installed, adjusted or directed in such a way as to correspond strictly and efficiently to the sole purpose of detecting prohibited or unauthorized activities within the chemical weapons storage facility as referred to above under (a). The coverage of the monitoring system shall be limited accordingly. The monitoring system will signal the International Authority if any tampering with its components or interference with its functioning occurs. Redundancy shall be built into the monitoring system to ensure that failure of an individual component will not jeopardise the monitoring capability of the system.
  - (iii) When the monitoring system is activated, International Inspectors will verify the accuracy of the inventory of chemical weapons, as required.
  - (iv) Data will be transmitted from each storage facility to the International Verification Headquarters by means (to be determined). The transmission system will incorporate frequent transmissions from the storage facility and a query and response system between the storage facility and the International Verification Headquarters. International Inspectors shall periodically check the proper functioning of the monitoring system.
  - (v) In the event that the monitoring system indicated any irregularity, the International Inspectors would immediately determine whether this resulted from equipment malfunction or activities at the storage facility. If, after this examination the problem remained unresolved, the International Authority would immediately ascertain the actual situation, including through immediate on-site inspection or visit of the storage facility if necessary. The International Authority shall report any such problem immediately after its detection to the State Party who should assist in its resolution.
  - (vi) The State Party shall immediately notify the International Authority if an event at the storage facility occurs, or may occur, which may have an impact on the monitoring system. The State Party shall co-ordinate subsequent actions with the International Authority with a view to restoring the operation of the monitoring system, and establishing interim measures, if necessary, as soon as possible.
- (f) Systematic on-site inspections and visits.
- (i) Visits to service the monitoring system may be required in addition to systematic on-site inspections to perform any necessary maintenance, replacement of equipment or to adjust the coverage of the monitoring system, if required.

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

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

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

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

(b) The State Party shall provide the Inspectors with the detailed inventory of the chemical weapons to be moved. The International Inspectors shall be present when chemical weapons are removed from the storage facility and shall verify that the chemical weapons on the inventory are loaded on to the transport vehicles. Upon completion of the loading operations, the International Inspectors shall seal the cargo and/or means of transport, as appropriate.

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

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

7. Inspections and visits

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

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

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

- have unimpeded access to all parts of the storage facilities including any munitions, devices, bulk containers, or other containers therein. While conducting their activity, Inspectors shall comply with the safety regulations at the facility. The items to be inspected will be chosen by the Inspectors;
- bring with them and use such agreed instruments as may be necessary for the completion of their tasks;
- receive samples taken at their request from any devices and bulk containers and other containers at the facility. Such samples will be taken by representatives of the State Party in the presence of the Inspectors;
- perform on-site analysis of samples;
- transfer, if necessary, samples for analysis off-site at a laboratory designated by the International Authority, in accordance with agreed procedures;
- afford the opportunity to the Host State Party to be present when samples are analysed;
- ensure, in accordance with agreed procedures that samples transported, stored and processed are not tampered with;
- communicate freely with the International Authority.

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

- have the right to accompany the International Inspectors at all times during the inspection and observe all their verification activities at the storage facility;
- have the right to retain duplicates of all samples taken and be present when samples are analysed;
- have the right to inspect any instrument used or installed by the International Inspectors and to have it tested in the presence of its personnel;

- provide assistance to the International Inspectors, upon their request, for the installation of the monitoring system and the analysis of samples on-site;
- receive copies of the reports on inspections of its storage facility(ies);
- receive copies, at its request, of the information and data gathered about its storage facility(ies) by the International Authority.

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

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

### III. PRINCIPLES, METHODS AND ORGANIZATION OF THE DESTRUCTION OF CHEMICAL WEAPONS

1. Destruction of chemical weapons means a process by which chemicals are converted in an essentially irreversible way to a form unsuitable for production of chemical weapons, and which in an irreversible manner renders munitions and other devices unusable as such.
2. Each State Party possessing chemical weapons shall determine how it shall destroy them, except that the following processes may not be used: dumping in any body of water, land burial or open-pit burning. It shall destroy chemical weapons only at specifically designated and appropriately designed and equipped facility(ies).
3. The State Party shall ensure that its chemical weapons destruction facility(ies) are constructed and operated in a manner to ensure the destruction of the chemical weapons; and that the destruction process can be verified under the provisions of this convention.

### IV. PRINCIPLES AND ORDER OF DESTRUCTION 1/

1. The elaboration of the Order of Destruction shall build on the undiminished security for all States during the entire destruction stage; confidence-building in the early part of the destruction stage; gradual acquisition of experience in the course of destroying chemical weapons stocks and applicability irrespective of the actual composition of the stockpiles and the methods chosen for the destruction of the chemical weapons.

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1/ The further development of this entire section has been subject to consultations by the Chairman of Group B, the result of which is included in Appendix II.

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

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

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

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

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

4. Order of Destruction (to be elaborated). 1/ 2/

V. INTERNATIONAL VERIFICATION OF THE DESTRUCTION OF CHEMICAL WEAPONS

1. The purpose of verification of destruction of chemical weapons shall be:

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

2. General plans for destruction of chemical weapons

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

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

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

2/ Some delegation drew attention to the proposal contained in CD/822 of 29 March 1988. This proposal is aimed at ensuring the undiminished security of all States during the destruction stage. To this end, it proceeds from the basic undertaking that all CW production shall cease immediately upon entry into force of the Convention and that all chemical weapons storage sites as well as production facilities will be subject from the outset to systematic international on-site verification.

Taking account of existing discrepancies in CW stocks it suggests a specific phased approach, according to which State parties with large CW stocks are to proceed with the destruction of their stockpile until an agreed level is reached in the first phase. In their view, it is only after the end of this first phase, which would result at the end of the fifth year in the levelling out of the large CW stockpiles, that State parties with smaller stockpiles would be required to start with the destruction of their stocks. The whole two phased destruction period would be subject to close monitoring.

(b) the number of chemical weapons destruction facilities existing or planned, to be operated over the 10 years destruction period;

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

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

3. Detailed plans for destruction of chemical weapons

The detailed plans submitted pursuant to article IV, six months before each destruction period, shall specify:

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

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

(c) data about each destruction facility,

- name, postal address, geographical location;
- method of destruction;
- end-products;
- layout plan of the facility;
- technological scheme;
- operation manuals;
- the system of verification;
- safety measures in force at the facility;
- living and working conditions for the international inspectors.

(d) data about any storage facility at the destruction facility planned to provide chemical weapons directly to it during the destruction period,

- layout plan of the facility;
- method and volume of storage estimated by types and quantities of chemical weapons;
- types and quantities of chemical weapons to be stored at the facility during the destruction period;
- safety measures in force at the facility.

(e) After the submission of the first detailed plans, subsequent annual plans should contain only changes and additions to required data elements submitted in the first detailed plans.

#### 4. Review of detailed plans for the destruction of chemical weapons

(a) On the basis of the detailed plan for destruction and proposed measures for verification submitted by the State Party, and as the case may be, on experience from previous inspections and on the relevant agreement(s) on subsidiary arrangements, the Technical Secretariat shall prepare before each destruction period, a plan for verifying the destruction of chemical weapons, consulting closely with the State Party. Any differences between the Technical Secretariat and the State Party should be resolved through consultations. Any unresolved matters shall be forwarded to the Executive Council for appropriate action with a view to facilitating the full implementation of the Convention.

(b) The agreed combined detailed plans for destruction and verification plans, with an appropriate recommendation by the Technical Secretariat, will be forwarded to the members of the Executive Council for review. The members of the Executive Council shall review the plans with a view to approving them, consistent with verification objectives. This review is designed to determine that the destruction of chemical weapons, as planned, is consistent with the obligations under the Convention and the objective of destroying the chemical weapons. It should also confirm that verification schemes for destruction are consistent with verification objectives, and are efficient and workable. This review should be completed 60 days before the destruction period.

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

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

(e) After a review of the detailed plans of destruction of chemical weapons, the Technical Secretariat, if the need arises, will enter into consultation with the State Party concerned in order to ensure its chemical weapons destruction facility(ies) is (are) designed to assure destruction of



chemical weapons, to allow advanced planning on how verification measures may be applied and to ensure that the application of verification measures is consistent with proper facility(ies) operation, and that the facility(ies) operation allows appropriate verification.

(f) Destruction and verification should proceed according to the agreed plan as referred to above. Such verification should not interfere with the destruction process.

5. Agreements on subsidiary arrangements

For each destruction facility, States Parties should conclude with the International Authority detailed agreements on subsidiary arrangements for the systematic verification of destruction of chemical weapons. Such agreements shall be based on a Model Agreement and shall specify, for each destruction facility, the detailed on-site inspection procedures and arrangements for the removal of chemical weapons from the storage facility at the destruction facility, transport from this storage facility to their destruction and the monitoring by on-site instruments, taking into account the specific characteristics of the destruction facility and its mode of operation. The Model Agreement shall include provisions to take into account the need for maintenance and modifications.

6. International Inspectors will be granted access to each chemical weapons destruction facility [30 days] prior to commencement of active destruction phases for the purpose of carrying out an engineering review of the facility, including the facility's construction and layout, the equipment and instruments for measuring and controlling the destruction process, and the checking and testing of the accuracy of the verification equipment.

7. Systematic international on-site verification of destruction of chemical weapons

(a) The Inspectors will be granted access to conduct their activities at the chemical weapons destruction facilities and the chemical weapons storage facilities thereat during the entire active phase of destruction. They will conduct their activities in the presence and with the co-operation of representatives of the facility's management and the National Authority if they wish to be present.

(b) The inspectors may monitor by either physical observation or devices:

- (i) the chemical weapons storage facility at the destruction facility and the chemical weapons present;
- (ii) the movement of chemical weapons from the storage facility to the destruction facility;
- (iii) the process of destruction (assuring that no chemical weapons are diverted);
- (iv) the material balance; and
- (v) the accuracy and calibration of the instruments.

(c) To the extent consistent with verification needs, verification procedures should make use of information from routine facility operations.

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

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

- have unimpeded access to all parts of the destruction facilities, and the storage facilities thereat, any munitions, devices, bulk containers, or other containers, therein. While conducting their activity, Inspectors shall comply with the safety regulations at these facilities. The items to be inspected will be chosen by the Inspectors in accordance with the verification plan that has been agreed to by the State Party and approved by the Executive Council;
- bring with them and use such agreed instruments as may be necessary for the completion of their tasks;
- monitor the systematic on-site analysis of samples during the destruction process;
- receive, if necessary, samples taken at their request from any devices, bulk containers and other containers at the destruction facility or the storage facility thereat. Such samples will be taken and analysed by representatives of the State Party in the presence of the Inspectors;
- communicate freely with the International Authority;
- if necessary, transfer samples for analysis off-site at a laboratory designated by the International Authority, in accordance with agreed procedures;
- ensure, in accordance with agreed procedures, that samples transported, stored and processed are not tampered with;
- afford the opportunity to the host State Party to be present when samples are analysed.

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

- have the right to accompany the International Inspectors at all times during the inspection and observe all their verification activities at the destruction facility, and the storage facility thereat;
- have the right to retain duplicates of all samples taken at the Inspectors' request and be present when samples are analysed;

- have the right to inspect any agreed standard instrument used or installed by the International Inspectors and to have it tested in the presence of its personnel;
- provide assistance to the International Inspectors, upon their request, for the installation of seals or monitoring devices and the analysis of samples on-site as appropriate to the monitoring of the destruction process;
- receive copies of the reports on inspections of its destruction facility(ies);
- receive copies, at its request, of the information and data gathered about its destruction facility(ies) by the International Authority.

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

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

8. Chemical weapons storage facilities at chemical weapons destruction facilities

(a) International Inspectors shall verify any arrival of chemical weapons at a chemical weapons storage facility at a chemical weapons destruction facility, as referred to in paragraph 6 (d) of section II of this Annex, and the storing of these chemical weapons. They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the chemical weapons in this storage facility. They shall install such agreed seals as may be necessary to verify that stocks are removed only for destruction.

(b) As soon and as long as chemical weapons are stored at chemical weapons storage facilities at chemical weapons destruction facilities, these storage facilities shall be subject to international systematic monitoring, as referred to in relevant provisions of paragraph 5 of section II of the present annex, in conformity with the relevant agreements on subsidiary arrangements or, if no such agreement has been concluded, with the agreed combined plan for destruction and verification.

(c) The International Inspectors will make any appropriate adjustments in the monitoring system in accordance with the relevant agreement on subsidiary arrangements whenever inventory changes occur.

(d) At the end of an active destruction phase, International Inspectors will make an inventory of the chemical weapons that have been removed from the storage facility to be destroyed. They shall verify the accuracy of the

inventory of the chemical weapons remaining employing inventory control procedures as referred to above under (a). They shall install such agreed seals as may be necessary to ensure the securing of the storage facility.

(e) The international systematic monitoring of a chemical weapons storage facility at a chemical weapons destruction facility may be discontinued when the active destruction phase is completed, if no chemical weapons remain. If, in addition, no chemical weapons are planned to be stored at this facility, the international systematic monitoring shall be terminated in accordance with section II, paragraph 5 (q) of this Annex.

ANNEX TO ARTICLE V

I. DECLARATIONS AND REPORTS ON CHEMICAL WEAPONS PRODUCTION FACILITIES

A. Declarations of [existing] chemical weapons production facilities

The declaration should contain for each facility:

1. Name and exact location.
2. Ownership, operation, control, who ordered and procured the facility.
3. Designation of each facility:
  - (a) Facility for producing chemicals defined as chemical weapons.
  - (b) Facility for filling chemical weapons.
4. Products of each facility and dates that they were produced:
  - (a) Chemicals produced.
  - (b) Munitions or devices filled, identity of chemical fill.
5. Capacity of the facility, expressed in terms of:
  - (a) The quantity of end product that the facility can produce in (period), assuming the facility operates (schedule).
  - (b) The quantity of chemical that the facility can fill into each type of munition or device in (period), assuming that the facility operates (schedule).
6. Detailed facility description:
  - (a) Layout of the facility.
  - (b) Process flow diagram.
  - (c) Detailed inventory of equipment, buildings and any spare or replacement parts on site.
  - (d) Quantities of any chemicals or munitions on site.

B. Declarations of former chemical weapons production facilities

The declaration should contain for each facility:

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

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

F. Declarations of measures to ensure closure of:

1. Facilities under the jurisdiction or control of the State Party (data on national measures and the time-frames).
2. Facilities on the State Party's territory under the control of others (to be developed).

G. Annual Reports

H. Final Certification of Elimination

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

A. General

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

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

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

C. Activities related to elimination

1. Facilities producing Schedule [I] chemicals.

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

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

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

2. Facilities producing other categories of chemicals.
3. Filling facilities.
- D. Activities related to temporary conversion to destruction facility
- E. Activities related to former chemical weapons production facilities

III. ORDER OF ELIMINATION (to be developed)

IV. PLANS

A. General Plans

1. For each facility the following information should be supplied:
  - (a) envisaged time-frame for measures to be taken;
  - (b) methods of elimination.
2. In addition, the following information should be supplied for each facility:
  - [(a) In relation to dismantling:]
  - [(b) In relation to conversion for peaceful purposes:
    - (i) description of the facility after conversion
    - (ii) designation of the facility after conversion and names of products to be manufactured.]
3. In relation to temporary conversion into chemical weapons destruction facility:
  - (i) envisaged time-frame for conversion into a destruction facility;
  - (ii) envisaged time for utilizing the facility as a destruction facility;
  - (iii) description of the new facility;
  - (iv) method of elimination of special equipment;
  - (v) time-frame for elimination of the converted facility after it has been utilized to destroy chemical weapons;
  - (vi) method of elimination of the converted facility.
4. In relation to former chemical weapons production facilities (to be elaborated).



B. Detailed plans

1. The detailed plans for elimination of each facility should contain:
  - (a) detailed time schedule of elimination process;
  - (b) layout of the facility;
  - (c) process flow diagram;
  - (d) detailed inventory of equipment, buildings and other items to be eliminated;
  - (e) measures to be applied to each item on the inventory;
  - (f) proposed measures for verification;
  - (g) security/safety measures to be observed during the destruction of the facility;
  - (h) working and living conditions to be provided for international inspectors.
2. In addition, the following information should be included:
  - [(a) In relation to dismantling:]
  - [(b) In relation to conversion for peaceful purposes:
    - (i) projected use of the facility after conversion and products to be manufactured;
    - (ii) layout of the facility after conversion;
    - (iii) process flow diagram of the facility after conversion];
3. In relation to the temporary conversion into a chemical weapons destruction facility.

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

- (i) method of conversion into a destruction facility;
  - (ii) data on the destruction facility, in accordance with the Annex to Article IV, part IV.B.1(c).
4. In relation to elimination of a facility that was temporarily converted for destruction of chemical weapons, information should be provided in accordance with part IV.B.1 of this Annex.
  5. In relation to former chemical weapons production facilities (to be elaborated).

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

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

(a) International verification by initial on-site inspections

- (i) The purpose of the international verification of declarations of chemical weapons production facilities shall be:
  - to confirm that all activity has ceased except that required for closure;
  - to confirm through on-site inspections the accuracy of the declarations made in accordance with Article V.
- (ii) The International Inspectors shall conduct this initial verification promptly, and in any event not later than [60] days after a declaration is submitted.
- (iii) They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the declared items at each chemical weapons production facility.
- (iv) International Inspectors shall install such agreed devices as may be necessary to indicate if any resumption of production of chemical weapons occurs or if any declared item is removed. They shall take the necessary precaution not to hinder closure activities by the State Party. International Inspectors may return to maintain and verify the integrity of the devices.

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

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

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

2. Agreements on subsidiary arrangements 1/

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

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

3. Measures for closure of chemical weapons production facilities

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

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

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

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

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

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

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

4. International verification of closure of chemical weapons production facilities

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

5. International systematic monitoring of chemical weapons production facilities

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

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

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

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

(e) Monitoring with instruments

(i) For the purpose of the systematic monitoring of a chemical weapons production facility, International Inspectors will install, in the presence of host country personnel and in conformity with the relevant agreement on subsidiary arrangements, a monitoring system consisting of, inter alia, sensors, ancillary equipment and transmission systems. The agreed types of these instruments shall be specified in the Model Agreement. They shall incorporate, inter alia, seals

and other tamper-indicating and tamper-resistant devices as well as data protection and data authentication features.

- (ii) The monitoring system shall have such abilities and be installed, adjusted or directed in such a way as to correspond strictly and efficiently to the sole purpose of detecting prohibited or unauthorized activities within the chemical weapons production facility as referred to above under (a). The coverage of the monitoring system shall be limited accordingly. The monitoring system will signal the International Authority if any tampering with its components or interference with its functioning occurs. Redundancy shall be built into the monitoring system to ensure that failure of an individual component will not jeopardize the monitoring capability of the system.
  - (iii) When the monitoring system is activated, International Inspectors will verify the accuracy of the inventory of declared items at each chemical weapons production facility as required.
  - (iv) Data will be transmitted from each production facility to the International Verification Headquarters by (means to be determined). The transmission system will incorporate frequent transmissions from the production facility and a query and response system between the production facility and the International Verification Headquarters. International Inspectors shall periodically check the proper functioning of the monitoring system.
  - (v) In the event that the monitoring system indicates any irregularity, the International Inspectors would immediately determine whether this resulted from equipment malfunction or activities at the production facility. If, after this examination the problem remained unresolved, the International Authority would immediately ascertain the actual situation, including through immediate on-site inspection or visit of the production facility if necessary. The International Authority shall report any such problem immediately after its detection to the State Party who should assist in its resolution.
  - (vi) The State Party shall immediately notify the International Authority if an event at the production facility occurs, or may occur, which may have an impact on the monitoring system. The State Party shall co-ordinate subsequent actions with the International Authority with a view to restoring the operation of the monitoring system and establishing interim measures, if necessary, as soon as possible.
- (f) Systematic on-site inspections and visits
- (i) During each inspection, the International Inspectors will verify that the monitoring system is functioning correctly

and verify the declared inventory as required. In addition, visits to service the monitoring system will be required to perform any necessary maintenance or replacement of equipment, or to adjust the coverage of the monitoring system as required.

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

6. International verification of elimination of chemical weapons production facilities

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

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

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

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

(d) The agreed combined plans for elimination and verification, with an appropriate recommendation by the Technical Secretariat, will be forwarded to the members of the Executive Council for review. These plans should allow a State Party to destroy any item agreed to be diverted. The members of the Executive Council shall review the plans with a view to approving them,

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

consistent with verification objectives. This review is designed to determine that the planned disposition of each item is consistent with the obligations under the Convention and the objective of eliminating the facility. It should also confirm that verification schemes for elimination are consistent with verification objectives, and are efficient and workable. This review should be completed [60] days before the planned initiation of elimination.

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

(f) If there are any difficulties, the Executive Council should enter into consultations with the State Party to reconcile them. If any difficulties remain unresolved they should be referred to the Consultative Committee. The resolution of any differences over methods of elimination should not delay the execution of other parts of the elimination plan that are acceptable.

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

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

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

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

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

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

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

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

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

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

(to be elaborated)

8. Inspections and visits

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

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

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

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

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

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



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

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

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

ANNEX TO ARTICLE VI [O.]

MODALITIES FOR REVISION OF LISTS

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

ANNEX TO ARTICLE VI [1]

GENERAL PROVISIONS

1. A State Party shall not produce, acquire, retain, transfer or use chemicals in Schedule [1] unless:
  - (i) the chemicals are applied to research, medical or protective purposes, 1/ and
  - (ii) the types and quantities of chemicals are strictly limited to those which can be justified for research, medical or protective purpose, and
  - (iii) the aggregate amount of such chemicals at any given time for [permitted] [protective] purposes is equal to or less than one metric tonne, and
  - (iv) the aggregate amount for [permitted] [protective] purposes acquired by a State Party in any calendar year through production, withdrawal from chemical weapons stocks and transfer is equal to or less than one metric tonne.

TRANSFERS

2. A State Party may transfer chemicals in Schedule [1] outside its territory only to another State Party and only for research, medical or protective purposes in accordance with paragraph 1.
3. Chemicals transferred shall not be retransferred to a third State.
4. Thirty days prior to any transfer to another State Party both States Parties shall notify the Consultative Committee.
5. Each State Party shall make a detailed annual declaration regarding transfers during the previous calendar year. The declaration shall be submitted within ... months after the end of that year and shall for each chemical in Schedule [1] include the following information:
  - (i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);
  - (ii) the quantity acquired from other States or transferred to other States Parties. For each transfer the quantity, recipient and purpose should be included.

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

SINGLE SMALL-SCALE PRODUCTION FACILITY

Each State Party which produces chemicals in Schedule [1] for [permitted] [protective] purposes shall carry out the production at a single small-scale facility, the capacity of which shall not exceed [one] metric tonne per year, as measured by the method established in [ ]. 1/

I. Declarations

A. Initial declarations

Each State Party which plans to operate such a facility shall provide the Consultative Committee with the location and a detailed technical description of the facility, including an inventory of equipment and detailed diagrams. For existing facilities, this information shall be provided not later than 30 days after the Convention enters into force for the State Party. Information on new facilities shall be provided six months before operations are to begin.

B. Advance notifications

Each State Party shall give advance notification to the [international authority] of planned changes related to the initial declaration. The notification shall be submitted not later than ... months before the changes are to take place.

C. Annual declarations

(a) Each State Party possessing a facility shall make a detailed annual declaration regarding the activities of the facility for the previous calendar year. The declaration shall be submitted within ... months after the end of that year and shall include:

1. Identification of the facility
2. For each chemical in Schedule [1] produced, acquired, consumed or stored at the facility, the following information:
  - (i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);
  - (ii) the methods employed and quantity produced;
  - (iii) the name and quantity of precursor chemicals listed in Schedules [1], [2] or [3] used for production of chemicals in Schedule [1];
  - (iv) the quantity consumed at the facility and the purpose(s) of the consumption;

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

- (v) the quantity received from or shipped to other facilities within the State Party. For each shipment the quantity, recipient and purpose should be included;
  - (vi) the maximum quantity stored at any time during the year;
  - (vii) the quantity stored at the end of the year.
3. Information on any changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

(b) Each State Party possessing a facility shall make a detailed annual declaration regarding the projected activities and the anticipated production at the facility for the coming calendar year. The declaration shall be submitted not later than ... months before the beginning of that year and shall include:

1. Identification of the facility
2. For each chemical in Schedule [1] produced, consumed or stored at the facility, the following information:
  - (i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);
  - (ii) the quantity anticipated to be produced and the purpose of the production.
3. Information on any anticipated changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

## II. Verification

1. The aim of verification activities at the facility shall be to verify that the quantities of Schedule [1] chemicals produced are correctly declared and, in particular, that their aggregate amount does not exceed one metric tonne.
2. The single small-scale production facility shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments.
3. The number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the objectives of the Convention posed by the relevant chemicals, the characteristics of the facility and the nature of the activities carried out there. The guidelines to be used shall include: (to be developed)
4. Each facility shall receive an initial visit from international inspectors promptly after the facility is declared. The purpose of the initial visit shall be to verify information provided concerning the facility,

including verification that the capacity will not permit the production, on an annual basis, of quantities [significantly] above one metric tonne, and to obtain any additional information needed for planning future verification activities at the facility, including inspection visits and use of on-site instruments.

5. Each State Party possessing or planning to possess a facility shall execute an agreement, based on a model agreement, with the [international authority] before the facility begins operation or is used, covering detailed inspection procedures for the facility. Each agreement shall include: (to be developed) 1/

#### OTHER FACILITIES

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

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

#### I. Declarations

##### A. Initial declarations

The location of the facilities approved by the State Party shall be provided to the Consultative Committee.

##### B. Advance notifications

##### C. Annual declarations

#### II. Verification

Facilities shall be monitored through annual data reporting to the Consultative Committee. The following information shall be included: (to be developed)

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

ANNEX TO ARTICLE VI [1]  
SCHEDULE [1]

PROVISIONAL LIST 1/

1. O-Alkyl alkylphosphonofluoridates  
e.g. Sarin: O-isopropyl methylphosphonofluoridate (107-44-8)  
Soman: O-pinacolyl methylphosphonofluoridate (96-64-0)
2. O-Alkyl N,N-dialkylphosphoramidocyanidates  
e.g. Tabun: O-ethyl N,N-dimethylphosphoramidocyanidate (77-81-6)
3. O-Alkyl S-2-dialkylaminoethylalkylphosphonothiolates  
e.g. VX: O-ethyl S-2-diisopropylaminoethylmethylphosphonothiolate (50782-69-9)
4. Sulphur mustards:  
e.g. Mustard gas (H): bis(2-chloroethyl)sulphide (505-60-2)  
Sesquimustard (Q): 1,2-bis(2-chloroethylthio)ethane (3563-36-8)  
O-Mustard (T): bis(2-chloroethylthioethyl)ether (63918-89-8)
5. Lewisites  
Lewisite 1: 2-chlorovinylchloroarsine (541-25-3)  
Lewisite 2: bis(2-chlorovinyl)chloroarsine (40334-69-8)  
Lewisite 3: tris(2-chlorovinyl)arsine (40334-70-1)
6. Nitrogen mustards  
HN1: bis(2-chloroethyl)ethylamine (538-07-8)  
HN2: bis(2-chloroethyl)methylamine (51-75-2)  
HN3: tris(2-chloroethyl)amine (555-77-1)
7. 3-Quinuclidinyl benzilate (BZ) (6581-06-2)
8. Alkylphosphonyldifluorides  
e.g. DF (676-99-3)
9. Ethyl O-2-diisopropylaminoethyl alkylphosphonites  
e.g. QL (57856-11-8)

---

1/ Some of the chemicals on the Schedules exist in more than one stereoisomeric form. It is proposed that, where assigned, the Chemical Abstracts Service Registry Numbers be stated for each of them.

To be discussed further

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



ANNEX TO ARTICLE VI [2]

KEY PRECURSOR CHEMICALS

DECLARATIONS

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

1. Aggregate national data on the production, processing and consumption of each chemical listed in Schedule [2], and on the export and import of the chemicals in the previous calendar year with an indication of the countries involved.
2. The following information for each facility which, during the previous calendar year, produced, processed or consumed more than [ ] tonnes per annum of the chemicals listed in Schedule [2]:

Key Precursor Chemical(s)

- (i) The chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service Registry Number (if assigned).
- (ii) The total amount produced, consumed, imported and exported in the previous calendar year. 1/
- (iii) The purpose(s) for which the key precursor chemical(s) are produced, consumed or processed:
  - (a) conversion on-site (specify product type)
  - (b) sale or transfer to other domestic industry (specify final product type)
  - (c) export of a key precursor (specify which country)
  - (d) other.

---

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

Facility 1/ 2/

- (i) The name of the facility and of the owner, company, or enterprise operating the facility.
- (ii) The exact location of the facility (including the address, location of the complex, location of the facility within the complex including the specific building and structure number, if any).
- (iii) Whether the facility is dedicated to producing or processing the listed key precursor or is multi-purpose.
- (iv) The main orientation (purpose) of the facility.
- (v) Whether the facility can readily be used to produce a Schedule [1] chemical or another Schedule [2] chemical. Relevant information should be provided, when applicable.
- (vi) The production capacity 3/ for the declared Schedule [2] chemical(s).
- (vii) Which of the following activities are performed with regard to the key precursor chemicals:
  - (a) production
  - (b) processing with conversion into another chemical
  - (c) processing without chemical conversion
  - (d) other - specify.
- (viii) Whether at any time during the previous calendar year declared key precursors were stored on-site in quantities greater than [ ] [tonnes].

---

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

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

2/ The view was expressed that a definition of a chemical production facility was needed and thus should be elaborated.

3/ How to define production capacity remains to be agreed upon. Some consultations with technical experts have taken place on this issue. A report on these consultations is enclosed in Appendix II to facilitate further work by delegations.

Advance notifications

3. (a) Each State Party shall annually notify the (international authority) of facilities which intend, during the coming calendar year, to produce, process or consume more than ... of any chemical listed in Schedule [2]. The notification shall be submitted not later than ... months before the beginning of that year and shall for each facility include the following information:

- (i) The information specified under paragraph 2 above, except for quantitative information relating to the previous calendar year;
- (ii) For each chemical listed in Schedule [2] intended to be produced or processed, the total quantity intended to be produced or processed during the coming calendar year and the time period(s) when the production or processing is anticipated to take place.

(b) Each State Party shall notify the (international authority) of any production, processing or consumption planned after the submission of the annual notification under paragraph 3 (a), not later than one month before the production or processing is anticipated to begin. The notification shall for each facility include the information specified under paragraph 3 (a).

Verification 1/

Aim

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

- (i) Facilities declared under this Annex are not used to produce any chemical listed in Schedule [1]. 2/
- (ii) The quantities of chemicals listed in Schedule [2] produced, processed or consumed are consistent with needs for purposes not prohibited by the Chemical Weapons Convention. 3/
- (iii) The chemicals listed in Schedule [2] are not diverted or used for purposes prohibited by the Chemical Weapons Convention.

---

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

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

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

### Obligation and Frequency

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

### Selection

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

### Notification

7. A State Party shall be notified by the [international authority] of the decision to inspect a facility referred to in paragraphs 2 and 3 .... hours prior to the arrival of the inspection team.

### Host State Party

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

---

1/ One delegation suggested that the number of such inspections could be from 1 to 5 per year.

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

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

### Initial Visit

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

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

### Agreement on Inspection Procedures

11. Each State Party shall execute an agreement, based on a model agreement, with the [international authority], within [6] months after the Convention enters into force for the State, governing the conduct of the inspections of the facilities declared by the State Party. The agreement shall provide for the detailed subsidiary arrangements which shall govern inspections at each facility. 1/

12. Such agreements shall be based on a Model Agreement and shall specify for each facility the number, intensity, duration of inspections, detailed inspection procedures and the installation, operation and maintenance of on-site instruments by the International Authority. The Model Agreement shall include provisions to take into account future technological developments.

States Parties shall ensure that the systematic international on-site verification can be accomplished by the International Authority at all facilities within the agreed time frames after the convention enters into force. 2/

### Verification Inspections

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

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1/ Several delegations considered that the model agreement should be elaborated as part of the negotiations on the Convention. A draft for such a model agreement is contained in Appendix II.

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

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

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

14. (a) The International Authority shall notify the State Party of its decision to inspect or visit the facility [48] [12] hours prior to the planned arrival of the inspection team at the facility for systematic inspections or visits. In the event of inspections or visits to resolve urgent problems, this period may be shortened. The International Authority shall specify the purpose(s) of the inspection or visit.

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

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

- have unimpeded access to all areas that have been agreed for inspection. While conducting their activity, Inspectors shall comply with the safety regulations at the facility. The items to be inspected will be chosen by the Inspectors;
- bring with them and use such agreed instruments as may be necessary for the completion of their tasks;
- receive samples taken at their request at the facility. Such samples will be taken by representatives of the State Party in the presence of the Inspectors;
- perform on-site analysis of samples;

- transfer, if necessary, samples for analysis off-site at a laboratory designated by the International Authority, in accordance with agreed procedures; 1/
- afford the opportunity to the Host State Party to be present when samples are analysed; 1/
- ensure, in accordance with procedures (to be developed), that samples transported, stored and processed are not tampered with; 1/
- communicate freely with the International Authority.

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

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

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

#### Submission of Inspectors' Report

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

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

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1/ The view was expressed that all questions related to analysis off-site required further discussion.

ANNEX TO ARTICLE VI [2]  
SCHEDULE [2]

PROVISIONAL LIST

1. Chemicals containing one P-methyl, P-ethyl, or P-propyl (normal or iso) bond.
2. N,N-Dialkylphosphoramidic dihalides.
3. Dialkyl N,N-dialkylphosphoramidates.
4. Arsenic trichloride. (7784-34-1)
5. 2,2-Diphenyl-2-hydroxyacetic acid. (76-93-7)
6. Quinuclidin-3-ol (1619-34-7)
7. N,N-Diisopropylaminoethyl-2-chloride. (96-79-7)
8. N,N-Diisopropylaminoethan-2-ol. (96-80-0)
9. N,N-Diisopropylaminoethane-2-thiol. (5842-07-9)

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TO BE DISCUSSED FURTHER

(1) The following compounds:

Bis(2-hydroxyethyl)sulphide (thiodiglycol)

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

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

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

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

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



ANNEX TO ARTICLE VI [3]

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

DECLARATIONS

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

- (i) The chemicals name, common or trade name used by the facility, structural formula and Chemical Abstracts Service Registry Number.
- (ii) The total amount produced, consumed, imported and exported in the previous calendar year.
- (iii) The final product or end use of the chemical in accordance with the following categories (to be developed),
- (iv) for each facility which during the previous calendar year produced, processed, consumed or transferred more than [30] tonnes of a chemical listed in Schedule [3]. 1/
  - (a) The name of the facility and of the owner, company, or enterprise operating the facility.
  - (b) The location of the facility.
  - (c) The capacity (to be defined) 2/ of the facility.
  - (d) The approximate amount of production and consumption of the chemical in the previous year (ranges to be specified).

---

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

2/ Some consultations with technical experts have taken place on this issue. A report on these consultations is enclosed in Appendix II to facilitate further work by delegations.

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

#### VERIFICATION

The verification régime for chemicals listed in Schedule [3] will comprise both the provision of data by a State Party to the [International Authority] and the monitoring of that data by the [International Authority]. 1/

---

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

ANNEX TO ARTICLE VI [3]  
SCHEDULE [3]

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

ANNEX TO ARTICLE VI [...] 1/

Production of super-toxic lethal chemicals not listed in Schedule [1]

The provisions of this Annex cover:

- chemicals with an LD<sub>50</sub> equal to or less than 0.5 mg per kg bodyweight 2/ or an LCt<sub>50</sub> equal to or less than 2,000 mg-min/m<sup>3</sup>;
- facilities which
  - (a) produce or process more than [10] [100] [1 000] kg 3/ per annum 4/ of any such chemical; 5/
  - [(b) have a production capacity 6/ for any such chemical exceeding 1 000 kg 7/ per annum. 8/]

---

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

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

- that chemicals falling within a deviation-range of 10-20 per cent could be considered;
- that chemicals with an LD<sub>50</sub> close to 0.5 mg/kg bodyweight could be included as exceptions;
- that the modalities for revisions of lists could be made use of to take care of possible concerns in this regard.

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

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

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

6/ How to define production capacity remains to be agreed upon. In this context reference was made to the proposal contained in CD/CW/WP.171, as well as the report contained in Appendix II to this document.

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

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

DECLARATIONS 1/

The Initial and Annual Declarations to be provided by a State Party under Article VI shall include:

1. Aggregate national data on the production or processing of each chemical [listed in] [covered by] this Annex, 2/ and on the export and import of the chemicals in the previous calendar year with an indication of the countries involved.
2. The following information for each facility which, during the previous calendar year, produced or processed more than [10] [100] [1 000] kg 3/ of any chemical [listed in ] [covered by] this Annex.

Chemical(s)

- (i) The chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service Registry Number (if assigned).
- (ii) The total amount produced, processed, imported and exported in the previous calendar year. 4/ 5/
- (iii) The purpose(s) for which the chemical(s) are produced or processed:
  - (a) conversion on-site (specify product type)
  - (b) sale or transfer to other domestic industry (specify final product type)
  - (c) export of a chemical (specify which country)

Facility

- (i) The name of the facility and of the owner, company, or enterprise operating the facility.

---

1/ The information to be reported on chemicals will depend largely on what aims are eventually agreed for verification under paragraph 4 of this Annex.

2/ A proposal for a list of chemicals, to be included in the Convention under this category, is contained in CD/792.

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

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

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

- (ii) The exact location of the facility (including the address, location of the complex, location of the facility within the complex including the specific building and structure number, if any).
- (iii) Whether the facility is dedicated to producing or processing the declared chemical or is multi-purpose.
- (iv) The main orientation (purpose) of the facility.
- [(v) Whether the facility can readily be used to produce a Schedule [1] chemical. Relevant information should be provided, when applicable.]
- (vi) The production capacity for the declared chemical(s) 1/
- (vii) Which of the following activities are performed with regard to chemicals
  - (a) production
  - (b) processing with conversion into another chemical
  - (c) processing without chemical conversion
  - (d) other - specify.
- (viii) Whether at any time during the previous calendar year declared chemicals were stored on-site in quantities greater than [ ] [tonnes].

Advance notifications

3. (a) Each State Party shall annually notify the [International Authority] of facilities which anticipate, during the coming calendar year, to produce or process more than ..... of any chemical [listed in] [covered by] this Annex. The notification shall be submitted not later than ... months before the beginning of that year and shall for each facility include the following information:

- (i) The information specified under paragraph 2 above, except for quantitative information relating to the previous calendar year;
- (ii) For each chemical, the total quantity anticipated to be produced or processed during the coming calendar year and the time period(s) when the production or processing is anticipated to take place.

(b) Each State Party shall notify the [International Authority] of any production, processing planned after the submission of the annual notification under paragraph 3 (a), not later than one month before the production or processing is anticipated to begin. The notification shall for each facility include the information specified under paragraph 3 (a).

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1/ How to define production capacity remains to be agreed upon.

VERIFICATION 1/

Aim 2/

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

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

Obligation and frequency

5. (i) Each facility notified to the [International Authority] shall be liable to receive an initial visit from international inspectors, promptly after the State becomes a Party to the Convention.
- (ii) The purpose of the initial visit shall be to verify information provided concerning the facility to be inspected and to obtain any additional information, [including on the capacity of the facility, needed for planning] [to determine whether systematic on-site verification on a routine basis is necessary, and, if so, to plan] future verification activities at the facility, including inspection visits and use of on-site instruments.
- (iii) Each facility notified to the [International Authority] under this Annex shall be subject to systematic international on-site verification on a routine basis.
- (iv) The number, intensity, duration, timing and mode of inspections and monitoring with on-site instruments for a particular facility shall be based on the risk to the objectives of the Convention posed by the relevant chemical, the characteristics of the facility including its capacity and the nature of the activities carried out there. 3/ The guidelines to be used shall include: (to be developed).

---

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

2/ This aim requires further consideration. Some delegations have raised in this context the issue of suitability for chemical weapons purposes.

3/ One delegation suggested that the number of such inspections might be one to three per year.

### Selection

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

### Host State Party

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

### Agreement on Inspection Procedures

8. Each State Party shall execute an agreement, based on a model agreement, with the [International Authority] within [6] months after the Convention enters into force for the State, governing the conduct of the inspections of [the facilities declared by the State Party] [those facilities which are determined by the Technical Secretariat on the basis of the initial visit of international inspectors to warrant systematic international on-site verification on a routine basis]. The agreement shall provide for the detailed subsidiary arrangements which shall govern inspections at each facility.

9. Such agreements shall be based on a Model Agreement and shall specify for each facility the number, intensity, duration of inspections, detailed inspection procedures and the installation, operation and maintenance of on-site instruments by the [International Authority]. The Model Agreement shall include provisions to take into account future technological developments.

States Parties shall ensure that the systematic international on-site verification can be accomplished by the [International Authority] at all facilities within the agreed time frames after the Convention enters into force.

### Verification Inspections

10. The areas of a facility to be inspected under subsidiary arrangements, may, inter alia, include:

- (i) areas where feed chemicals (reactants) are delivered and/or stored;
- (ii) areas where manipulative processes are performed upon the reactants prior to addition to the reaction vessel;
- (iii) feed lines as appropriate from subparagraph (i) and/or subparagraph (ii) to the reaction vessel, together with any associated valves, flow meters;
- (iv) the external aspect of the reaction vessel and its ancillary equipment;



- (v) lines from the reaction vessel leading to long- or short-term storage or for further processing of the designated chemical;
- (vi) control equipment associated with any of the items under subparagraphs (i) to (v);
- (vii) equipment and areas for waste and effluent handling;
- (viii) equipment and areas for disposition of off-specification chemicals.

11. (a) The [International Authority] shall notify the State Party of its decision to inspect or visit the facility [48] [12] hours prior to the planned arrival of the inspection team at the facility for systematic inspections or visits.

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

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

- have unimpeded access to all areas that have been agreed for inspection. While conducting their activity, Inspectors shall comply with the safety regulations at the facility. The items to be inspected will be chosen by the Inspectors;
- bring with them and use such agreed instruments as may be necessary for the completion of their tasks;
- receive samples taken at their request at the facility. Such samples will be taken by representatives of the State Party in the presence of the Inspectors;
- perform on-site analysis of samples;
- transfer, if necessary, samples for analysis off-site at a laboratory designated by the [International Authority], in accordance with agreed procedures;
- afford the opportunity to the Host State Party to be present when samples are analysed;
- ensure, in accordance with procedures (to be developed), that samples transported, stored and processed are not tampered with;
- communicate freely with the [International Authority].

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

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

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

#### Submission of Inspectors' Report

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

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

OTHER DOCUMENTS

I.

Preparatory Commission 1/

1. For the purpose of carrying out the necessary preparations for the effective operation of the provisions of the Convention and for preparing for the first meeting of the Consultative Committee, the Depository of the Convention shall convene a Preparatory Commission not later than [30] days after the Convention has been signed by (to be determined) States.
2. The Commission shall consist of the representatives designated by the States which have signed the Convention.
3. The Commission shall be convened at [...] and remain in existence until the Convention comes into force and thereafter until the Consultative Committee has convened.
4. The expenses of the Commission shall be met by the States signatories to the Convention, participating in the Commission, [in accordance with the United Nations scale of assessment, adjusted to take into account differences between the United Nations membership and the participation of States signatories in the Commission].
5. All decisions of the Commission shall be made by [consensus] [a two-thirds majority].
6. The Commission shall
  - (a) elect its own officers, adopt its own rules of procedures, meet as often as necessary and establish such committees as it deems useful;
  - (b) appoint an executive secretary and establish a provisional technical secretariat with units in charge of preparatory work concerning the main activities to be carried out by the Technical Secretariat created under the Convention: declarations and data; inspectorate; evaluation of accounts and reports; agreements and negotiations; personnel, qualifications and training; development of procedures and instruments; technical support; finance and administration;
  - (c) make arrangements for the first session of the Consultative Committee, including the preparation of an agenda and draft rules of procedure;

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1/ Provisions on the Commission could be contained in a resolution of the United Nations General Assembly commending the convention or in an appropriate document associated with the Convention.

(d) make studies, reports and recommendations for the first session of the Consultative Committee and the first meeting of the Executive Council on subjects requiring immediate attention after the entry into force of the Convention, including the programme of work and the budget for the first year of activities of the Consultative Committee, the location of the permanent offices of the International Authority, technical problems relevant to activities connected with the implementation of the Convention, establishment of the Technical Secretariat and of its staff and financial regulations.

7. The Commission shall report on its activities to the first meeting of the Consultative Committee.

II.

PROCEDURES FOR TOXICITY DETERMINATIONS 1/

In March 1982 consultations were held, involving 32 experts from 25 countries, i.a. on toxicity determination.

As a result of the discussions, the participants in the consultations unanimously agreed to recommend standardized operating procedures for acute subcutaneous toxicity determinations and for acute inhalation toxicity determinations. These unanimously agreed recommendations were submitted as Annexes III and IV to document CD/CW/WP.30.

It is understood that further work may be needed to take into account technical developments since 1982. In order to facilitate this work Annexes III and IV to CD/CW/WP.30 are reproduced below.

ANNEX III

RECOMMENDED STANDARDIZED OPERATING PROCEDURES FOR ACUTE  
SUBCUTANEOUS TOXICITY DETERMINATIONS

1. Introduction

Three categories of agents were defined on the basis of their toxicity:

- (i) super-toxic lethal chemicals;
- (ii) other lethal chemicals;
- (iii) other harmful chemicals.

Lethality limits in terms of LD<sub>50</sub> for subcutaneous administration were established to separate three toxic categories at 0.5 mg/kg and 10 mg/kg.

2. Principles of the test method

The test substance is administered to a group of animals in doses corresponding exactly to the category limits (0.5 or 10 mg/kg respectively). If in an actual test the death rate was greater than 50 per cent, then the material would fall into the higher toxicity category; if it was lower than 50 per cent the material would fall into the lower toxicity category.

3. Description of the test procedure

3.1 Experimental animal Healthy young adult male albino rats of Wistar strain weighing  $200 \pm 20$  g should be used. The animals should be acclimatized to the laboratory conditions for at least five days prior to the

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1/ It was understood that these recommended standardized operating procedures for toxicity determinations might be supplemented or modified and/or, if necessary, reviewed.

test. The temperature of the animal room before and during the test should be  $22 \pm 3^{\circ}\text{C}$  and the relative humidity should be 50-70 per cent. With artificial lighting, the sequence should be 12 hours light, 12 hours dark. Conventional laboratory diets may be used for feeding with an unlimited supply of drinking water. The animals should be group-caged but the number of animals per cage should not interfere with proper observation of each animal. Prior to the test, the animals are randomized and divided into groups; 20 animals in each group.

3.2 Test substance Each test substance should be appropriately identified (chemical composition, origin, batch number, purity, solubility, stability etc.) and stored under conditions ensuring its stability. The stability of the substance under the test conditions should also be known. A solution of the test substance should be prepared just before the test. Solutions with concentrations of 0.5 mg/ml and 10 mg/ml should be prepared. The preferable solvent is 0.85 per cent saline. Where the solubility of the test substance is a problem, a minimum amount of an organic solvent such as ethanol, propylene glycol or polyethylene glycol may be used to achieve solution.

3.3 Test method Twenty animals receive in the back region 1 ml/kg of the solution containing 0.5 mg/ml of the test substance. The number of dead animals is determined within 48 hours and again after 7 days. If the death rate is lower than 10 animals, another group of 20 animals should be injected by the same way with 1 ml/kg of the solution containing 10 mg/ml of the test substance. The number of dead animals should be determined within 48 hours and again after 7 days. If the result is doubtful (e.g. death rate = 10), the test should be repeated.

3.4 Evaluation of the results If the death rate in the first group of animals (receiving a solution containing 0.5 mg/ml) is equal to or higher than 50 per cent, the test substance will fall into the "super-toxic lethal chemical" category. If the death rate in the second group (receiving a solution containing 10 mg/ml) is equal to or higher than 50 per cent, the test substance will fall into the "other lethal chemical" category; if lower than 50 per cent, the test substance will fall into the "other harmful chemical".

#### 4. Data reporting

A test report should include the following information:

- (i) test conditions: date and hour of the test, air temperature and humidity;
- (ii) animal data: strain, weight and origin of the animals;
- (iii) test substance characterization: chemical composition, origin, batch number and purity (or impurities) of the substance; date of receipt, quantities received and used in the test; conditions of storage, solvent used in the test;
- (iv) results: the number of dead animals in each group, evaluation of results.

#### ANNEX IV

##### RECOMMENDED STANDARDIZED OPERATING PROCEDURES FOR ACUTE INHALATION TOXICITY CRITERIA

1. In the assessment and evaluation of the toxic characteristics of chemicals in a vapour or aerosol state determination of acute inhalation toxicity is necessary. In every case, when it is possible, this test should be preceded by subcutaneous toxicity determination. Data from these studies constitute the initial steps in the establishing of a dosage regimen in subchronic and other studies and may provide additional information on the mode of toxic action of a substance.

Three categories of agents were defined on the basis of their toxicity:

- (i) super-toxic lethal chemicals
- (ii) other lethal chemicals;
- (iii) other harmful chemicals.

Lethality limits in terms of  $LC_{50}$  for inhalatory application were established to separate three toxic categories at  $2,000 \text{ mg min/m}^3$  and  $20,000 \text{ mg min/m}^3$ .

#### 2. Principles of the test method

A group of animals is exposed for a defined period to the test substance in concentration corresponding exactly to the category limits ( $2,000 \text{ mg min/m}^3$  or  $20,000 \text{ mg min/m}^3$ ) respectively. If in an actual test the death rate was greater than 50 per cent, then the material would fall into the higher toxicity category; if it was lower than 50 per cent, the material would fall into the lower toxicity category.

#### 3. Description of the test procedure

3.1 Experimental animal Healthy young adult male albino rats of Wistar strain weighing  $200 \pm 20 \text{ g}$  should be used. The animals should be acclimatized to the laboratory conditions for at least five days prior to the test. The temperature of the animal room before and during the test should be  $22 \pm 3^\circ\text{C}$  and the relative humidity should be 50-70 per cent. With artificial lighting, the sequence should be 12 hours light, 12 hours dark. Conventional laboratory diets may be used for feeding with an unlimited supply of drinking water. The animals should be group-caged but the number of animals per cage should not interfere with proper observation of each animal. Prior to the test the animals are randomized and divided into two groups; 20 animals in each group.

3.2 Test substance Each test substance should be appropriately identified (chemical composition, origin, batch number, purity, solubility, stability, boiling point, flash point, vapour pressure etc.) and stored under conditions ensuring its stability. The stability of the substance under the test conditions should also be known.

3.3 Equipment A constant vapour concentration may be produced by one of several methods:

- (i) by means of an automatic syringe which drops the material on to a suitable heating system (e.g. hot plate);
- (ii) by sending airsteam through a solution containing the material (e.g. bubbling chamber);
- (iii) by diffusion of the agent through a suitable material (e.g. diffusion chamber).

A dynamic inhalation system with a suitable analytical concentration control system should be used. The rate of air flow should be adjusted to ensure that conditions throughout the equipment are essentially the same. Both a whole body individual chamber exposure or head only exposure may be used.

3.4 Physical measurements Measurements or monitoring should be conducted of the following parameters:

- (i) the rate of air flow (preferably continuously);
- (ii) the actual concentration of the test substance during the exposed period;
- (iii) temperature and humidity.

3.5 Test method Twenty animals are exposed for 10 minutes to the concentration of 200 mg/m<sup>3</sup> and then removed from the chamber. The number of dead animals is determined within 48 hours and again after 7 days. If the death rate is lower than 10 animals, another group of 20 animals should be exposed for 10 minutes to the concentration of 2,000 mg/m<sup>3</sup>. The number of dead animals should be determined within 48 hours and again after 7 days. If the result is doubtful (e.g. death rate = 10), the test should be repeated.

3.6 Evaluation of results If the death rate in the first group of animals (exposed to the concentration of 200 mg/m<sup>3</sup>) is equal to or higher than 50 per cent, the test substance will fall into the "super-toxic lethal chemical" category. If the death rate in the second group (exposed to the concentration of 2,000 mg/m<sup>3</sup>) is equal to or higher than 50 per cent, the test substance will fall into the "other lethal chemical" category; if it is lower than 50 per cent, the test substance will fall into the "other harmful chemical".

#### 4. Data reporting

A test report should include the following information:

- (i) Test conditions: date and hour of the test, description of exposure chamber (type, dimensions, source of air, system for generating the test substance, method of conditioning air, treatment of exhaust air etc.) and equipment for measuring temperature, humidity, air flow and concentration of the test substance;



- (ii) Exposure data: air flow rate, temperature and humidity of air, nominal concentration (total amount of test substance fed into the equipment divided by volume of air), actual concentration in test breathing zone;
- (iii) Animal data: strain, weight and origin of animals;
- (iv) Test substance characterization: chemical composition, origin, batch number and purity (or impurities) of the substance; boiling point, flash point, vapour pressure; date of receipt, quantities received and used in the test; condition of storage, solvent used in the test;
- (v) Results: number of dead animals in each group, evaluation of results.

ADDENDUM TO APPENDIX I

GUIDELINES ON THE INTERNATIONAL INSPECTORATE 1/ 2/

Attachment (A) to CD/CW/WP.175

I. Designation

1. Verification activities in a State Party to the Convention shall only be performed by inspectors designated to this State in advance.

2. The Technical Secretariat shall communicate, in writing, to the State concerned the names, nationality and ranks of the inspectors proposed for designation. Furthermore, it shall furnish a certificate of their qualifications and enter into such consultations as the State concerned may request. The latter shall inform the Secretariat, within (30) days after receipt of such a proposal, whether or not it will accept the designation of each inspector proposed. The inspectors accepted by the State Party shall be designated to that State. The Technical Secretariat shall notify the State concerned of such a designation.

3. Should any State Party object to the designation of inspectors, be it at the time they are proposed or at any time thereafter, it shall inform the Technical Secretariat of its objection. If a State Party raises objections to an inspector already designated, this objection shall come into effect 30 days after receipt by the Technical Secretariat. The Technical Secretariat shall immediately inform the State concerned of the withdrawal of the designation of the inspector. In cases of objections to designation of inspectors the Technical Secretariat shall propose to the State Party in question one or more alternative designations. The Technical Secretariat shall refer to the Executive Council any repeated refusal by a State Party to accept the designation of inspectors if the Secretariat is of the opinion that such refusal impedes inspections to be conducted in the State concerned.

II. Privileges and immunities of inspectors

1. To the extent necessary for the effective exercise of their functions, inspectors shall be accorded the following privileges and immunities, which shall also apply to the time spent travelling in connection with their missions:

(a) immunity from personal arrest or detention and from seizure of their personal baggage;

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1/ These guidelines relate to the activities international inspectors carry out in connection with routine verification in States Parties.

2/ Some delegations considered that the texts contained in this document require further consideration.

(b) immunity from legal process of every kind in regard to what they do, say or write in the performance of their official functions;

(c) inviolability of all the papers, documents, equipment and samples they carry with them;

(d) the right to use codes for their communication with the Secretariat and to receive papers or correspondence by courier or in sealed bags from the Secretariat;

(e) multiple entry/exit and/or transit visas and the same treatment in entry and transit formalities as is given to members of comparable rank of diplomatic missions;

(f) the same currency and exchange facilities as are accorded to representatives of foreign Governments on temporary official missions;

(g) the same immunities and facilities in respect to their personal baggage as are accorded to members of comparable rank of diplomatic missions.

2. Privileges and immunities shall be granted to inspectors for the sake of the Convention and not for the personal benefit of the individuals themselves. The Secretariat shall have the right and the duty to waive the immunity of any inspector whenever it is of the opinion that the immunity would impede the course of justice and can be waived without prejudice to the Convention.

3. If any State Party to the Convention considers that there has been an abuse of an above-mentioned privilege or immunity, consultations shall be held between that State and the Secretariat to determine whether such an abuse has occurred and, if so, to ensure that it does not repeat itself.

### III. General rules governing inspections and the conduct of inspectors

1. Inspectors shall carry out their functions under the Convention on the basis of the inspection mandate issued by the Technical Secretariat. They shall refrain from activities going beyond this mandate.

2. The activities of inspectors shall be so arranged as to ensure on the one hand the effective discharge of the inspectors' functions and, on the other, the least possible inconvenience to the State concerned and disturbance to the facility or other location inspected. Inspectors shall only request the information and data which are necessary to fulfil their mandate. States Parties shall furnish such information. Inspectors shall not communicate to any State, Organization or person outside the Technical Secretariat any information to which they have access in connection with their activities in a State Party. They shall abide by relevant regulations established within the Technical Secretariat for the protection of confidential information. They shall remain bound by these relevant regulations after they have left their functions as international inspectors.

3. In the performance of their duties on the territory of a State Party, inspectors shall, if the State Party so requests, be accompanied by representatives of this State, provided inspectors are not thereby delayed or otherwise hindered in the exercise of their functions. If a State Party designates the inspectors' point of entry into, and departure from, the State concerned and their routes and modes of travel within the State, it shall be guided by the principle of minimizing the time of travel and any other inconvenience.
4. In exercising their functions, inspectors shall avoid unnecessarily hampering or delaying the operation of a facility or affecting its safety. In particular, inspectors shall not operate any facility or direct the staff of the facility to perform any operation. If inspectors consider that, to fulfil their mandate, particular operations should be carried out in a facility, they shall request the designated representative of the management of the facility to perform them.
5. After the inspection visit, inspectors shall submit to the Technical Secretariat a report on the activities conducted by them and on their findings. The report shall be factual in nature. It shall only contain facts relevant to compliance with the Convention, as provided for under the inspection mandate. Relevant regulations, governing the protection of confidential information, shall be observed. The report shall also provide information as to the manner in which the State Party inspected co-operated with the inspection team. Different views held by inspectors may be attached to the report.
6. The report shall be kept confidential. The National Authority of the State Party shall be informed of the findings of the report. Any written comments, which the State Party may immediately make on these findings shall be annexed to it. Immediately after receiving the report, the Technical Secretariat shall transmit a copy of it to the State Party concerned.
7. Should the report contain uncertainties, or should co-operation between the National Authority and the inspectors not measure up to the standard required, the Technical Secretariat shall approach the State Party for clarification.
8. If the uncertainties cannot be removed or the facts established are of a nature to suggest that obligations undertaken under the Convention have not been met, the Technical Secretariat shall inform the Executive Council without delay.

APPENDIX II

This Appendix contains papers reflecting results of work undertaken on issues under the Convention. They are enclosed to serve as a basis for future work.

<u>Contents</u>	<u>Page</u>
Principles and Order of Destruction of Chemical Weapons .....	104
Guidelines for Schedule [1] .....	106
Possible Factors Identified to Determine the Number, Intensity, Duration, Timing and Mode of Inspections of Facilities Handling Schedule [2] Chemicals .....	108
Report on How to Define "Production Capacity" .....	109
Models for Agreements	
A. Model for an Agreement Relating to Facilities Producing, Processing or Consuming Chemicals Listed in Schedule [2] .....	112
B. Model for an Agreement Relating to Single Small-Scale Production Facilities .....	116
C. Model for an Agreement Relating to Chemical Weapons Storage Facilities .....	121
On-site Inspection on Challenge .....	126
Article X, Assistance .....	130
Article XI, Economic and Technological Development .....	132
Article XII, Relation to other International Agreements .....	134
Article XIII, Amendments .....	135
Article XIV, Duration, Withdrawal .....	137
Article XV, Signature, Ratification, Accession, Entry into Force ..	138
Article XVI, Languages, Authentic Texts, Registration .....	140
Other provisions which might be included in the Convention .....	141
Chemical Weapons Production Facilities .....	143

PRINCIPLES AND ORDER OF DESTRUCTION OF CHEMICAL WEAPONS 1/

1. The elaboration of the Order of Destruction shall build on the undiminished security for all States during the entire destruction stage, confidence-building in the early part of the destruction stage, gradual acquisition of experience in the course of destroying chemical weapons stocks and applicability irrespective of the actual composition of the stockpiles and the methods chosen for the destruction of the chemical weapons.
2. Each State Party possessing chemical weapons shall begin destruction not later than one year after it becomes a Party to the Convention, and all stockpiles must have been destroyed by the end of the tenth year after the entry into force of the Convention. 2/
3. The entire destruction period is divided into annual periods.
4. For the purpose of destruction, chemical weapons declared by each State Party are divided into three categories:
  - Category 1: Chemical weapons on the basis of Schedule [I] chemicals;
  - Category 2: Chemical weapons on the basis of all other chemicals;
  - Category 3: Unfilled munitions and devices, and equipment specifically designed for use directly in connection with employment of chemical weapons.
5. The Order of Destruction shall be based on the principle of levelling out the stockpiles of chemical weapons of State Parties, while observing the principle of [equal] [undiminished] security. (The level of such stockpiles shall be agreed upon.)
6. Each State Party possessing chemical weapons
  - shall start the destruction of Category 1 chemical weapons not later than one year after it becomes a Party to the Convention, and shall complete it not later than 10 years after the entry into force of the Convention; the comparison factor for such weapons shall be agent tons, i.e. the aggregate weight of the chemicals within such Category,

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1/ Some delegations drew attention to another proposal which suggests a specific phased approach, including a special phase for advance destruction by the largest chemical weapons owners until midway of the destruction period. This proposal is contained in CD/822 of 29 March 1988.

2/ The view was expressed that possible additional provisions applicable to States possessing chemical weapons but which ratify the Convention at a later stage would need to be discussed. The view was also expressed that the Convention should include from the beginning all States possessing chemical weapons.

- shall start the destruction of Category 2 chemical weapons not later than one year after it becomes a Party to the Convention and shall complete it not later than five years after the entry into force of the Convention; the comparison factor for such weapons shall be agent tons, i.e. the aggregate weight of the chemicals within such Category,
- shall start the destruction of Category 3 chemical weapons not later than one year after it becomes a Party to the Convention, and shall complete it not later than [four] [five] years after the entry into force of the Convention; the comparison factor(s) for unfilled munitions and devices shall be expressed in fill volume (m3) and for equipment in number of items.

7. Within each Category a State Party shall carry out the destruction in such a way that not more than what is specified in the table below remains at the end of each annual period. A State Party is not precluded from destroying its stocks at a faster pace.

TABLE

<u>Year</u>	<u>Category 1</u>	<u>Category 2</u>	<u>Category 3</u>
2			
3			
4			
5			
6			
7			
8			
9			
10			

(TO BE DEVELOPED)

8. Within each category a State Party shall determine its detailed plans for each annual period in such a way that not more than what is specified in the Convention will remain by the end of each such period.

These plans shall be submitted to and approved by the Executive Council, in accordance with the relevant provisions in Section V of the Annex to Article IV.

9. Each State Party shall report annually to the Organization on the implementation of the destruction in each annual period.

GUIDELINES FOR SCHEDULE [1] 1/

The following guidelines, singly or in combination, should be taken into account in considering whether a chemical should be included in Schedule [1]:

1. Super-toxic lethal chemicals which have been stockpiled as chemical weapons.
2. Super-toxic lethal chemicals which pose a particular risk of potential use as chemical weapons.
3. Super-toxic lethal chemicals which have little or no use except as chemical weapons.
4. Super-toxic lethal chemicals which possess physical and chemical properties enabling them to be used as chemical weapons. 2/
5. Super-toxic lethal chemicals with chemical structure related/similar to those super-toxic lethal chemicals already listed in Schedule 1. 3/
6. Chemicals whose principal effect is to cause temporary incapacitation and which possess physical and chemical properties enabling them to be used as chemical weapons.
7. Any toxic chemical with a chemical structure related/similar to those chemicals already listed in Schedule 1. 3/
8. Other chemicals which have been stockpiled as chemical weapons.
9. Other chemicals which have little or no use except as chemical weapons.
10. Key precursors which participate in a one-stage process of producing toxic chemicals in munitions and devices. 4/
11. Key precursors which pose a high risk to the objectives of the Convention by virtue of their high potential for use to produce chemical weapons.

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1/ The basis and modalities for the application and revision of the guidelines are to be developed.

2/ A view was expressed that compounds listed in Schedule [1] should possess the properties of chemical warfare agents.

3/ The view was expressed that this by itself would not be sufficient to include a chemical in Schedule [1].

4/ One delegation believes that this provision is not necessary and that it is already covered under point 12.



12. Key precursors which may possess the following characteristics:
- (i) it may react with other chemicals to give, within a short time, a high yield of a toxic chemical defined as a chemical weapon;
  - (ii) the reaction may be carried out in such a manner that the toxic product is readily available for military use; and
  - (iii) key precursors which have little or no use except for chemical weapons purposes.

POSSIBLE FACTORS IDENTIFIED TO DETERMINE THE NUMBER, INTENSITY,  
DURATION, TIMING AND MODE OF INSPECTIONS OF FACILITIES HANDLING  
SCHEDULE [2] CHEMICALS 1/

1. Factors related to the listed chemical
  - (a) Toxicity of the end product.
2. Factors related to the facility
  - (a) Multipurpose or dedicated facility.
  - (b) Capability and convertibility for initiating production of highly toxic chemicals.
  - (c) Production capacity.
  - (d) On-site storage of listed key precursors in quantities exceeding ... tonnes.
  - (e) Location of the facility and infrastructure for transportation.
3. Factors related to the activities carried out at the facility
  - (a) Production e.g. continuous, batch, types of equipment.
  - (b) Processing with conversion into another chemical.
  - (c) Processing without chemical conversion.
  - (d) Other types of activities, e.g., consumption, import, export, transfer.
  - (e) Volume produced, processed, consumed, transferred.
  - (f) Relationship between maximum and utilized capacity for a scheduled chemical.
    - multipurpose facility
    - dedicated facility
4. Other factors
  - (a) International monitoring by on-site instruments.
  - (b) Remote monitoring.

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1/ The order in which these factors are listed does not indicate any priority.

REPORT ON HOW TO DEFINE "PRODUCTION CAPACITY"

During the 1987 session, consultations were held with Lt. Col. Bretfeld (German Democratic Republic), Dr. Cooper (United Kingdom), Prof. Kuzmin (USSR), Dr. Mikulak (United States), Dr. Ooms (Netherlands) and Prof. Pfirschke (Federal Republic of Germany), as well as with Col. Koutepov (USSR) and Col. Lovelace (United States). This report summarized the results of the consultations, as seen by the rapporteur, Dr. Santesson (Sweden).

Although it was generally felt that it would be desirable to have one definition of "production capacity" applicable all through the Convention, it was also concluded that this might not be possible.

A definition could consist of a verbal part and a mathematical formula to be used for the calculation of the numerical value of the production capacity. Such a single definition, as exemplified below, could be utilized in the Annex to Article V, paragraphs I.A.5 (a) and I.B.7 (cf. in this context CD/CW/WP.148), in the Annex to Article VI [2], paragraph 2 in the Annex to Article VI [3], paragraph 1 (iv), and in the case of "Possible factors identified to determine ... Schedule [2] chemicals", contained in CD/782, Appendix II, p. 12.

On the basis of CD/CW/WP.171 and proposals presented during the consultations, the following suggestion was worked out.

Verbal part:

- Alt. 1 The production capacity is the annual quantitative potential for manufacturing a specific substance on the basis of the technological process used at a facility where the substance in question is actually produced.
- Alt. 2 The production capacity is the annual quantitative potential for manufacturing a specific substance on the basis of the technological process actually used or planned to be used at a facility.

Mathematical formulae:

Production capacity per year =

=  $\frac{\text{quantity produced}}{\text{hours of production}}$  x constant x no. of units

or in the case of dedicated units not yet in operation

=  $\frac{\text{nameplate or design capacity}}{\text{hours of planned operation}}$  x constant x no. of units

The constant is the number of hours of availability per year. In both formulae, the constant will have different values for continuous and batch operations. Furthermore, different values may have to be assigned for "dedicated batch processes" and "multipurpose batch processes". The values of the constant remains to be determined.

It was noted that the formulae relate to the production step in which the product is actually formed. They might not necessarily be applicable e.g. to subsequent purification steps in the process.

It was also noted that in the case of multipurpose facilities producing more than one declared chemical, the production capacity of the facility for each of the chemicals should be calculated independently of the other chemicals being produced.

In the case of the Annex to Article VI [...], it appears that for limited production, the above mathematical formulae might possibly give rise to an overestimate of the actual production capacity. It was suggested that the formulae could be used if the annual production was more than five tonnes.

In the case of the Annex to Article VI [1] it was felt that the above type of definition would be unsuitable and that other ways of delimiting the "production capacity" of the single small-scale production facility should be explored.

Further refinement of the definition of production capacity is required. Also, methods for verification of the declared production capacity will have to be discussed. In this context opinions were expressed on the use of production log books and to which extent inspectors would need access to technical information on the production process.

As a continuation of the consultations reported in CD/795, further consultations were held with Dr. Boter (Netherlands), Lt. Col. Bretfeld (German Democratic Republic), Dr. Cooper (United Kingdom) Prof. Kuzmin (Union of Soviet Socialist Republics), Prof. Pfirschke (Federal Republic of Germany) and Dr. Schröder (Federal Republic of Germany). This report summarizes the results of the continued consultations, as seen by the rapporteur, Dr. Santesson (Sweden).

In the view of the technical experts, "production capacity" could be defined thus:

The production capacity is the annual quantitative potential for manufacturing a specific substance on the basis of the technological process actually used or, in case of processes not yet operational, planned to be used at the facility, as specified in the subsidiary agreements.

For the purpose of the declaration, an approximate production capacity shall be calculated using the formula:

Production capacity (tons/year) =

$$= \frac{\text{des. cap.}}{\text{pl. op. hours}} \times \text{op. factor} \times \text{no. of units}$$

where:

des. cap. = nameplate or design capacity of one unit (tons/year)  
pl. op. hours = hours of planned operation to achieve the design capacity  
op.factor = operational factor (hours)

The operational factor should take into account the various facility-specific and process-specific factors which would affect the actual practical production capacity, and could e.g. be determined during the initial visit. A need might exist for a provisional value of the operational factor to be applied before the initial visit has taken place.

MODELS FOR AGREEMENTS

A. MODEL FOR AN AGREEMENT RELATING TO FACILITIES PRODUCING,  
PROCESSING ,OR CONSUMING CHEMICALS LISTED IN SCHEDULE [2] 1/

1. Identification of the facility

- (a) Facility identification code
- (b) Name of the facility
- (c) Owner(s) of the facility
- (d) Name of the company or enterprise operating the facility
- (e) Exact location of the facility
  - . Location of the complex
  - . Location of the facility within the complex, including the specific building and structure number, if any
  - . Location of relevant support facilities within the complex: e.g., research and technical services, laboratories, medical centres, waste treatment plants
- (f) Determination of the area(s) and place(s)/site(s) to which inspectors shall have access

2. Information on the facility

This agreement is based on the design information obtained during the initial visit on [date of visit]. Design information should include:

- (a) Data on the production process (type of process: e.g., continuous or batch; type of equipment; the technology employed; process engineering particulars)
- (b) Data on processing with conversion into another chemical (description of the conversion process, process engineering particulars and end-product)
- (c) Data on processing without chemical conversion (process engineering particulars, description of the process and the end-product, concentration in the end-product)
- (d) Data on waste treatment (disposal and/or storage, waste treatment technology, recycling)

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1/ This paper relates to agreements which have commonly been named "facility attachments". Further work is needed on this issue.

(e) Data on safety and health measures at the facility

(f) Data on clean-up procedures and general overhauls

(g) Data on feedstocks used in the production or processing of declared chemicals (type and capacity of storage)

(h) Maps and plans of the facility, including data on infrastructure for transportation (site maps showing, for example, all buildings and functions, pipework, roads, fences, mains electricity, water and gas points, and diagrams indicating the relevant material flow at the designated facility)

#### 2.1. Storage of information

Designation of information, provided about the facility under paragraph 2, which shall be kept by the International Authority under lock and key at the facility. (In the event of unresolved ambiguities, the International Authority shall have the right to study such information.)

#### 3. Number and modalities of inspections.

After the initial visit, the number and modalities of inspections shall be decided by the Technical Secretariat on the basis of guidelines (compare CD/CW/WP.167, page 63, subparagraph 5.ii. and CD/CW/WP.167, Appendix II, page 3).

#### 4. Verification measures and identification of the specific area(s) and place(s) of a facility to be inspected

(a) Identification of the relationship between feedstocks and the quantity of end-products

(b) Identification of key points for measurement (KMP) and sample-taking (STP)

(c) Identification of methods for continuous monitoring and surveillance, e.g.

- . key points for the application of monitoring and surveillance measures
- . installed instruments and devices, seals and markers, methods to check the proper functioning of those instruments, servicing of installed instruments
- . activities to be undertaken by the State Party concerned with a view to providing the conditions necessary for the installation and proper functioning of the devices

(d) Certification of relevant losses within the production process and their implications for key measurement points (KMP)

5. Inspection activities

5.1. Mode of routine inspection

To be developed on the basis of the initial visit

5.2. Indication of the scope of the inspection effort in agreed areas under ordinary circumstances

Access to the area to be inspected, including all key points. Activities may comprise:

- (a) Examination of relevant records
- (b) Identification of relevant plant equipment
- (c) Identification and validation of measuring equipment (examination and calibration of measuring equipment; verification of measuring systems using, as appropriate, independent standards)
- (d) Taking of analytical samples
- (e) Verification of chemical inventory records
  - . verification of the operator's inventory-taking for completeness and accuracy
  - . verification of the quantities of feedstocks
- (f) Observation of operations relating to movement of chemical substances in the plant
- (g) Installation, servicing and review of surveillance and monitoring instruments
- (h) .  
.  
.

5.3. Specific arrangements for the use of special equipment

As the need arises, specific arrangements for the use of special equipment, as requested by inspectors.

6. Provisions governing sample-taking, on-site analyses of samples and on-site analysis equipment

- (a) Sample-taking (e.g., standardized procedures)
- (b) On-site analyses (e.g., provisions concerning on-site/in-house analyses, analytical methods, equipment, precision and accuracy of analyses)
- (c) Duplicates and additional samples



7. Records

7.1. Type of records

The records to be examined shall be determined after the initial visit and shall include the following:

(a) Accounting records (for example, discards, retained wastes, shipments of end-products, receipts/shipments)

(b) Operating records

Operating records used to establish the quantity, quality and composition of the end-product. These may include:

- . Information on any accident that resulted in a loss/gain of material
- . Information on dissolution, evaporation, etc.

(c) Calibration records

Information on the functioning of analytical/monitoring equipment

7.2. Location and language of records

To be determined during the initial visit

7.3. Access to records

To be determined after the initial visit

7.4. Retention period of records

To be determined on the basis of the initial visit

8. Services to be provided by the facility

Point of contact for each type of service, e.g.

- . operator assistance
- . medical and health services

9. Specific facility health and safety rules and regulations to be observed by inspectors

10. Changes, revision and updating of advance information to be provided on the facility

(To be announced in reference to the paragraph on the design information obtained during the initial visit)

11. Interpretation services

B. MODEL FOR AN AGREEMENT RELATING TO SINGLE  
SMALL-SCALE PRODUCTION FACILITIES 1/

Proposal by the Co-ordinator of Cluster IV

1. Information on the single small-scale production facility

(a) Identification

- (i) Facility identification code
- (ii) Name of the facility
- (iii) Exact location of the facility

If the facility is located within a complex, then also

- . Location of the complex
- . Location of the facility within the complex, including the specific building and structure number, if any
- . Location of relevant support facilities within the complex, e.g. research and technical services, laboratories, medical centres, waste treatment plants
- . Determination of the area(s) and place(s)/site(s) to which inspectors shall have access

(b) Detailed technical information

- (i) Maps and plans of the facility, including site maps showing, with functions indicated, for example, all buildings, pipework, roads, fences, mains electricity, water and gas points, diagrams indicating the relevant material flow at the designated facility and data on infrastructure for transportation
- (ii) Data on each production process (type of process, type of equipment, technology employed, production capacity, process engineering particulars)
- (iii) Data on the feedstocks used (type of feedstock, storage capacity)
- (iv) Data on the storage of the chemicals produced (type and capacity of storage)
- (v) Data on waste treatment (disposal and/or storage, waste treatment technology, recycling)

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1/ Prepared by Lt. Col. Bretfeld, German Democratic Republic;  
Dr. Cooper, United Kingdom; Dr. Lau, Sweden; and Dr. Santesson, Sweden.

(c) Specific facility health and safety procedures to be observed by inspectors

(d) Dates

(i) Date when the initial visit took place

(ii) Date(s) when additional information was provided

(e) Storage of information

Identification of which information, provided about the facility under paragraph 1, shall be kept by the International Organization under lock and key at the facility.

## 2. Number and modalities of inspections

The number and modalities of inspections shall be decided by the Technical Secretariat on the basis of guidelines.

## 3. Inspections

On-site inspection activities may include, but shall not necessarily be restricted to, the following:

(i) Observation of any and all activities at the facility

(ii) Examination of any and all equipment at the facility

(iii) Identification of technological changes in the production process

(iv) Comparison of process parameters with those ascertained during the initial visit

(v) Verification of chemical inventory records

(vi) Verification of equipment inventory records

(vii) Review, servicing and maintenance of monitoring equipment

(viii) Identification and validation of measuring equipment (examination and calibration of measuring equipment, verification of measuring systems using, as appropriate, independent standards)

(ix) Application, examination, removal and renewal of seals

(x) Investigation of indicated irregularities

## 4. Monitoring system

(a) Description of items and their location

(i) Sensors and other instruments

(ii) Data transmission system

- (iii) Ancillary equipment
- (iv) ...
- (b) Installation of the system
  - (i) Time schedule
  - (ii) Advance preparations
  - (iii) Assistance to be provided by the State Party during installation
- (c) Activation, initial testing and certification
- (d) Operation
  - (i) Regular operation
  - (ii) Routine tests
  - (iii) Service and maintenance
  - (iv) Measures in case of malfunctions
  - (v) Responsibilities of the State Party
- (e) Replacement, modernization
- 5. Temporary closure
  - (a) Notification procedure
  - (b) Description of the types of seals to be used
  - (c) Description of how and where seals shall be fixed
  - (d) Provisions for surveillance and monitoring
- 6. Instruments and other equipment to be used during inspections
  - (a) Instruments and other equipment installed or brought in by inspectors
    - (i) Description
    - (ii) Testing, calibration and examination by the State Party
    - (iii) Use
  - (b) Instruments and other equipment to be provided by the State Party
    - (i) Description
    - (ii) Testing, calibration and examination by inspectors
    - (iii) Use and maintenance

7. Sample-taking, on-site analyses of samples and on-site analysis equipment

- (a) Sample-taking from production
- (b) Sample-taking from stocks
- (c) Other sample-taking
- (d) Duplicates and additional samples
- (e) On-site analyses (e.g., provisions concerning on-site/in-house analyses, analytical methods, equipment, precision and accuracy of analyses)

8. Records The records to be examined shall be determined after the initial visit and shall include the following:

- (a) Accounting records
- (b) Operating records
- (c) Calibration records

The following shall be determined on the basis of the initial visit:

- (a) Location and language of records
- (b) Access to records
- (c) Retention period of records

9. Administrative arrangements

- (a) Preparations for the arrival and departure of inspectors
- (b) Transport of inspectors
- (c) Accommodation for inspectors
- (d) ...

10. Services to be provided <sup>1/</sup>

Such services may include, but shall not necessarily be restricted to, the following:

- (a) Medical and health services
- (b) Office space for inspectors
- (c) Laboratory space for inspectors

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<sup>1/</sup> The question of charges for the services needs to be discussed.

- (d) Technical assistance
- (e) Telephone and telex
- (f) Power and cooling water supplies for instruments
- (g) Interpretation services

For each type of service, the following information shall be included:

- (a) The extent to which that service shall be provided
- (b) Points of contact at the facility for the service

11. Other matters

12. Revisions of the agreement

C. MODEL FOR AN AGREEMENT RELATING TO CHEMICAL  
WEAPONS STORAGE FACILITIES 1/

Proposal by the Co-ordinator of Cluster IV

1. Information on the storage facility

(a) Identification:

- (i) Storage facility identification code;
- (ii) Name of the storage facility;
- (iii) Exact location of the storage facility.

(b) Dates:

- (i) Date of the initial verification of the Declaration of the facility;
- (ii) Date(s) additional information provided

(c) Layout:

- (i) Maps and plans of the facility, including
  - boundary map to show entrances, exits, nature of boundary (e.g. fence);
  - site maps to include locations of all buildings and other structures, bunkers/storage areas, fences with access points indicated, mains electricity and water points, and infrastructure for transports including loading areas;
- (ii) Details of the construction of bunkers/storage areas which might be of relevance for verification measures;
- (iii) ...

(d) Detailed inventory of the contents of each bunker/storage area;

(e) Specific facility health and safety procedures to be observed by inspectors.

2. Information relating to the transport of chemical weapons from the facility

(a) Detailed description of loading area(s);

(b) Detailed description of loading procedures;

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1/ Prepared by Lt. Col. Bretfeld, German Democratic Republic;  
Dr. Cooper, United Kingdom; Dr. Lau, Sweden; and Dr. Santesson, Sweden.

- (c) Type of transport to be used, including construction details relevant to verification activities, e.g. where to place seals;
- (d) ...

3. Number and modalities of systematic inspections, etc.

The number and modalities of systematic inspections will be decided by the Technical Secretariat on the basis of guidelines.

4. Inspections

(a) Systematic on-site inspections

Systematic on-site inspection activities may include, but are not necessarily restricted to, the following:

- (i) Application, examination, removal and renewal of seals;
- (ii) Review, servicing and maintenance of monitoring equipment;
- (iii) Verification of the inventory of randomly selected sealed bunkers/storage areas.
  - Percentage of bunkers/storage areas to be verified during each systematic on-site inspection.

(b) On-site inspections of transports from the facility

On-site inspections of transports of chemical weapons from the storage facility may include, but are not necessarily restricted to, the following:

- (i) Application, examination, removal and renewal of any seals relevant to the transportation of chemical weapons;
- (ii) Verification of the inventory of bunkers/storage areas from which chemical weapons are to be transported;
- (iii) Observation of the loading procedure and verification of items loaded;
- (iv) Adjustment/realignment of the coverage of the monitoring system.

(c) Inspections to resolve indicated irregularities (ad hoc inspections)

Ad hoc inspection activities may include, but are not necessarily restricted to, the following:

- (i) Investigation of indicated irregularities;
- (ii) Examination, removal and renewal of seals;
- (iii) Verification as required of the inventory of bunkers/storage areas.



(d) Continuous presence of inspectors

The activities of continuously present inspectors may include, but are not necessarily restricted to, the following:

- (i) Application, examination, removal and renewal of seals;
- (ii) Verification of the inventory of any selected sealed bunkers/storage areas;
- (iii) Observation of any and all activities at the storage facility, including any handling of stored chemical weapons for the purpose of transport from the storage facility.

5. Seals and markers

- (a) Description of types of seals and markers
- (b) How and where seals are to be fixed

6. Monitoring system

- (a) Description of items and their locations:
  - (i) Sensors and other instruments;
  - (ii) Data transmission system;
  - (iii) Ancillary equipment;
  - (iv) ...
- (b) Installation:
  - (i) Time schedule;
  - (ii) Advance preparations at the storage facility;
  - (iii) Assistance to be provided by the State Party during installation.
- (c) Activation, initial testing and certification
- (d) Operation:
  - (i) Regular operation;
  - (ii) Routine tests;
  - (iii) Service and maintenance;
  - (iv) Measures in case of malfunctions;
  - (v) Responsibilities of the State Party.

(e) Replacements, modernizations

(f) Dismantling and removal

7. Provisions governing instruments and other equipment to be used during inspections

(a) Instruments and other equipment brought in by inspectors:

(i) Description;

(ii) Testing, calibration and examination by the State Party;

(iii) Routine use.

(b) Instruments and other equipment to be provided by the State Party:

(i) Description;

(ii) Testing, calibration and examination by inspectors;

(iii) Routine use and maintenance.

8. Provisions governing sample-taking, on-site analyses of samples and on-site analysis equipment

(a) Sample-taking from munitions, notably the standardization of methods for each different type of munition present at the facility

(b) Sample-taking from bulk stocks

(c) Other sample-taking

(d) Duplicates and additional samples

(e) On-site analyses (e.g., provisions concerning on-site/in-house analyses, analytical methods, equipment, precision and accuracy of analyses)

9. Administrative arrangements

(a) Preparations for arrival of inspectors

(b) Transport for inspectors

(c) Accommodation for inspectors

(d) ...

10. Services to be provided <sup>1/</sup>

Such services should include, but are not necessarily restricted to, the following:

- medical and health services;
- office space for inspectors;
- laboratory space for inspectors;
- technical assistance;
- telephone and telex;
- power and cooling water supplies for instruments;
- interpretation services.

For each type of service, the following information should be included:

- the extent to which that service is to be provided;
- point of contact at the facility for the service.

11. Amendments and revisions of the agreement

(e.g. changes in loading procedures, types of transport, analytical methods)

12. Other matters

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<sup>1/</sup> The question of charges for the services needs to be discussed.

## ON-SITE INSPECTION ON CHALLENGE

This paper represents the state of affairs of work done on the issue of On-Site Inspection on Challenge, as seen by the Chairman of the Ad Hoc Committee for the 1987 session. Nothing contained therein constitutes any agreement and therefore does not bind any delegation. The paper is presented with the aim of facilitating for delegations to analyse the situation and to arrive at common positions in the future work of the Committee.

Under Part I, (paragraphs 1-13) material is found on the initial process for an on-site inspection on challenge, up until the submission of the report by the inspectors. The material under Part II refers to the process after the submission of the report and has been subject to less thorough consultations by the Chairman. However a number of points and questions have been raised. They are summarized in Part II, as seen by the Chairman.

### PART I

1. Each State Party has the right at any time to request an on-site inspection of any site under the jurisdiction or control 1/ of a State Party, anywhere, in order to clarify doubts about compliance with the provisions of the Convention. A requesting State is under the obligation to keep the request within the objectives of the Convention.
2. Throughout the inspection the requested State has the right and is under the obligation to demonstrate its compliance with the Convention.
3. The on-site inspection on challenge shall be carried out in accordance with the request.

#### (The initiation of a challenge inspection)

4. The request shall be submitted to the Head of the Technical Secretariat. 2/ It shall as precisely as possible specify the site to be inspected and the matters on which reassurance is required, including the circumstances and nature of the suspected non-compliance, as well as indicate the relevant provision(s) of the Convention, about which doubts of compliance have arisen.
5. The Head of the Technical Secretariat shall immediately notify the State Party to be inspected, and inform the members of the Executive Council about the request.

---

1/ The question of "jurisdiction or control" spans over many parts of the Convention. It is under continuous discussion and the exact formulations remain to be agreed upon.

2/ It has been pointed out that there is a need to discuss ways and means to prevent misuse of such requests. One suggested approach is to transmit the request through a Fact Finding Panel.

6. A team of inspectors shall be dispatched as soon as possible and arrive at the site to be inspected not later than ... hours 1/ after the request.
7. The requested State is obliged to admit the team of inspectors and representative(s) of the requesting State into the country and assist them so that they can arrive at the site on time. 2/
8. The inspectors shall at the arrival be permitted to secure the site in a way they deem necessary to ensure that no material of relevance for the inspection is removed from the site.
9. Access to the site for the inspection team shall be provided not later than ... hours after the request.

(The conduct of challenge inspection)

10. The team of inspectors shall conduct the requested on-site inspection with the purpose of establishing relevant facts.
11. The inspectors shall have the access to the site they deem necessary for the conduct of their mission, within the limits of the request. They shall conduct the inspection in the least intrusive manner possible to accomplish their task. The requested State shall facilitate the task of the inspectors.

The inspectors shall consult with the requested State which in keeping with its right and obligation may propose ways and means for the actual conduct of the inspection. The requested State may also make proposals for the protection of sensitive equipment or information, not related to chemical weapons. The inspectors shall consider the proposals made to the extent they deem them adequate for the conduct of their mission.

The inspectors shall conclude the inspection as soon as possible and not later than ... after the commencement of the inspection, and return to the Headquarter.

12. In the exceptional case the requested State proposes arrangements to demonstrate compliance, alternative to a full and comprehensive access, it shall make every effort through consultations with the requesting State to reach agreement on the modalities for establishing the facts and thereby clarifying the doubts.

If agreement is reached within ... hours after the request, the inspection team shall carry out its task in accordance with the agreement. If no agreement is reached within ... hours after the request [the inspection shall be carried out in accordance with points 10 and 11 above.] [the inspection team shall report on the matter to the Executive Council which, within ... hours, shall ...].

---

1/ A time span of 24-48 hours from the request to the arrival has been discussed.

2/ Situations could be envisaged, i.a. when the site to be inspected is not on the territory of the requested State Party. Such cases could however be considered in the context of questions related to jurisdiction.

(The report)

13. The team of inspectors shall submit a report to the Head of the Technical Secretariat as soon as possible and not later than ... days after the conclusion of the inspection.

The report shall be strictly factual and only contain relevant information, and may within these parameters, include information as to the manner in which the State Party inspected co-operated with the inspection team. Different views held by inspectors shall be attached to the report.

The Head of the Technical Secretariat shall promptly transmit the report to the requesting State, the requested State and to the Executive Council.

(The process after the submission of the report)

(To be elaborated)

PART II

Consideration of the Report

- Whether the Executive Council should meet as soon as possible to consider the Report?

1. The character of the evaluation

(a) The role of the requesting State and the significance of whether that State Party, is satisfied or not,

(b) Should the Executive Council establish formally (i) whether it considers a violation of the Convention has taken place?, (ii) whether an abuse of the rights under Article IX has taken place?

(c) If a violation has been established as a consequence of the evaluation of the report, what further steps?

(i) measures with a bearing on the violating State Party, such as suspension of rights and privileges, export control arrangements etc.,

(ii) a request that the violator remedy the situation,

(iii) assistance to States Parties threatened as a consequence of violations (Art. X),

(iv) convening of a special meeting of the Consultative Committee/ General Conference,

(v) other measures,

(d) If no formal establishment of violation is called for, could the steps mentioned under (c) above anyhow be undertaken?

- (e) Measures of two types:
  - (i) directives to the Secretariat to undertake certain actions,
  - (ii) recommendations to the States Parties to undertake certain action.

2. The process of the evaluation

- (a) How should the Executive Council arrive at its positions

- (i) unanimously
- (ii) qualified majority
- (iii) simple majority
- (iv) other.

- (b) In which form should the Executive Council express itself

- (i) decisions
- (ii) opinions
- (iii) other.

- (c) The role of the requesting and the requested State in the process of evaluation of the Executive Council

- (i) participation in the deliberation of the Council
- (ii) non-participation.

3. The role of Consultative Committee/General Conference in the evaluation

- (a) establish a violation,
- (b) make decision,
- (c) make recommendations,
- (d) endorse positions taken by the EC.

Concerning the process of evaluation of the Consultative Committee/General Conference, compare alternatives under Executive Council above.

4. In the event of an abuse of the rights under Article IX, what measures to be considered,

- (a) notification of States Parties
- (b) compensation to the requested party
- (c) other.

Article X: Assistance

PART I: Multilateral assistance

1. Each State Party has the right to request assistance through the Executive Council:

(a) in case it considers that chemical weapons have been used against it;

(b) in case it has serious reasons to believe that there is a threat of use of chemical weapons against it.

[(c) in case it feels that its security has been, or is likely to be, threatened as a result of any other violation of the Convention by another State Party or of the actions or activities of any State not party to the Convention which pose a threat to the objectives of the Convention or impede the attainment of these objectives.]

2. Such a request shall be substantiated by relevant information supporting its validity [including, if appropriate, information derived from challenge inspection.] [and treated as a request for a challenge inspection if possible and necessary.]

3. The Technical Secretariat shall promptly inform all States Parties about the request.

4. The Executive Council shall: 1/

(a) meet [immediately] to evaluate the request in the light of the information provided; 2/

(b) if so deemed necessary, instruct the Technical Secretariat, within ... hours, to initiate an investigation of the facts related to the alleged use or threat of use and, when applicable, to establish an inventory of the specific assistance needed; [in appropriate cases, the Executive Council may direct that the investigation should include on-site inspection;] [each State Party to the Convention undertakes to co-operate in the carrying out of the investigation, including on-site inspection;] if an on-site inspection takes place, its conduct shall be governed by the principles and rules established in Article IX of the Convention;

(c) on the basis of the results of the investigation carried out by the Technical Secretariat, decide on whether to request the provision of assistance; the decision to request assistance shall require a two-thirds majority;

(d) inform all States Parties of its decision.

---

1/ A view was expressed that assistance should be provided automatically in case of actual use of chemical weapons. Another view was expressed that assistance should be provided on a voluntary basis.

2/ Some reservations have been expressed about the ability of the Executive Council to assess "threat of use".



5. The Technical Secretariat, in close co-operation, as appropriate, with the relevant international agencies in the humanitarian field, will co-ordinate the actions undertaken in providing the necessary assistance. 1/ 2/

PART II: Bilateral assistance

1. Nothing in this Convention shall be interpreted as affecting the right of all the Parties to the Convention [, among themselves,] to conduct research with, develop, produce, acquire and use means of protection against chemical weapons, for purposes not prohibited by the Convention.

[2. All the parties to the Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information for protection against chemical weapons.]

---

1/ A view was expressed that States Parties should conclude subsidiary arrangements with the Technical Secretariat whereby they indicate ways and means by which they can provide assistance. Another view was expressed that the conclusion of such arrangements was not needed.

2/ The question of how to meet the costs needs to be discussed.

Article XI: Economic and technological development 1/

1. Alt. 1

This Convention does not limit the right of all States Parties to conduct research with, to develop, to produce, to transfer and to use chemicals for purposes not prohibited by the Convention subject to such other international agreements as States Parties may adhere to or establish [without discrimination].

Alt. 2

All States Parties to the Convention have the right to conduct research with, to develop, to produce, to transfer and to use chemicals for peaceful purposes without discrimination.

2. [To the extent possible under their national law or other instruments of international law] States Parties should undertake to facilitate and have the right to participate in the fullest possible exchange of chemicals, equipment and scientific and technological information relating to development and application of chemistry for peaceful purposes.

3. [To the extent possible under their national law or other instruments of international law] States Parties should promote and facilitate fullest possible international scientific and technological co-operation and transfer of non-proprietary technology. States Parties or Governments should not impose any restrictions on discriminatory basis which would impede development and promotion of scientific and technological knowledge in the field of chemistry.

4. This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international co-operation in the field of chemistry for peaceful purposes.

---

1/ The view was expressed that this article remains at an early stage of elaboration, and needs to be discussed further. In particular, there exists no common understanding as to the definition of key terms in the wording proposed for this article, and therefore no clear picture of the extent of the obligations to be undertaken by States Parties.

Articles XII, XIII, XIV, XV and XVI

During the first part of the 1988 session, the Chairman of the Ad Hoc Committee initiated open-ended consultations, as well as private consultations with interested delegations, on final provisions of the Convention (Articles XII to XVI).

This discussion paper constitutes an attempt by the Chairman to summarize the views expressed during these consultations. The paper is presented with the aim of facilitating further consideration. Nothing contained therein constitutes any agreement and therefore does not in any way bind any delegation.

Together with existing as well as future proposals and documents on these Articles, the discussion paper will be used for further work on these Articles.

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PART ONE

Article XII: Relation to other international agreements

Commentary

(a) The relationship between the CW Convention and the Geneva Protocol of 1925 should be reflected in this Convention with due attention paid to reservations made to the Geneva Protocol;

(b) The relation to the BW Convention might also be referred to in the CW Convention;

(c) It has also been suggested that a general reference to other international instruments might be included.

Possible wording for Article XII 1/

1. Nothing in this Convention shall be interpreted as in any way [impairing] [limiting or detracting from] the obligations assumed under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

- or alternatively -

Nothing in this Convention shall be interpreted as in any way [impairing] [limiting or detracting from] the rights and obligations of any State Party with regard to the Geneva Protocol.

2. Nothing in this Convention will be interpreted as in any way limiting or detracting from the obligations assumed by any State Party under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at London, Moscow and Washington on 10 April 1972.

3. Nothing in this Convention will be interpreted as in any way impairing the rights and obligations of States Parties to this Convention which arise from other agreements [compatible with this Convention].

4. Each Party to this Convention that is also a Party to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, affirms that the obligation set forth in paragraph 3 of Article I supplements its obligations under the Protocol.

---

1/ Views were expressed that the final wording as regards the relationship between the CW Convention and the Geneva Protocol of 1925 will depend on the solution of the question of reservations made to the latter.

Article XIII: Amendments

Commentary

(a) A differentiated amendment mechanism is required to meet the special needs of different parts of the Convention;

(b) It is understood that specific modification procedures (i.e. for lists) will be provided for in relevant parts of the Convention;

(c) The view was expressed that regardless of the type of procedure to be followed for the adoption of amendments, they shall enter into force at the same time for all States Parties;

(d) Another view was expressed that each amendment shall only enter into force for those States Parties ratifying or accepting it.

Possible wording for Article XIII

1. Any State Party may propose amendments to this Convention. 1/
2. The text of any proposed amendment shall be communicated to the [Depositary] [Director-General of the Technical Secretariat] not less than ... days prior to the meeting of the [Consultative Committee] [General Conference] [Review Conference], at which such amendment is to be considered, and shall be communicated promptly by him to all States Parties to this Convention. 2/
3. Amendments to this Convention shall be adopted by the [Consultative Committee] [General Conference] [Review Conference] by a two-thirds majority of the members present and voting, and come into force for all Parties, following acceptance by all original States Parties, in accordance with their respective constitutional processes, and the deposit of their instruments of acceptance with the Depositary.
4. Acceptance, as provided in paragraph 3, is not required in the case of any amendment modifying the provisions in ... (to be discussed).

---

1/ It is to be discussed whether amendments to certain basic provisions of the Convention would not be permitted. If this is the case, these basic provisions should be enumerated.

2/ It is to be discussed whether the Review Conference or meetings of the Consultative Committee are appropriate forums in which to consider amendments to the Convention.

5. The provisions of this Article do not affect the special amendment procedures provided for in other parts of the Convention.

- or, as an alternative to paragraphs 1-5 above -

Any Party may propose amendments to this Convention. Amendments shall enter into force for Parties ratifying or acceding to them on the thirtieth day following the deposit of instruments of ratification or accession by a majority of the Parties to the Convention and thereafter for each remaining Party on the thirtieth day following the deposit of its instrument of ratification or accession.

Article XIV: Duration, withdrawal

Commentary

(a) The duration of the Convention should be unlimited;

(b) States Parties should, under conditions to be determined later on, have the right to withdraw from the Convention. 1/

Possible wording for Article XIV

1. This Convention should be of unlimited duration.

2. (a) Each State Party to the Convention shall, in exercising its national sovereignty, have the right to withdraw from this Convention if [it decided that extraordinary events related to the subject matter of this Convention have jeopardized its supreme interests] [in the opinion of the withdrawing State there have arisen extraordinary circumstances connected with the content of this Convention which affect its supreme interests]. It shall give notice of such withdrawal to [the Depositary who will inform promptly all other States Parties to the Convention] [the Depositary and the Security Council of the United Nations]. Such notice shall include a statement of the reasons for the decision to withdraw.

(b) The withdrawal shall take effect ... months after the deposit of the notification by the State Party concerned.

3. (a) The withdrawal of a State Party from this Convention shall in no way affect the duty of [States Parties] [this State Party] to continue fulfilling the obligations assumed under any relevant rule of international law, particularly the Geneva Protocol of 17 June 1925. 2/

(b) A State Party shall not, by reason of its withdrawal from this Convention, be discharged from its financial [and] [or such] other obligations (being not incompatible with the supreme interests which inclined it to withdraw) which accrued while it was a Party to the Convention.

- or, as an alternative to paragraphs 2 and 3 above -

2. Every Party to this Convention shall, in exercising its national sovereignty, have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject-matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Convention, to the Depositary, and to the Security Council of the United Nations three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

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1/ Views were expressed that the right of withdrawal should not be exercised during the period of destruction of chemical weapons. The view was also expressed that in case of violation, withdrawal could take place immediately.

2/ Views were expressed that this provision would not be necessary.

Article XV: Signature, ratification, accession, entry into force

Commentary

- (a) The Convention shall be open for signature to all States;
- (b) The Convention shall be ratified by signatories;
- (c) Non-signatory States shall be entitled to accede to the Convention;
- (d) Provisions on the entry into force shall ensure the widest possible adherence of States to the Convention.

Possible wording for Article XV

1. Signature

- (a) This Convention shall be open for signature to all States.
- (b) This Convention shall remain open for signature until [date] [its entry into force] at (venue).

2. Ratification

This Convention is subject to ratification by signatories according to their constitutional processes.

3. Accession

Any State which does not sign the Convention [until the expiry of the period indicated in paragraph 1 (b) of this Article] may accede to it at any time.

4. Deposit of instruments of ratification or accession

Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations, hereby designated as the Depositary.

- or, as an alternative to paragraphs 2 and 4 above -

2. This Convention and its Annexes, which form an integral part thereof, shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations, hereby designated as the Depositary.

5. Entry into force

- (a) This Convention shall enter into force [... days after the date of] [upon] the deposit of the [40th] [60th] instrument of ratification [or accession].



(b) For each State Party ratifying or acceding to this Convention after the deposit of the [40th] [60th] instrument of ratification or accession, the Convention shall enter into force on the [...th day following the] day of the deposit of its instrument of ratification or accession, subject to

(a) above. 1/

6. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices. The Depositary shall immediately upon receipt transmit any notices required by this Convention to every State Party.

7. This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations. 2/

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1/ It is to be discussed further how to ensure that all "chemical weapons capable States" could be included in those States whose ratification would be required for the Convention to enter into force.

2/ The text of paragraphs 6 and 7 above, is an alternative to certain provisions that appear in page 138, paragraphs 1 and 2; page 139, Section 2; and page 140, paragraphs 1 and 2.

Article XVI: Languages, authentic texts, registration

Commentary

None.

Possible wording for Article XVI 1/

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Governments of all signatory and acceding States.

2. This Convention shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

Done at .....

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1/ The view was expressed that the portion of this text dealing with the duties of the Depositary should be combined with the provisions of Article XV.

PART TWO

OTHER PROVISIONS WHICH MIGHT BE INCLUDED IN THE CONVENTION

Views were expressed on the inclusion in the Convention of the following final provisions:

1. Reservations

Commentary

Views were expressed that in the case of this Convention, the right to reservation should not be permitted. According to other views, the right to reservation should be exercised only to provisions in respect of which such a right is expressly permitted. A view was also expressed that further discussion should take place before a decision is made to recommend a provision limiting States Parties' rights to express reservations.

Possible wording for a provision on reservations

"This Convention shall not be subject to reservations [unless expressly permitted, and to the extent as permitted, by any other provisions of this Convention]."

- or -

["No reservations or exceptions may be made to this Convention unless expressly permitted by other Articles of this Convention."]

["This Convention shall not be subject to reservations. Any declaration or statement made by a State when signing, ratifying or acceding to this Convention which purports to exclude or to modify the legal effects of the provisions of this Convention in their application to that State shall be of no effect."]

2. Status of Annexes

Commentary

There is an understanding that the Annexes of this Convention should constitute integral parts of the Convention.

Possible wording for a provision on the status of Annexes 1/

"Annexes Nos. .... form an integral part of this Convention."

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<sup>1/</sup> The view was expressed that this provision should be combined with the provisions of Article XV.

### 3. Depositary

#### Commentary

There is an understanding that:

(a) The Depositary of this Convention should be the Secretary-General of the United Nations;

(b) The Depositary should perform the standard functions of a Depositary under International Law.

It is to be discussed what other functions might be entrusted to the Depositary with regard to the special needs of the Convention.

#### Possible wording for the provision on the Depositary <sup>1/</sup>

"1. The Secretary-General of the United Nations is hereby designated as Depositary of this Convention.

2. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of entry into force of the Convention and of any amendments thereto."

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The questions of the settlement of disputes not related to compliance issues, as well as of the placement of the provision for review conferences, were also raised but have not yet been discussed.

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<sup>1/</sup> The view was expressed that the material in this Section should be combined with the provisions of Article XV.

CHEMICAL WEAPONS PRODUCTION FACILITIES

1. Definition

The term "chemical weapons production facility":

(a) means any equipment, as well as any building housing such equipment, that was designed, constructed or used since 1 January 1946:

(i) as part of the stage in the production of chemicals ("final technological stage") where the material flows would contain, when the equipment is in operation, any Schedule [1] chemical, or any other chemical that has no use for permitted purposes above ... kilograms per year but can be used for chemical weapons purposes; 1/ or

(ii) for filling chemical weapons. 2/

(b) does not include any facility with an annual capacity for synthesis of chemicals specified in subparagraph 1(a) (i) above that is less than [1,000-2,000] kilograms. 3/4/

(c) does not include the single small-scale production facility provided under the Annex to Article VI [1] of the Convention.

2. Measures for destruction, including verification

(a) General

- Chemical weapons production facilities should be destroyed.

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1/ Any such chemical should be included in a relevant schedule of chemicals in the convention.

2/ The filling of chemical weapons includes, inter alia:

- the filling of Schedule 1 chemicals into munitions, devices, or bulk storage containers;
- the filling of chemicals into containers which form part of assembled binary munitions and devices and into chemical submunitions which form part of assembled unitary munitions and devices;
- the loading of the containers and chemical submunitions into the respective munitions and devices.

3/ The disposition of such facilities should be decided in the context of Articles III and VI of the Convention.

4/ This threshold should be decided once an agreed definition for the term "capacity" has been developed.

- Destruction and its verification should be conducted according to agreed guidelines.
- The detailed plans for destruction, as well as corresponding verification measures, should be agreed upon between the Executive Council and the State Party to ensure that the agreed guidelines are met.
- The destruction process should be verified by systematic international on-site inspection.

(b) Destruction of equipment covered by the definition of a "chemical weapons production facility"

- All specialized equipment should be physically destroyed.
- "Specialized equipment" is:
  - . the main production train, including any reactor or equipment for product synthesis, separation or purification, any equipment used directly for heat transfer in the final technological stage (for example, in reactors or in product separation), as well as any other equipment which has been in contact with any Schedule 1 chemical, or any other chemical that has no use for permitted purposes above ... kilograms per year but can be used for chemical weapons purposes, or would be if the facility were operated.
  - . any chemical weapon filling machines.
  - . any other equipment specially designed, built or installed for the operation of the facility as a chemical weapons production facility, as distinct from a facility constructed according to prevailing commercial industry standards for facilities not producing super-toxic lethal or corrosive chemicals. (Examples include equipment made of high-nickel alloys or other special corrosion-resistant material; special equipment for waste control, waste treatment, air filtering, or solvent recovery; special containment enclosures and safety shields; non-standard laboratory equipment used to analyse toxic chemicals for chemical weapons purposes; custom-designed process control panels; dedicated spares for specialized equipment.)
- All "standard equipment" should be physically destroyed.
- "Standard equipment" includes:
  - . production equipment which is generally used in the chemical industry and is not included in the types of "specialized equipment";
  - . other equipment commonly used in the chemical industry, such as firefighting equipment, guard and security/safety surveillance equipment, medical facilities, laboratory facilities, communications equipment.

(c) Destruction of buildings covered by the definition of a "chemical weapons production facility"

- The word "building" should include underground structures.
- Specialized buildings should be physically destroyed.
- "Specialized building" is:
  - . any building containing specialized equipment in a production or filling configuration;
  - . any building which has distinctive features which distinguish it from buildings normally used for chemical production or filling activities not banned by the convention.
- All "standard buildings" should be physically destroyed.
- "Standard buildings" means buildings constructed to prevailing industry standards for facilities not producing super-toxic lethal or corrosive chemicals.

3. Related Measures

(a) Facilities for production of key precursors

- Any facility used since ... to produce for chemical weapons purposes a key precursor for which the need for permitted purposes exceeds ... kilograms per year should be declared as such and monitored by on-site inspection and other measures provided under Article VI and the Annex to Article VI [2].

(b) Facilities for producing chemical munitions and specialized equipment for chemical weapons employment

- Facilities used exclusively for production of: (a) non-chemical parts for chemical munitions or (b) specialized equipment for chemical weapons employment, should be declared and eliminated. The elimination process and its verification should be conducted according to the provisions of Article V that govern elimination of chemical weapons production facilities.
- All equipment designed or used exclusively for producing non-chemical parts for chemical munitions should be destroyed. Such equipment, which includes specially-designed moulds and metal-forming dies, may be brought to a special location for destruction. International inspectors should be present during the destruction process.
- All buildings and standard equipment used for such production activities should be converted to permitted purposes, with confirmation as necessary through consultations or challenge inspection
- Permitted activities may continue while destruction or conversion proceeds.

(c) Facilities for producing common commercial chemicals

- Facilities used since ... to produce a chemical in Schedule [3] for chemical weapons purposes should be declared and monitored under Article VI and the Annex to Article VI [3].
- Plants producing other common commercial chemicals that are not listed on one of the schedules of the convention need not be declared or monitored, even if they produced these chemicals for use in production of chemical weapons.



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Special Report of the Ad Hoc Committee on the  
Comprehensive Programme of Disarmament

## I. INTRODUCTION

1. Following the second special session of the General Assembly devoted to disarmament, the Ad Hoc Working Group on the Comprehensive Programme of Disarmament was re-established to continue negotiations on the subject with a view to submitting a revised draft of the Programme to the General Assembly at its thirty-eighth session, taking into account the views expressed and the progress achieved on the subject at the second special session of the General Assembly devoted to disarmament. The subsidiary body was again re-established at the 1984 session, and renamed "Ad Hoc Committee", to renew, as soon as the circumstances were propitious for that purpose, the work on the elaboration of the Comprehensive Programme of Disarmament with a view to the submission to the General Assembly of a complete draft of such a Programme, not later than at its forty-first session. In accordance with the Committee's mandate, the results of its work, as contained in the annex to its 1987 report (CD/783), were submitted to the General Assembly at its forty-first session. In that report, the Committee, noting that areas of disagreement remained with respect to various aspects of the Programme and, bearing in mind that the Preparatory Committee for the Third Special Session of the General Assembly Devoted to Disarmament had recommended the inclusion in the agenda of the third special session of an item entitled "Consideration and adoption of the Comprehensive Programme of Disarmament", recommended to the Conference on Disarmament that the Committee be re-established at the outset of the 1988 session with a view to resolving outstanding issues and concluding negotiations on the Programme in time for its submission to the third special session of the General Assembly devoted to disarmament. The Conference agreed to that recommendation (CD/787, para. 91) and re-established the Ad Hoc Committee at its 436th plenary meeting, on 2 February 1988, with a view to resolving outstanding issues and concluding negotiations on the Programme in time for its submission to the General Assembly at its third special session devoted to disarmament.

## II. ORGANIZATION OF WORK AND DOCUMENTATION

2. During the period covered by this report, Ambassador Alfonso García Robles (Mexico), was Chairman of the Ad Hoc Committee. Ms. Aida Luisa Levin, Senior Political Affairs Officer, United Nations Department of Disarmament Affairs, served as the Committee's Secretary.

3. During this period, the Ad Hoc Committee held a total of 100 meetings.

4. At various stages of the work, representatives of the following States not members of the Conference participated in the meetings of the Ad Hoc Committee: Austria, Bangladesh, Burundi, Cameroon, Colombia, Democratic Yemen, Denmark, Finland, Greece, Ireland, Malaysia, New Zealand, Norway, Portugal, Senegal, Spain, Tunisia, Turkey and Zimbabwe.

5. In addition to the documents submitted by member States in the course of the 1983, 1984, 1985, 1986 and 1987 sessions, 1/ the Ad Hoc Committee had before it at the 1988 session a proposal submitted by the United Kingdom for inclusion in the Section "Other Measures" of chapter V of the draft Comprehensive Programme of Disarmament (CD/CPD/WP.90).

### III. SUBSTANTIVE WORK DURING 1983-1988

6. In 1983, the Ad Hoc Working Group, in accordance with its mandate, took as the basis of its work the texts that resulted from the negotiations on the Comprehensive Programme on Disarmament at the second special session of the General Assembly devoted to disarmament (A/S-12/32, Annex I). Contact groups were established to deal with the various chapters of the Programme. The results of the work were reflected in the annex to the 1983 report, with the understanding that delegations could not take final positions until agreement was reached on outstanding points of difficulty and until the document was complete. As indicated in the annex, the text of some paragraphs remained pending and there were differences of view regarding the appropriateness of including certain paragraphs and the desire to add further paragraphs. In addition, in the time available to it, the Working Group was not able to consider certain questions.

7. As noted above (para. 1), under the terms of its mandate in 1984, the Ad Hoc Committee was called upon to renew the work on the elaboration of the Comprehensive Programme of Disarmament as soon as the circumstances were propitious for that purpose. At the 1984 session, it was agreed that the circumstances were not conducive to making progress towards the resolution of outstanding issues and that, therefore, it would not be fruitful to pursue the elaboration of the programme at that session.

8. In 1985, the Ad Hoc Committee resumed the task of the elaboration of the Comprehensive Programme of Disarmament, taking as the basis of its work the text annexed to the 1983 report of the previous Ad Hoc Working Group. At that and subsequent sessions, the Committee concentrated its work on the resolution of various outstanding issues. At each session, contact groups were established and consultations were held among interested delegations with a view to resolving existing differences. In addition, at various stages, consultations and informal meetings were held under the guidance of the Chairman. In the course of the work new proposals were submitted. Additional points of disagreement also arose with respect to existing texts.

9. Intensive efforts were made with a view to completing the elaboration of the Programme and submitting a draft thereof to the General Assembly at its third special session devoted to disarmament. In some cases it was possible to reach agreement on the text of the relevant paragraphs and in others considerable progress was made towards harmonizing positions. However, as reflected in the annex to this report, points of difference remained on a number of issues.

#### IV. CONCLUSION

10. In accordance with its mandate, the Ad Hoc Committee agreed to submit to the Conference on Disarmament the results of its work on the elaboration of the Comprehensive Programme of Disarmament, as contained in the annex to this report, for submission to the General Assembly at its third special session devoted to disarmament. It was understood that delegations could not take final positions until agreement was reached on outstanding points of difficulty and until the document was complete.

#### Note

1/ The list of documents may be found in the relevant reports of the Ad Hoc Working Group and of the Ad Hoc Committee, which are an integral part of the annual reports of the Committee on Disarmament and of the Conference on Disarmament to the United Nations General Assembly (CD/335, CD.421, CD/540, CD/642 and CD/732 and Add.1).

Annex

[Draft Comprehensive Programme of Disarmament]

[Texts for the Comprehensive Programme of Disarmament]

I. Introduction

1. The States Members of the United Nations reaffirm that the ultimate goal of a comprehensive programme of disarmament is general and complete disarmament under effective international control. Progress towards this goal requires the implementation of measures to halt and reverse the arms race and clear the path towards lasting peace. Negotiations on the entire range of those issues should be based on the strict observance of the purposes and principles enshrined in the Charter of the United Nations, with full recognition of the role of the United Nations in the field of disarmament and reflecting the vital interest of all peoples of the world in this sphere.

2. In paragraph 109 of the Final Document of the first special session of the General Assembly devoted to disarmament, the Committee on Disarmament - now the Conference on Disarmament - was requested to ["] undertake the elaboration of a comprehensive programme of disarmament encompassing all measures thought to be advisable in order to ensure that the goal of general and complete disarmament under effective international control becomes a reality in a world in which international peace and security prevail [and in which the new international economic order is strengthened and consolidated"]. In the same paragraph of the Final Document it was also stated that: "The comprehensive programme should contain appropriate procedures for ensuring that the General Assembly is kept fully informed of the progress of the negotiations including an appraisal of the situation when appropriate and, in particular, a continuing review of the implementation of the programme".

3. The Conference on Disarmament has elaborated and adopted by consensus this draft comprehensive programme of disarmament for its presentation to the ... session of the United Nations General Assembly. In addition to the present introduction, the programme comprises five chapters, the titles of which are the following: "Objectives", "Principles", "Priorities", "Measures and stages of implementation", and "Machinery and procedures". \*/

4. The Programme is adopted by consensus by the United Nations General Assembly. Through the adoption of the Programme all Member States of the United Nations express their willingness to make every effort possible toward the realization as soon as possible of general and complete disarmament under effective international control.

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\*/ The final text of this paragraph will be determined when the Conference on Disarmament adopts the Programme.

## II. Objectives

1. The immediate objectives of the Comprehensive Programme of Disarmament should be to eliminate the danger of war, [in particular nuclear war, the prevention of which remains the most acute and urgent task of the present day,] [inter alia, nuclear war,] to implement measures to halt and reverse the arms race, [in particular the nuclear arms race,] and to clear the path towards lasting peace. To this end the programme will also aim:

- To maintain and further the momentum generated by the first special session of the General Assembly devoted to disarmament;
- To initiate or engage in further negotiations, to expedite the halting of the arms race in all its aspects, [in particular the nuclear arms race;]
- To consolidate and develop the results reflected in agreements and treaties achieved so far, relevant to the problems of disarmament;
- To open and accelerate the process of genuine disarmament on an internationally agreed basis.

2. The ultimate objective of the Comprehensive Programme is to ensure that general and complete disarmament under effective international control becomes a reality in a world in which international peace and security prevail [and in which the New International Economic Order is fully achieved].

3. Throughout the implementation of the Programme towards the progressive reduction and final elimination of armaments and armed forces, the following objectives should be pursued:

- To strengthen international peace and security, as well as the security of individual States, in accordance with the Charter of the United Nations;
- To contribute to the safeguarding of the sovereignty and independence of all States;
- To make, through the implementation of the programme, an effective contribution to the establishment of conditions favourable to the economic and social development of States, in particular developing States;
- To increase international confidence and relaxation of international tension;
- To establish international relations based on peaceful coexistence and trust between all States, and to develop broad international co-operation and understanding with a view to promoting conditions favourable to the implementation of the Programme;
- To promote further public understanding and support for the efforts to halt the arms race and achieve disarmament, through accurate, balanced, factual and objective information and education in all regions of the world.

### III. Principles

1. [The United Nations Charter together with the Final Document of the First Special Session of the General Assembly on Disarmament embodies the basic philosophy for achieving general and complete disarmament.]

2. [The objective of security, which is an inseparable element of peace, has always been one of the most profound aspirations of humanity. Yet today the accumulation of weapons, particularly nuclear weapons which alone are sufficient to destroy all life on earth, constitutes much more a threat than a protection for the future of mankind and, far from helping to strengthen international security, on the contrary weakens it. Therefore, it is essential to halt and reverse the nuclear arms race in all its aspects in order to avert the danger of war involving nuclear weapons.]

3. All States Members of the United Nations reaffirm their full commitment to the purposes of the Charter of the United Nations and their obligation strictly to observe its principles as well as other relevant and generally accepted principles of international law relating to the maintenance of international peace and security. [They stress the special importance of refraining from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or against peoples under colonial or foreign domination seeking to exercise their right to self-determination and to achieve independence, non-acquisition and non-annexation of territories by force and non-recognition of such acquisition or annexation, non-intervention and non-interference in the internal affairs of other States; the inviolability of international frontiers; and the peaceful settlement of disputes, having regard to the inherent right of States to individual and collective self-defence in accordance with the Charter.]

4. In order to create favourable conditions for success in the disarmament process, all States should strictly abide by the provisions of the Charter of the United Nations, refrain from actions which might adversely affect efforts in the field of disarmament, and display a constructive approach to negotiations and the political will to reach agreements.

5. [Enduring international peace and security cannot be built on the accumulation of weaponry by military alliances or be sustained by a precarious balance of deterrence or doctrines of strategic superiority. Genuine and lasting peace can only be created through the effective implementation of the security system provided for in the Charter of the United Nations and the speedy and substantial reduction of arms and armed forces, by international agreement and mutual example, leading ultimately to general and complete disarmament under effective international control. At the same time, the causes of the arms race and threats to peace must be reduced and to this end effective action should be taken to eliminate tensions and settle disputes by peaceful means.]

6. [The arms race, particularly in its nuclear aspect, runs counter to efforts to achieve further relaxation of international tension, to establish international relations based on peaceful coexistence and trust between all States, and to develop broad international co-operation and understanding. The arms race impedes the realization of the purposes, and is incompatible with the principles, of the Charter of the United Nations, especially respect for sovereignty, refraining from the threat or use of force against the

territorial integrity or political independence of any State, the peaceful settlement of disputes and non-intervention and non-interference in the internal affairs of States. On the other hand, progress on détente and progress on disarmament mutually complement and strengthen each other.]

7. Disarmament, relaxation of international tension, respect for the right to self-determination and national independence, the peaceful settlement of disputes in accordance with the Charter of the United Nations and the strengthening of international peace and security are directly related to each other. Progress in any of these spheres has a beneficial effect on all of them; in turn, failure in one sphere has negative effects on others.

8. Progress in disarmament should be accompanied by measures to strengthen institutions for maintaining peace and the settlement of international disputes by peaceful means.

9. [The Members of the United Nations are fully aware of the conviction of their peoples that the question of general and complete disarmament is of utmost importance and that peace, security and economic and social development are indivisible, and they have therefore recognized that the corresponding obligations and responsibilities are universal.]

10. All the peoples of the world have a vital interest in the success of disarmament negotiations. Consequently, all States have the duty to contribute to efforts in the field of disarmament. All States have the right to participate in disarmament negotiations. They have the right to participate on an equal footing in those multilateral disarmament negotiations which have a direct bearing on their national security.

11. [In a world of finite resources, there is a close relationship between expenditure on armaments and economic and social development. The continuation of the arms race is detrimental to and incompatible with the implementation of the new international economic order based on justice, equity and co-operation. Consequently, there is a close relationship between disarmament and development. Progress in the former would help greatly in the realization of the latter and resources released as a result of the implementation of disarmament measures should be devoted to the economic and social development of all nations and contribute to the bridging of the economic gap between developed and developing countries.]

12. [Disarmament and arms limitation, particularly in the nuclear field, are essential for the prevention of the danger of nuclear war and the strengthening of international peace and security and for the economic and social advancement of all peoples, thus facilitating the achievement of the new international economic order.]

13. [Nuclear weapons pose the greatest danger to mankind and to the survival of civilization.]

14. [Mindful of the danger posed to all mankind by an arms race in outer space that could undermine international peace and security and retard the pursuit of general and complete disarmament, all States should refrain in their activities relating to outer space from actions contrary to the observance of the relevant existing treaties or to the objective of preventing an arms race in outer space, thus securing that it shall not become a new arena for an arms race.]

15. The adoption of disarmament measures should take place in such an equitable and balanced manner as to ensure the right of each State to security and to ensure that no individual State or group of States may obtain advantages over others at any stage. At each stage the objective should be undiminished security at the lowest possible level of armaments and military forces.

16. [In accordance with the Charter,] the United Nations has a central role and [a] primary responsibility in the sphere of disarmament. In order effectively to discharge this role and facilitate and encourage all measures in this field, the United Nations should be kept appropriately informed of all steps in this field, whether unilateral, bilateral, regional or multilateral, without prejudice to the progress of negotiation.

17. While disarmament is the responsibility of all States, all the nuclear-weapon States have the primary responsibility for nuclear disarmament and, together with other militarily significant States, for halting and reversing the arms race.

18. In the task of achieving the goals of nuclear disarmament, all the nuclear-weapon States, in particular those among them which possess the most important nuclear arsenals, bear a special responsibility.

19. An acceptable balance of mutual responsibilities and obligations for nuclear and non-nuclear-weapon States should be strictly observed.

20. Negotiations on partial measures of disarmament should be conducted concurrently with negotiations on more comprehensive measures and should be followed by negotiations leading to a treaty on general and complete disarmament under effective international control.

21. [Qualitative and quantitative disarmament measures are both important for halting the arms race. Efforts to that end must include negotiations on the limitation and cessation of the qualitative improvement of armaments, especially weapons of mass destruction and the development of new means of warfare so that ultimately scientific and technological achievements may be used solely for peaceful purposes.]

22. Disarmament and arms limitation agreements should provide for adequate measures of verification satisfactory to all parties concerned in order to create the necessary confidence and ensure that they are being observed by all parties. The form and modalities of the verification to be provided for in any specific agreement depend upon and should be determined by the purposes, scope and nature of the agreement. [Every effort should be made to develop 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 or prejudice their security.]

23. Universality of disarmament agreements helps create confidence among States. When multilateral agreements in the field of disarmament are negotiated, every effort should be made to ensure that they are universally acceptable. The full compliance of all parties with the provisions contained in such agreements would contribute to the attainment of that goal.



24. All States, in particular nuclear-weapon States, should consider various proposals designed to secure the avoidance of the use of nuclear weapons, and the prevention of nuclear war. In this context, while noting the declarations made by nuclear-weapon States, effective arrangements, as appropriate, to assure non-nuclear-weapon States against the use or the threat of use of nuclear weapons could strengthen the security of those States and international peace and security.

25. [The establishment of nuclear-weapon-free zones on the basis of agreements or arrangements freely arrived at among the States of the zone concerned and the full compliance with those agreements or arrangements, thus ensuring that the zones are genuinely free from nuclear weapons, and respect for such zones by nuclear-weapon States constitute an important disarmament measure.]

26. Non-proliferation of nuclear weapons [, horizontal, vertical and spatial,] is a matter of universal concern. Measures of disarmament must be consistent with the inalienable right of all States, without discrimination, to develop, acquire and use nuclear technology, equipment and materials for the peaceful use of nuclear energy and to determine their peaceful nuclear programmes in accordance with their national priorities, needs and interests, bearing in mind the need to prevent the proliferation of nuclear weapons. International co-operation in the peaceful uses of nuclear energy should be conducted under agreed and appropriate international safeguards applied on a non-discriminatory basis. \*/

27. Significant progress in nuclear disarmament would be facilitated both by parallel political or international legal measures to strengthen the security of States and by progress in the limitation and reduction of armed forces and conventional armaments of the nuclear-weapon States and other States in the regions concerned.

28. Together with negotiations on nuclear disarmament measures, negotiations should be carried out on the balanced reduction of armed forces and of conventional armaments, based on the principle of undiminished security of the parties with a view to promoting or enhancing stability at a lower military level, taking into account the need of all States to protect their security. These negotiations should be conducted with particular emphasis on armed forces and conventional weapons of nuclear-weapon States and other militarily significant countries.

29. Collateral measures in both the nuclear and conventional fields, together with other measures specifically designed to build confidence, should be undertaken in order to contribute to the creation of favourable conditions for the adoption of additional disarmament measures and to further the relaxation of international tension.

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\*/ One delegation reserves its position on the inclusion of the text following the first sentence in the chapter on principles.

30. As security and stability should be assured in all regions taking into account the specific needs and requirements of their respective situations, bilateral and regional disarmament negotiations may also play an important role and could facilitate negotiations of multilateral agreements in the field of disarmament.

31. Agreements or other measures should be resolutely pursued on a bilateral, regional and multilateral basis with the aim of strengthening peace and security at a lower level of forces, by the limitation and reduction of armed forces and of conventional weapons, taking into account the need of States to protect their security, bearing in mind the inherent right of self-defence embodied in the Charter of the United Nations and without prejudice to the principle of equal rights and self-determination of peoples in accordance with the Charter, and the need to ensure balance at each stage and undiminished security of all States.

32. Bilateral, regional and multilateral consultations and conferences should be held where appropriate conditions exist with the participation of all the countries concerned for the consideration of different aspects of conventional disarmament.

33. Draft multilateral disarmament conventions should be subjected to the normal procedures applicable in the law of treaties. Those submitted to the General Assembly for its commendation should be subject to full review by the Assembly.

34. [Each fully implemented arms limitation or disarmament measure helps to build [the] confidence [needed] [and] to advance to more significant steps toward general and complete disarmament measures.]

35. [Respect for and the effective exercise of human rights and fundamental freedoms [, especially the right to live in a nuclear-weapon-free, demilitarized and non-violent world,] are essential factors for international peace, justice and security.]

36. [Confidence-building measures, especially when applied in a comprehensive manner, have a potential to contribute significantly to the enhancement of peace and security and to promote and facilitate the attainment of disarmament measures.]

37. [A better flow of objective information on military capabilities could help relieve international tension and contribute to the building of confidence among States on a global, regional or subregional level and to the conclusion of concrete disarmament agreements.]

[1. [The United Nations as well as generally accepted principles of international law provide the basic norms required for progress in the field of disarmament. The process of achieving general and complete disarmament under effective international control should take duly into account the basic principles and priorities established by the Final Document of the first special session of the General Assembly devoted to disarmament.]

[The United Nations Charter as well as generally accepted principles of international law provide norms of conduct for nations required for progress in the field of disarmament. Only strict observance of these norms can create conditions necessary for the achievement of the ultimate objective of general and complete disarmament under effective international control, also reflected in the Final Document of the first special session of the General Assembly devoted to disarmament.]

2. All States Members of the United Nations should affirm their full commitment to the purposes and principles of the United Nations Charter, strictly observe its provisions as well as other relevant and generally accepted principles of international law relating to the maintenance of international peace and security [including the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States] and refrain from actions which might adversely affect efforts in the field of disarmament and the process of building confidence and security, displaying a constructive approach to negotiations and the political will to reach agreements.

3. Disarmament, relaxation of international tension, respect for the right to self-determination and national independence, the peaceful settlement of disputes in accordance with the Charter of the United Nations and the strengthening of international peace and security are directly related to each other. Progress in any of these spheres has a beneficial effect on all of them; in turn, failure in one sphere has negative effects on others.

4. Recognizing that security is an inseparable element of peace, that the arms race is inherently unstable and that enduring peace and security for the future cannot be built on the accumulation of weaponry, all States should adopt defence policies and military doctrines which could contribute to reductions in armed forces and armaments to the levels necessary for defence, to a decrease in military confrontation and to greater confidence and stability in relations among States. All States should seek to strengthen and ensure international security through peaceful and mutually beneficial co-operation and disarmament agreements, which is essential in order to halt and reverse the arms race and prevent war, in particular nuclear war.

5. Progress in disarmament should be accompanied by measures to strengthen institutions for maintaining peace and the settlement of international disputes by peaceful means.

6. All States have the obligation to promote international peace and security and to contribute to efforts in the field of disarmament. [All States have the right to participate in the disarmament process.] All States have the right to participate on the basis of equality in those multilateral disarmament negotiations which have a direct bearing on their national security.

7. Progress in the field of disarmament should contribute to the social and economic development of all nations, particularly developing nations.

8. Outer space shall be the province of all mankind. Its exploration and use shall be carried out for the benefit and in the interests of all States and in the interest of maintaining international peace and security and promoting international co-operation and understanding. All States, in particular the major space Powers, should contribute actively to the prevention of an arms race in outer space.

9. Bearing in mind the right of each State to security, the adoption of disarmament measures should take place in such an equitable and balanced manner as to enhance the security of each State and to ensure that no individual State or group of States may obtain advantages over others at any stage. At each stage the objective should be *undiminished security* at the lowest possible level of armaments and military forces.

10. The United Nations have a central role and primary responsibility in the sphere of disarmament and in the promotion of international peace and security. In order effectively to discharge this role and facilitate and encourage all measures in this field, the United Nations should be kept appropriately informed of all steps in this field, whether unilateral, bilateral, regional or multilateral, without prejudice to the progress of negotiations.

11. An acceptable balance of mutual responsibilities and obligations for nuclear and non-nuclear-weapon States should be strictly observed. While disarmament is the responsibility of all States, the nuclear-weapon States, in particular those among them which possess the most important nuclear arsenals, have the primary responsibility for nuclear disarmament and, together with other militarily significant States, for halting and reversing the arms race.

12. Qualitative as well as quantitative aspects must be taken into account in disarmament and arms limitation agreements in order to promote international peace and security and to ensure [that improvement in armaments does not undermine the validity and viability of agreements and] that ultimately scientific and technological developments be used for peaceful purposes.

13. Disarmament and arms limitation agreements should provide for effective measures of verification in order to create necessary confidence, monitor and promote compliance. The specific measures of verification in any specific agreement should be determined by the purposes, scope and nature of the agreement.

14. Together with negotiations on nuclear disarmament measures, negotiations should be carried out on the balanced reduction of armed forces and of conventional armaments, based on the principle of *undiminished security* of the parties with a view to promoting or enhancing stability at a lower military level, taking into account the need of all States to protect their security. These negotiations should be conducted with particular emphasis on armed forces and conventional weapons of the countries with the largest military arsenals and other militarily significant countries.

15. All efforts should be exerted to achieve the prohibition of all other weapons of mass destruction, in particular the final elaboration of a convention on the prohibition of the development, production, stockpiling and use of all chemical weapons and on their destruction at the earliest possible date.

16. Collateral measures in both the nuclear and conventional fields, together with other measures specifically designed to build confidence, should be undertaken in order to further the relaxation of international tension and thus create favourable conditions for the adoption of additional disarmament measures.

17. As security and stability should be assured in all regions taking into account the specific needs and requirements of their respective situations, bilateral and regional disarmament negotiations should also play an important role in order to facilitate negotiations of multilateral agreements in the field of disarmament, which would enhance international peace and security.

18. All States should promote a better flow of objective information on military capabilities in order to contribute to the building of confidence among States on a global, regional or subregional level and in order to facilitate the conclusion of concrete disarmament agreements, which would enhance international peace and security.]

#### IV. Priorities

1. \*/ In the implementation of the Comprehensive Programme of Disarmament for the achievement of general and complete disarmament under effective international control as the ultimate goal, the priorities which reflect the urgency attached to the measures for negotiations are:

- nuclear weapons;
- [- prevention of an arms race in outer space,]
- other weapons of mass destruction, including chemical weapons;
- conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects; and
- reduction of armed forces.

2. [Effective measures of nuclear disarmament, the prevention of nuclear war and the prevention of an arms race in outer space have the highest priority. Along with negotiations on these measures, effective measures should be negotiated to prohibit or prevent the development, production or use of other weapons of mass destruction, as well as on the balanced reduction of armed forces and of conventional armaments.]

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\*/ Some delegations expressed the belief that the order of the items listed in this paragraph does not constitute an agreed order of importance.

3. [Nothing should preclude States from conducting negotiations on all priority items concurrently.] Bearing in mind these priorities, negotiations should be pursued on all measures which would lead to general and complete disarmament under effective international control.

V. Measures and stages of implementation

First stage]

DISARMAMENT MEASURES

A. Nuclear weapons

1. [Nuclear weapons pose the greatest danger to mankind and to the survival of civilization. It is essential to halt and reverse the nuclear arms race in all its aspects in order to avert the danger of war involving nuclear weapons. The ultimate goal in this context is the complete elimination of nuclear weapons.]

In the task of achieving the goals of nuclear disarmament, all the nuclear-weapon States, in particular those among them which possess the most important nuclear arsenals, bear a special responsibility.

The process of nuclear disarmament should be carried out in such a way, and requires measures to ensure, that the security of all States is guaranteed at progressively lower levels of nuclear armaments, taking into account the relative qualitative and quantitative importance of the existing arsenals of the nuclear-weapon States and other States concerned.]

2. The achievement of nuclear disarmament will require [urgent] negotiation of agreements at appropriate stages and with adequate measures of verification satisfactory to the States concerned for:

(a) Cessation of the qualitative improvement and development of nuclear-weapon systems;

(b) Cessation of the production of all types of nuclear weapons and their means of delivery, and of the production of fissionable material for weapons purposes;

(c) [A comprehensive, phased programme with agreed time-frames, whenever feasible, for progressive] [Significant] and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time.

Consideration can be given in the course of the negotiations to mutual and agreed limitation or prohibition, without prejudice to the security of any State, of any type of nuclear armaments.

3. Nuclear test ban:

The cessation of nuclear-weapon testing by all States within the framework of an effective nuclear disarmament process would be in the interest of mankind. \*/ It would make a significant contribution to the aim of ending the qualitative improvement of nuclear weapons and the development of new types of such weapons and of preventing the proliferation of nuclear weapons. [Therefore, all efforts should be made to conclude, as an important part of the process of nuclear disarmament, a multilateral nuclear test ban treaty at the earliest possible date.] [Therefore, it is necessary to make all efforts for the elaboration of a multilateral treaty on a nuclear test ban at the earliest possible date.] [Therefore, negotiations should be immediately initiated for the urgent conclusion of a nuclear test ban treaty.] [It is necessary to undertake all possible efforts and immediately hold negotiations for the urgent elaboration of a treaty on the complete and general prohibition of nuclear weapon tests; before the conclusion of such a treaty all nuclear-weapon States should declare a moratorium on all nuclear explosions.] [It is therefore necessary as an important part of the process of nuclear disarmament to make every effort to achieve an effective and verifiable multilateral treaty on a nuclear test ban at the earliest practical date.]

4. [Pending the conclusion of further agreements relating to nuclear disarmament the USSR and the United States should, on a reciprocal basis, continue to refrain from actions which would undercut existing strategic arms agreements concluded between them.]

5. Negotiations between the United States of America and the Union of Soviet Socialist Republics on nuclear and space arms:

The United States of America and the Union of Soviet Socialist Republics have expressed consciousness of their special responsibility for maintaining peace and have agreed that a nuclear war cannot be won and must never be fought. The agreement between the United States and the Soviet Union to accelerate the work at their bilateral nuclear and space arms negotiations has been widely welcomed. In this context nations of the world have endorsed the proclaimed objective of these negotiations and have stressed the importance of their being pursued with utmost dispatch with the objective of reaching early agreements. In this regard the United States and the Soviet Union should also continue to keep in view the following:

(a) The objective to work out effective agreements aimed at preventing an arms race in space and terminating it on Earth as well as limiting and reducing nuclear arms.

(b) The need to take fully into account the security interests of all States.

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\*/ Some delegations reserved their position with respect to the first sentence of this text.

(c) The need to display a spirit of flexibility and to maintain equal and undiminished security for all at constantly decreasing levels of armaments and the principle that neither side should seek to achieve military superiority over the other.

(d) The requirement for effective measures for verification of compliance with agreements.

(e) The fact that while reductions in the nuclear arsenals of the United States and the USSR are directly to be negotiated and effected by the two sides involved, the overall subject of nuclear disarmament is of world-wide concern since nuclear weapons and their accumulation pose a threat not only to their possessors and their allies but every other nation.

(f) [The United Nations General Assembly has reiterated its belief that bilateral and multilateral efforts for nuclear disarmament should complement and facilitate each other.]

[The fact that bilateral negotiations do not in any way diminish the urgent need to initiate multilateral negotiations in the Conference on Disarmament on the cessation of the nuclear arms race and nuclear disarmament.]

(g) The need to keep the United Nations General Assembly and the Conference on Disarmament appropriately informed of the state of negotiations, inter alia, in view of the responsibilities entrusted to these bodies as well as the universal desire for progress towards disarmament.

The Soviet Union and the United States, having agreed to accelerate the pace of their bilateral negotiations, should exert every effort to achieve agreements on substantial reductions in their nuclear arsenals to be implemented during the initial phase of the disarmament process, which should be as brief as possible. In this context, the two sides have already agreed on the principle of 50 per cent reductions in their nuclear arms appropriately applied, as well as the idea of an interim INF agreement. During this initial phase other agreements helpful to the overall disarmament process should also be concluded and put into effect.

Following is the text of the Joint United States-Soviet statement which was issued on 8 January 1985, regarding their negotiations on nuclear and space arms:

"As previously agreed, a meeting was held on 7 and 8 January 1985 in Geneva between George P. Schultz, the United States Secretary of State, and Andrei A. Gromyko, Member of the Politburo of the Central Committee of the CPSU, First Deputy Chairman of the Council of Ministers of the USSR and Minister of Foreign Affairs of the USSR.

During the meeting they discussed the subject and objectives of the forthcoming United States-Soviet negotiations on nuclear and space arms.

The sides agree that the subject of the negotiations will be a complex of questions concerning space and nuclear arms - both strategic and intermediate-range - with all these questions considered and resolved in their interrelationship.



The objective of the negotiations will be to work out effective agreements aimed at preventing an arms race in space and terminating it on Earth, at limiting and reducing nuclear arms, and at strengthening strategic stability. The negotiations will be conducted by a delegation from each side divided into three groups.

The sides believe that ultimately the forthcoming negotiations, just as efforts in general to limit and reduce arms, should lead to the complete elimination of nuclear arms everywhere.

The date of the beginning of the negotiations and the site of these negotiations will be agreed through diplomatic channels within one month."

6. Multilateral negotiations on nuclear disarmament:

[The urgent initiation of multilateral nuclear disarmament negotiations is of vital interest to the nuclear and non-nuclear-weapon States. The conclusion of multilateral disarmament agreements would be facilitated by substantial progress in the bilateral negotiations in this area between the States which possess the most important arsenals and have a special responsibility in the field of nuclear disarmament. Also, multilateral negotiations are particularly important to achieve significant and universal progress toward the achievement of nuclear disarmament. This will require negotiation of agreements at appropriate stages, taking due account of the relative quantitative and qualitative importance of existing arsenals and the necessity of maintaining the undiminished security of all States, nuclear and non-nuclear, at each stage, and with adequate measures of verification satisfactory to all parties concerned, for the cessation of the qualitative improvement and development of nuclear-weapon systems, for the cessation of the production of all types of nuclear weapons and their means of delivery and for the reduction of stockpiles of nuclear weapons and their means of delivery.

In the course of such negotiations, a combination of the measures as detailed in paragraph 2 above, or a combination of different elements of such measures, could be considered.

The overall objective of the measures for nuclear disarmament outlined in the preceding paragraphs for negotiation during the first stage of the Comprehensive Programme, and of those included in subsequent stages, would be to achieve qualitative and quantitative limitations on and significant reductions of the nuclear-weapon arsenals existing at the beginning of the stage.]

7. Avoidance of the use of nuclear weapons and prevention of nuclear war:

[There is today an international consensus that a nuclear war cannot be won and must never be fought. There is no objective of greater importance than the prevention of nuclear war. The surest way to remove the danger of nuclear war and the use of nuclear weapons is nuclear disarmament and elimination of nuclear weapons. [All Member States recognize the need to prevent war, especially because war can escalate to nuclear war. As an important step in improving international security and reducing the risk of war, including nuclear war, the nuclear-weapon States with the most important nuclear arsenals should seek deep and verifiable reduction in their nuclear arsenals [to equal levels in a more stable configuration].] Pending the

achievement of nuclear disarmament for which negotiations should be relentlessly pursued all States should co-operate for the adoption of practical and appropriate measures to prevent the outbreak of a nuclear war and to avoid the use of nuclear weapons.

In this context account should be taken of existing undertakings by nuclear-weapon States about no-first-use of nuclear weapons as well as about non-use of any weapons except in response to an attack. In addition, it should be borne in mind that the situation in the wake of any use of nuclear weapons cannot be limited or controlled and would lead to a global war endangering the very survival of human civilization as it is known. It is therefore incumbent on all States, in particular, nuclear-weapon States to ensure that their future actions, policies and agreements [rule out the use of nuclear weapons.] [are conducive to the elimination of nuclear weapons].]

8. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons:

The nuclear-weapon States should take steps to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons. Bearing in mind the declarations made by the nuclear-weapon States, efforts should be pursued to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

9. Nuclear non-proliferation:

It is imperative, as an integral part of the effort to halt and reverse the arms race, to prevent the proliferation of nuclear weapons. The goal of nuclear non-proliferation is on the one hand to prevent the emergence of any additional nuclear-weapon States besides the existing five nuclear-weapon States, and on the other progressively to reduce and eventually eliminate nuclear weapons altogether. This involves obligations and responsibilities on the part of both nuclear-weapon States and non-nuclear-weapon States, the former undertaking to stop the nuclear arms race and to achieve nuclear disarmament by urgent application of the measures outlined in the relevant paragraphs of the Final Document, and all States undertaking to prevent the spread of nuclear weapons.

Effective measures can and should be taken at the national level and through international agreements to minimize the danger of the proliferation of nuclear weapons without jeopardizing energy supplies or the development of nuclear energy for peaceful purposes. Therefore, the nuclear-weapon States and the non-nuclear-weapon States should jointly take further steps to develop an international consensus of ways and means, on a universal and non-discriminatory basis, to prevent the proliferation of nuclear weapons.

Full implementation of all the provisions of existing instruments on non-proliferation, such as the Treaty on the Non-Proliferation of Nuclear Weapons and/or the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) and the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) by States parties to those instruments will be an important contribution to this end. Adherence to such instruments has increased in recent years and the hope has been expressed by the parties that this trend might continue.

Non-proliferation measures should not jeopardize the full exercise of the inalienable rights of all States to apply and develop their programmes for the peaceful uses of nuclear energy for economic and social development in conformity with their priorities, interests and needs. All States should also have access to and be free to acquire technology, equipment and materials for peaceful uses of nuclear energy, taking into account the particular needs of the developing countries. International co-operation in this field should be under agreed and appropriate international safeguards applied through the International Atomic Energy Agency on a non-discriminatory basis in order to prevent effectively the proliferation of nuclear weapons.

Each country's choices and decisions in the field of the peaceful uses of nuclear energy should be respected without jeopardizing their respective fuel cycle policies or international co-operation, agreements and contracts for the peaceful uses of nuclear energy, provided that the agreed safeguard measures mentioned above are applied.

In accordance with the principles and provisions of General Assembly resolution 32/50 of 8 December 1977, international co-operation for the promotion of the transfer and utilization of nuclear technology for economic and social development, especially in the developing countries, should be strengthened.

10. Establishment of nuclear-weapon-free zones:

Bearing in mind the importance of significant nuclear arms reductions and other measures discussed in this chapter, the establishment of nuclear-weapon-free zones, on the basis of agreements or arrangements freely arrived at among the States of the region concerned, [can] constitute[s] an important [disarmament] [nuclear non-proliferation] measure. The process of establishing nuclear-weapon-free zones [that will enhance world-wide security and stability] in different parts of the world should be encouraged, with the ultimate objective of achieving a world entirely free of nuclear weapons. In the process of establishing such zones, the characteristics of each region should be taken into account. The States participating in such zones should undertake to comply fully with all the objectives, purposes and principles of the agreements or arrangements establishing the zones, thus ensuring that they are genuinely free from nuclear weapons. With respect to such zones, the nuclear-weapon States in turn are called upon to give undertakings, the modalities of which are to be negotiated with the competent authority of each zone, in particular:

- (a) to respect strictly the status of the nuclear-weapon-free zone;
- (b) to refrain from the use or threat of use of nuclear weapons against the States of the zones.

The following nuclear-weapon-free zones have been established:

- (a) In Latin America, under the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco). In this respect, the States concerned should adopt all relevant measures to ensure the full application of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), taking into account the views expressed on the adherence to it at

the tenth special session of the General Assembly, the General Conferences of OPANAL and other relevant fora, and including ratification of Additional Protocol I by all States concerned.

(b) In the South Pacific, under the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga). In this respect and in view of the measures undertaken by the Parties to the Treaty, the attention of the States concerned is drawn to the Protocols attached to the Treaty, with relevant measures which they are invited to undertake.

Other international legal instruments which give comparable nuclear-weapon-free status to their respective area of application are, inter alia, the Antarctic Treaty, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies and the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Sub-soil Thereof.

In the light of existing conditions, where the establishment of nuclear-weapon-free zones has been proposed, and without prejudice to efforts for establishing nuclear-weapon-free zones in other regions, the following measures, among others, should be considered:

(a) In Africa, the Organization of African Unity has affirmed the denuclearization of the continent. The United Nations General Assembly in successive resolutions has supported the African initiative for the denuclearization of the continent and at its tenth special session the General Assembly, by consensus, called upon the Security Council to take appropriate effective steps to prevent the frustration of this objective.

(b) The establishment of a nuclear-weapon-free zone in the Middle East in compliance with General Assembly resolution 35/147 would greatly enhance international peace and security. Pending the establishment of such a zone in the region, States of the region should solemnly declare that they will refrain on a reciprocal basis from producing, acquiring or in any other way possessing nuclear weapons and nuclear explosive devices and from permitting the stationing of nuclear weapons on their territory by any third party, and agree to place all their nuclear activities under International Atomic Energy Agency safeguards. Consideration should be given to a Security Council role in advancing the establishment of a nuclear-weapon-free zone in the Middle East.

(c) All States in the region of South Asia have expressed their determination to keep their countries free of nuclear weapons. No action should be taken by them which might deviate from that objective. In this context, the question of establishing a nuclear-weapon-free zone in South Asia has been dealt with in several resolutions of the General Assembly, which is keeping the subject under consideration.

(d) [Efforts to create nuclear-weapon-free zones in other regions of the world should be promoted at the initiative of States which intend to become part of the zone.]

[Specific proposals have been put forward for the establishment of a zone free of nuclear weapons in the Balkans. Regional States have expressed their determination to undertake individual or joint steps to bring about the withdrawal of nuclear weapons and to set up such a zone. Interested Balkan countries have engaged in a process of bilateral and multilateral dialogue on practical measures aimed at creating a nuclear-weapon-free zone and enhancing security, confidence, good neighbourliness and co-operation.]

[It was proposed that negotiations be opened without delay on the establishment of a nuclear-weapon-free corridor in Central Europe. It is suggested that the corridor - from the territory of which all nuclear-weapon systems should be removed - should range approximately 150 kilometres along both sides of the borderline between the Federal Republic of Germany on one side and the German Democratic Republic and the Czechoslovak Socialist Republic on the other. At a subsequent stage, it would be expanded to cover the whole area of Central Europe as defined for the purpose of the Vienna negotiations on mutual reductions of armed forces and armaments in Central Europe.] \*/

[Implementation of the plan for reducing armaments and increasing confidence in Central Europe which, inter alia, provides for gradual disengagement and reduction of jointly agreed operational and battlefield kinds of nuclear arms, so that all types of nuclear arms would be covered by international negotiations and agreements.]

[The right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons from their respective territories is internationally recognized. Efforts to create nuclear-weapon-free zones in other regions of the world have been undertaken at the initiative of States which intend to become part of the zone. Not all States have formally recognized these proposals.]

Proposals for the establishment of nuclear-weapon-free zones have been put forward for various parts of Europe, including the Balkans, Central Europe and Northern Europe. Not all States in the respective areas have yet agreed on the merits of establishing such zones.]

(e) [Ensuring that the zones are genuinely free from nuclear weapons and respect for such zones by nuclear-weapon States constitute an important disarmament measure.]

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\*/ The proposal for a corridor free from battlefield nuclear weapons in Central Europe was first suggested by the Independent Commission on Disarmament and Security Issues (now known as the Palme Commission. One delegation emphasized that such a corridor would not constitute a nuclear-weapon-free-zone as defined in the present paragraph. Some delegations emphasized that a nuclear-weapon-free corridor (also widely referred to as a "zone") when, as proposed, expanded to cover the whole area of Central Europe, would in effect become a nuclear-weapon-free zone.

B. Other weapons of mass destruction

1. All States should adhere to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.
2. All States which have not yet done so should accelerate the process of adhering to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.
3. It is necessary to make all possible efforts for the early achievement at the negotiations in the Conference on Disarmament of an international convention on the complete and effective prohibition of the development, production, stockpiling and use of all chemical weapons and on their destruction.
4. An international treaty on the prohibition of the development, production, stockpiling and use of radiological weapons should be concluded, bearing in mind the negotiations under way in the Conference on Disarmament and all proposals made in connection therewith.
5. Effective measures should be taken to avoid the danger and prevent the emergence of new types of weapons of mass destruction based on new scientific principles and achievements. Efforts should be appropriately pursued aiming at the prohibition of such types and systems of weapons. Specific agreements could be concluded on particular types of new weapons of mass destruction which may be identified. This question should be kept under continuing review.

C. Conventional weapons and armed forces

1. Together with negotiations on nuclear disarmament measures, the limitation and gradual reduction of armed forces and conventional weapons should be resolutely pursued within the framework of progress towards general and complete disarmament. States with the largest military arsenals have a special responsibility in pursuing the process of conventional armaments reductions.
2. \*/ In view of the present situation where the concentration of troops and armaments in Europe \*\*/ has reached an especially high level, it is necessary to strengthen strategic stability through the establishment, at a significantly lower level, of a stable, comprehensive and verifiable balance of conventional forces. The more stable situation should be achieved by agreements on appropriate and mutual reductions and limitations in the whole

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\*/ The mentioning of Vienna negotiations and the Stockholm Conference under the heading "Conventional weapons and armed forces" is without prejudice to the content of talks in those fora.

\*\*/ With the common understanding that this does not refer to neutral and non-aligned States.

of Europe and on effective confidence- and security-building measures, taking into account the need to dispel the mutual suspicion and distrust accumulated over many years.

Such steps should ensure undiminished security of all States with full respect for the security interests and independence of all States, including those outside military alliances.

The agreement on a set of confidence- and security-building measures at the Conference on Confidence- and Security-Building Measures and Disarmament in Europe, held in Stockholm, represents a new step of great political importance. Its full implementation will reduce the dangers of armed conflict and of misunderstanding or miscalculation of military activities in that region. The agreed measures are of military significance and politically binding and are provided with adequate forms of verification which correspond to their content.

On the basis of equality of rights, balance and reciprocity, equal respect for the security interests of all CSCE participating States, and of their respective obligations concerning confidence- and security-building measures and disarmament in Europe, these confidence- and security-building measures cover the whole of Europe as well as the adjoining sea area \*/ and air space, whenever notifiable military activities affect security in Europe as well as constitute a part of activities taking place within the whole of Europe.

The positive results obtained at the Stockholm Conference show that, despite differences of opinion, concrete and verifiable agreements are possible in the sensitive field of military security. Their implementation is appropriate for furthering the process of confidence-building and improving security, making an important contribution to developing co-operation in Europe, thereby contributing to international peace and security in the world as a whole. \*\*/

3. Agreements or other measures should be resolutely pursued on a bilateral, regional and multilateral basis with the aim of strengthening peace and security at a lower level of forces, by the limitation and reduction of armed forces and of conventional weapons, taking into account the need of States to protect their security, bearing in mind the inherent right of self-defence embodied in the Charter of the United Nations and without prejudice to the

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\*/ In this context, the notion of adjoining sea area is understood to refer also to ocean areas adjoining Europe.

\*\*/ Further formulations on confidence- and security-building measures and disarmament in Europe should be possible on the basis of work under way in Vienna.

principle of equal rights and self-determination of peoples in accordance with the Charter and the need to ensure balance at each stage and undiminished security of all States. Such measures might include the following:

(a) Bilateral, regional and multilateral consultations and conferences should be held where appropriate conditions exist with the participation of all the countries concerned for the consideration of different aspects of conventional disarmament, such as the initiative envisaged in the Declaration of Ayacucho subscribed to by eight Latin American countries on 9 December 1974.

(b) Consultations should be carried out among major arms suppliers and recipient countries on the limitation of all types of international transfer of conventional weapons, based in particular on the principle of undiminished security of the parties with a view to promoting or enhancing stability at a lower military level, taking into account the need of all States to protect their security as well as the inalienable right to self-determination and independence of peoples under colonial or foreign domination and the obligations of States to respect that right, in accordance with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States.

4. Prohibition or restrictions of use of certain conventional weapons, including those which may cause unnecessary suffering or which may have indiscriminate effects:

(a) Adherence by all States to the agreement adopted by the United Nations Conference on Prohibition or Restrictions of Use of Certain Conventional Weapons Which May be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

(b) Broadening of the prohibition or restrictions of use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects, either through amendments to the existing Protocols or through the conclusion of additional Protocols, in accordance with Article 8 of the Convention on Prohibition or Restrictions of Use of Certain Conventional Weapons Which May be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

(c) The result of the above-mentioned Conference should be considered by all States, especially producer States, in regard to the question of the transfer of such weapons to other States.

#### D. Military budgets \*/

1. Gradual reduction of military budgets on a mutually agreed basis, for example, in absolute figures or in terms of percentage points, particularly by nuclear-weapon States and other militarily significant States, would be a measure that would contribute to the curbing of the arms race and would increase the possibilities of reallocation of resources now being used for military purposes to economic and social development, particularly for the benefit of the developing countries.

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\*/ One delegation reserves its position on the inclusion of the current text in the Comprehensive Programme of Disarmament.



2. The basis for implementing this measure will have to be agreed by all participating States and will require ways and means of its implementation acceptable to all of them, taking account of the problems involved in assessing the relative significance of reductions as among different States and with due regard to the proposals of States on all the aspects of reduction of military budgets.

3. The General Assembly should continue to consider what concrete steps should be taken to facilitate the reduction of military budgets, bearing in mind the relevant proposals and documents of the United Nations on this question.

E. Related measures

1. Further steps to prohibit military or any other hostile use of environmental modification techniques:

Review of the need for a further prohibition of military or any other hostile use of environmental modification techniques with a view to the adoption of further measures to eliminate the danger to mankind from such use.

2. Further steps to prevent an arms race on the sea-bed and the ocean floor and the subsoil thereof:

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 in the subsoil thereof in order to promote the peaceful use of, and to avoid an arms race in, that environment, taking into account, as appropriate, the United Nations Convention on the Law of the Sea and the proposals made during the First and Second Review Conferences of the 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, as well as any relevant technological developments.

3. \*/ 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.

All States, in particular those with major space capabilities, should contribute actively to the objective of the peaceful use of outer space and take immediate measures to prevent an arms race in outer space in the interest of maintaining international peace and security and promoting international co-operation and understanding. \*\*/

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\*/ The placement of this paragraph in the Comprehensive Programme of Disarmament will be determined later.

\*\*/ Some delegations reserved their position on the first two paragraphs until the language of this entire section is completed and its placement resolved.

To this end all effective efforts should be made both bilaterally and multilaterally.

In this regard bilateral negotiations have been undertaken and should be continued to work out effective agreements on the prevention of an arms race in outer space. The two parties are requested to continue to keep the Conference on Disarmament and the United Nations General Assembly informed of the progress made in their bilateral sessions in order to facilitate multilateral work on this subject.

Efforts should be made by the Conference on Disarmament in the exercise of its responsibilities as the multilateral disarmament negotiating forum in accordance with paragraph 120 of the Final Document of the tenth special session of the General Assembly and which has a primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space. \*/

{4. The establishment of zones of peace: \*\*/

The establishment of zones of peace in various regions of the world under appropriate conditions, to be clearly defined and determined freely by the States concerned in the zone, taking into account the characteristics of the zone and the principles of the Charter of the United Nations, and in conformity with international law, can contribute to strengthening the security of States within such zones and to international peace and security as a whole.

(a) South-East Asia:

In the interest of the promotion of peace, stability and co-operation in South-East Asia, steps should be taken by all States of the region, primarily those States most directly interested, through consultations and dialogue among themselves, towards the early establishment of a zone of peace, freedom and neutrality in South-East Asia, which would be consistent with the Political Declaration of the Seventh Summit Conference of the Non-Aligned Countries in New Delhi, held in March 1983. \*\*\*/

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\*/ Many delegations consider that the first paragraph, which reproduces paragraph 80 of the Final Document of the first special session of the General Assembly devoted to disarmament, should be supplemented to reflect that present urgency and importance of the subject. They further consider that it should occupy a more prominent place in the Programme and, to that end, propose that it be included as subsection B in the section "Disarmament measures", under the heading "Prevention of an arms race in outer space". Other delegations are considering the placement of this paragraph pending the balance of the overall document.

\*\*/ Measures related to the Asian and Pacific Ocean region were also proposed.

\*\*\*/ One delegation reserves its position on this text.

(b) Indian Ocean:

Achievement of the objectives of the Declaration of the Indian Ocean as a Zone of Peace would be a substantial contribution to the strengthening of international peace and security.

There is agreement within the United Nations for practical steps to be taken to establish a Zone of Peace in the Indian Ocean region.

Practical steps should be taken within the United Nations Ad Hoc Committee on the Indian Ocean to prepare for an early Conference, as a necessary step towards establishing a zone of peace.

Taking into account the political and security climate in the region, the Ad Hoc Committee should complete its preparatory work relating to the Conference on the Indian Ocean to enable the Conference to be opened at a date not later than 1988 to be decided by the Committee in consultation with the host country. Such preparatory work would comprise organizational matters and substantive issues, including the provisional agenda for the Conference, rules of procedure, participation, stages of conference, level of representation, documentation, consideration of appropriate arrangements for any international agreements that may ultimately be reached for the maintenance of the Indian Ocean as a zone of peace and the preparation of the draft final document of the Conference.

The Ad Hoc Committee should, at the same time, seek the necessary harmonization of views on remaining relevant issues.

The creation of a zone of peace requires the active participation of and full co-operation among the littoral and hinterland States, the permanent members of the Security Council and the major maritime users to ensure conditions of peace and security based on the purposes and principles of the Charter, as well as the general principles of international law.

The creation of a zone of peace also requires respect for the independence, sovereignty and territorial integrity of the littoral and hinterland States.

(c) Mediterranean:

Bearing in mind that security in the Mediterranean region is closely linked with European security and with international peace and security, positive steps should be taken by all States concerned to ensure peace, security and co-operation in the Mediterranean region.

To this end further efforts are necessary for the reduction of tensions and of armaments; for strengthening of confidence; for the creation of conditions of security and fruitful co-operation in all fields for all countries and peoples of the Mediterranean, on the basis of the principles of sovereignty, independence, territorial integrity, security, non-intervention and non-interference, non-violation of international borders, non-use of force or threat of use of force, the inadmissibility of the acquisition of territory by force, peaceful settlement of disputes and respect for permanent sovereignty over natural resources; for the promotion of just and viable solutions of existing problems and crisis in the area on the basis of the

provisions of the Charter and of relevant resolutions of the United Nations, the withdrawal of foreign forces of occupation and the right of peoples under colonial or foreign domination to self-determination and independence.

The States of the Mediterranean region and other concerned States should co-operate to define and implement, as appropriate, such steps and measures which should be conducive for creating conditions of peace, security and co-operation in the Mediterranean region in accordance with the purposes and principles of the Charter of the United Nations and with the provisions of the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

In this connection note is taken of the commitments assumed by the participants of the meeting of the Mediterranean members of the Movement of the Non-Aligned Countries held at Valletta, Malta in 1984, and at Brioni, Yugoslavia, in 1987, with the objective of contributing to peace and security in the region. \*/

[(d) South Atlantic:

The declaration of the Zone of Peace and Co-operation of the South Atlantic constitutes a concrete step towards the goals set forth by the international community to be achieved through the establishment of zones of peace in various regions of the world for the benefit of all mankind, thereby contributing significantly to the strengthening of international peace and security and to the promotion of the principles and purposes of the United Nations. In this context, it is recognized that the States of the region have a special interest and responsibility to promote regional co-operation for economic development and peace.

States of other regions, in particular militarily significant States, should scrupulously respect the South Atlantic region as a zone of peace and co-operation, especially through the reduction and eventual elimination of their military presence there, the non-introduction of nuclear weapons or other weapons of mass destruction and the non-extension into the region of rivalries and conflicts foreign to it.

All States of the region and of all other regions should co-operate in the elimination of all sources of tension in the zone, respect the national unity, sovereignty, political independence and territorial integrity of every State therein, refrain from the threat or use of force, and strictly observe the principle that the acquisition of territory by force is inadmissible.

The elimination of apartheid and the attainment of self-determination and independence by the people of Namibia, as well as the cessation of all acts of aggression and subversion against States in the zone are essential for peace and security in the region. To that end, implementation of all United Nations resolutions pertaining to colonialism, racism and apartheid is urgently required.]]

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\*/ There was a proposal for the convening of a conference on the Mediterranean region.

## OTHER MEASURES

### 1. Confidence-building measures

In order to facilitate the process of disarmament, it is necessary to take measures and pursue policies to strengthen international peace and security and to build confidence among States. Commitment to confidence-building measures could significantly contribute to preparing for further progress in disarmament. For this purpose, measures such as the following, and other measures yet to be agreed upon, should be undertaken:

(a) The prevention of attacks which take place by accident, miscalculation or communications failure by taking steps to improve communications between Governments, particularly in areas of tensions, by the establishment of "hot lines" and other methods of reducing the risk of conflict;

(b) States should assess the possible implications of their military research and development for existing agreements as well as for further efforts in the field of disarmament.

(c) States should consider implementing measures based on the principles of openness and transparency, such as the provision of objective information on military matters.

### 2. Prevention of the use of force in international relations

(a) Strict adherence and full commitment by all States Members of the United Nations to the purposes of the Charter of the United Nations and their obligation strictly to observe its principles as well as other relevant and generally accepted principles of international law relating to the maintenance of international peace and security, in particular the principles of refraining from the threat or use of force against the sovereignty, territorial integrity or political independence of any States or against peoples under colonial or foreign domination seeking to exercise their right to self-determination and to achieve independence, non-acquisition and non-annexation of territories by force and non-recognition of such acquisition or annexation, non-intervention and non-interference in the internal affairs of other States; the inviolability of international frontiers; and the peaceful settlement of disputes, having regard to the inherent right of States to individual and collective self-defence in accordance with the Charter.

(b) Strengthening the role of the United Nations in the maintenance of international peace and security and full implementation of the decisions of the Security Council by all States Members of the United Nations in accordance with their obligations under Article 25 of the United Nations Charter.

### 3. World public opinion in favour of disarmament

Knowledge of facts and opinions about the armaments race and the efforts to halt and reverse it is an essential condition for world public opinion to mobilize in favour of disarmament. In order to inform world public opinion on such issues, the specific measures set forth below, designed to increase the dissemination of information on these matters should be adopted in all regions in a balanced, factual and objective manner:

(a) Throughout the implementation of the programme, therefore, governmental and non-governmental information organs of Member States and those of the United Nations and its specialized agencies as well as non-governmental organizations should be encouraged, as appropriate, to undertake further programmes of information relating to the danger of the armaments race as well as to disarmament efforts and negotiations and their results, particularly by means of annual activities conducted in connection with Disarmament Week.

(b) With a view to contributing to a greater understanding and awareness of the problems created by the armaments race and the need for disarmament, Governments and governmental and non-governmental international organizations are urged to take steps to develop programmes for disarmament and peace studies at all levels.

(c) The World Disarmament Campaign, which was solemnly launched by the General Assembly at the opening meeting of its second special session devoted to disarmament, should provide an opportunity for discussion and debate in all countries on all points of view relating to disarmament issues, objectives and conditions. The Campaign has three primary purposes: to inform, to educate and to generate public understanding for the objectives of the United Nations in the field of arms limitation and disarmament.

(d) As part of the process of facilitating the consideration of issues in the field of disarmament, studies on specific questions should be undertaken on the decision of the General Assembly, when necessary for preparing the ground for negotiations or reaching agreement. Also, studies pursued under the auspices of the United Nations, in particular by the United Nations Institute for Disarmament Research could bring a useful contribution to the knowledge and exploration of disarmament problems, especially in the long term.

(e) Member States should be encouraged to make all efforts to ensure a better flow of information with regard to the various aspects of disarmament issues, to avoid dissemination of false and tendentious information concerning armaments, and to concentrate on the widest possible dissemination and unimpeded access for all sectors of the public to a broad range of information and opinion on the danger of the escalation of the armaments race and on the need for general and complete disarmament under effective international control.

#### 4. Verification

Disarmament and arms limitation agreements should provide for adequate measures of verification satisfactory to all parties concerned in order to create the necessary confidence and ensure that they are being observed by all parties. The form and modalities of the verification to be provided for in any specific agreement depend upon and should be determined by the purposes, scope and nature of the agreement. Agreements should provide for the participation of parties directly or through the United Nations system in the verification process. Where appropriate, a combination of several methods of verification as well as other compliance procedures should be employed.

In order to facilitate the conclusion and effective implementation of disarmament agreements and to create confidence, States should accept appropriate provisions for verification in such agreements.

In the context of international disarmament negotiations, the problem of verification should be further examined and adequate methods and procedures in this field be considered. Every effort should be made to develop 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.

Adequate and effective verification requires employment of different techniques, such as national technical means, international technical means and international procedures, including on-site inspections. Verification arrangements should be addressed at the outset and at every stage of negotiations on specific agreements. All States have equal rights to participate in the process of international verification of agreements to which they are parties.

All States parties to arms limitation and disarmament agreements should strictly implement and fully comply with the entirety of the provisions of such agreements if individual nations and the international community are to derive enhanced security from them. Any violation of such agreements not only adversely affects the security of States parties, but can also create security risks for other States relying on the constraints and commitments stipulated in those agreements. Weakening of confidence in such agreements diminishes their contribution to global and regional stability and to further disarmament and arms limitation efforts and undermines the credibility and effectiveness of the international legal system. States parties should support efforts aimed at the resolution of non-compliance questions, with a view to encouraging strict observance by all parties of the provisions of such agreements and maintaining or restoring the integrity of such agreements.

#### [DISARMAMENT AND DEVELOPMENT

1. In view of the relationship between expenditure on armaments and economic and social development, the implementation of the Comprehensive Programme of Disarmament should make an effective contribution to economic and social development of all States, in particular of the developing countries. In this context, it is of particular significance that substantial progress in disarmament should be made in accordance with the responsibility that each State bears in the field of disarmament, so that real resources now being used for military purposes can be released to economic and social development in the world, particularly for the benefit of the developing countries.

2. Disarmament would contribute over the long term to the effective economic and social development of all States, in particular developing countries, by contributing towards reducing the economic disparities between developed and developing countries and establishing [the] [a] new international order on the basis of justice, equity and co-operation and towards solving other global problems.

3. The Secretary-General shall periodically submit reports to the General Assembly on the economic and social consequences of the armaments race and its extremely harmful effects on world peace and security.]

[DISARMAMENT AND INTERNATIONAL SECURITY

1. Progress in disarmament should be accompanied by measures to strengthen institutions for maintaining peace and the settlement of international disputes by peaceful means. During and after the implementation of the programme of general and complete disarmament, there should be taken, in accordance with the principles of the Charter of the United Nations, the necessary measures to maintain international peace and security, including the obligation of States to place at the disposal of the United Nations agreed manpower necessary for an international peace force to be equipped with agreed types of armaments. Arrangements for the use of this force should ensure that the United Nations can effectively deter or suppress any threat or use of arms in violation of the purposes and principles of the United Nations.]

Intermediate Stage \*/

[1. The intermediate stage should start no later than 1990 and last five to seven years.

2. The USSR and the United States should go on with the reduction agreed upon during the first stage and also carry out further measures designed to eliminate their medium-range nuclear weapons and freeze their tactical nuclear systems.

3. Other nuclear-weapon States should pledge to freeze all their nuclear weapons and also not to station them in the territories of other countries.

4. All nuclear-weapon States should eliminate their tactical nuclear arms, i.e. weapons having a range (or radius of action) of up to 1,000 km. This measure should be taken after the completion by the USSR and the United States of the 50 per cent reduction of their nuclear weapons that can reach each other's territory.

5. The Soviet-American accord on the prohibition of space-strike weapons should become multilateral with the mandatory participation in it of major industrial States.

6. All nuclear-weapon States should cease nuclear-weapon tests.

7. There should be a ban on the development of non-nuclear weapons based on new physical principles, whose destructive capacity is close to that of nuclear arms or other weapons of mass destruction.] \*\*/

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\*/ The heading is without prejudice to the position of delegations with respect to questions relating to stages of implementation.

\*\*/ Some delegations reserved their position on these paragraphs which represent the position of one group of States.



Last stage \*/

1. The last stage should begin no later than 1995. During this stage the elimination of all remaining nuclear weapons should be completed. By the end of 1999 there should be no more nuclear weapons on earth.
2. A universal accord should be worked out to ensure that nuclear weapons never again come into being.
3. The last stage should be completed by the end of 1999.] \*\*/

VI. Machinery and Procedures

1. The United Nations [, in accordance with the Charter,] should continue to have a central role and primary responsibility in the sphere of disarmament.
2. Negotiations on multilateral measures of disarmament envisaged in the Comprehensive Programme of Disarmament should, as a rule, be conducted in the Conference on Disarmament, the single multilateral negotiating body in the field of disarmament.
3. Bilateral and regional disarmament negotiations may also play an important role and could facilitate negotiations of multilateral agreements in the field of disarmament.
4. The United Nations should be kept duly informed through the General Assembly, or any other appropriate United Nations channel reaching all Members of the Organization, of all disarmament efforts outside its aegis without prejudice to the progress of negotiations.
5. The Programme has three stages: The first stage, the intermediate stage and the last stage. The objective of the last stage is to achieve the goal of general and complete disarmament under effective international control. The general wish being to complete the disarmament process, all efforts should be made to implement each stage, as well as the Programme as a whole at the earliest possible date in such a way as to contribute to the security of States and enhance international security.

In the first stage of the Programme, all States should make maximum efforts towards implementation of the priority measures and as many other measures included therein as possible.

Those measures that have not been implemented by the end of the first stage will be included in the intermediate stage. The scope of disarmament measures during the intermediate stage will depend on the progress made in the

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\*/ The heading is without prejudice to the position of delegations with respect to questions relating to stages of implementation.

\*\*/ Some delegations reserved their position on these paragraphs which represent the position of one group of States.

implementation of the first stage. In addition, the intermediate stage comprises the measures necessary to prepare for the last stage. The time of the implementation of the intermediate stage would depend on the measures included therein.

The last stage comprises the total elimination of nuclear weapons and the implementation of other measures necessary to assure that, by the end of the stage, general and complete disarmament under effective international control will have been achieved.

6. All efforts should be made by States, particularly through the conduct of negotiations in good faith, on specific arms limitation and disarmament measures, to achieve the goal of general and complete disarmament, as defined in the Comprehensive Programme. In order to assure continued progress towards the full realization of this ultimate goal, there shall be reviews - including at special sessions of the General Assembly devoted to disarmament - of the implementation of the measures included in the various stages of the Comprehensive Programme. The first such review will take place on a date to be decided by the United Nations General Assembly and will:

(a) review the implementation of measures included in the first stage of the Comprehensive Programme;

(b) consider the readjustments that need to be made in the Programme in the light of the review and the steps that need to be taken to stimulate progress in its implementation;

(c) elaborate, if necessary, in more concrete terms further measures, taking into account the progress made so far and other relevant developments; and

(d) recommend the date of the next review.

7. In addition to the periodic reviews to be carried out at special sessions, there should be an annual review of the implementation of the Programme. Therefore, an item entitled "Review of the implementation of the Comprehensive Programme of Disarmament" should be annually included on the agenda of the regular sessions of the General Assembly. To facilitate the work of the Assembly in this regard, the Secretary-General should annually submit a report to the General Assembly on progress in the implementation of the Programme.

8. During its annual review, or at its periodic special sessions to review the implementation of the Comprehensive Programme of Disarmament, the General Assembly may, as appropriate, consider and recommend further measures and procedures to enhance the implementation of the Programme.

9. In the implementation of the Comprehensive Programme of Disarmament, the Disarmament Commission shall continue functioning as a deliberative body, a subsidiary organ of the General Assembly, and shall consider and make recommendations on various problems in the field of disarmament.

10. Proposals listed in paragraph 125 of the Final Document of the first special session and annex II of the Concluding Document of the second special session devoted to disarmament should be considered, and decisions taken, at an appropriate time.

11. At the earliest appropriate time, a world disarmament conference should be convened with universal participation and with adequate preparation.

# CONFERENCE ON DISARMAMENT

CD/833  
25 April 1988

Original: ENGLISH

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## SPECIAL REPORT OF THE AD HOC COMMITTEE ON THE PREVENTION OF AN ARMS RACE IN OUTER SPACE

### I. INTRODUCTION

1. The Ad Hoc Committee on the Prevention of an Arms Race in Outer Space was first established at the 1985 session pursuant to the following decision of the Conference on Disarmament:

"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 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 examine, as a first step at this stage, through substantive and general consideration, issues relevant to the prevention of an arms race in outer space.

"The Ad Hoc Committee will take into account all existing agreements, existing proposals and future initiatives and report on the progress of its work to the Conference on Disarmament before the end of its 1985 session."

At the 1986 session, the Conference re-established the Committee and requested it "... to continue to examine, and to identify, through substantive and general consideration, issues relevant to the prevention of an arms race in outer space [... taking] 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 ...". At the 1987 and 1988 sessions the Committee was re-established with the same mandate as in 1986. In that connection, at both sessions, the President of the Conference and various delegations made statements regarding the scope of the mandate. All of those statements made possible the adoption of the mandate.

## II. ORGANIZATION OF WORK AND DOCUMENTS

2. In 1985 the Ad Hoc Committee was chaired by Ambassador Saad Alfarargi (Egypt), in 1986 by Ambassador Luvsandorjiin Bayart (Mongolia), in 1987 by Ambassador Aldo Pugliese (Italy) and in 1988 by Ambassador Adolfo Raúl Taylhardat (Venezuela). Miss Aida Luisa Levin, Senior Political Affairs Officer, United Nations Department of Disarmament Affairs, served as the Committee's Secretary.

3. During the period covered by this report, the Ad Hoc Committee held a total of 62 meetings.

4. At various stages of the work, representatives of the following States not members of the Conference participated in the meetings of the Ad Hoc Committee: Austria, Denmark, Finland, Greece, Ireland, New Zealand, Norway, Portugal, Spain, Switzerland, Turkey and Zimbabwe.

5. In addition to the documents of the 1985, 1986 and 1987 sessions, 1/ the following documents were before the Ad Hoc Committee at the 1988 session:

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|--------|---|
| CD/807 | Letter dated 15 February 1988 addressed to the President of the Conference on Disarmament by the Permanent Representatives of Argentina, India, Mexico and Sweden transmitting the Stockholm Declaration, adopted in Stockholm on 21 January 1988 by the Heads of State or Government of Argentina, Greece, India, Mexico and Sweden and the First President of Tanzania; |
| CD/816 | Mandate for an <u>Ad Hoc</u> Committee under item 5 of the agenda of the Conference on Disarmament entitled "Prevention of an arms race in outer space";  |

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1/ The list of documents of these sessions may be found in the respective reports of the Ad Hoc Committee, which are an integral part of the annual reports of the Conference on Disarmament to the General Assembly (CD/642, CD/732 and CD/787).

CD/817 Letter dated 17 March 1988 from the Representative of the Union of Soviet Socialist Republics addressed to the President of the Conference on Disarmament, transmitting the text of a document entitled "Establishment of an international system of verification of the non-deployment of weapons of any kind in outer space" (also issued as CD/OS/WP.19);

In addition, the Committee had before it the following working papers:

CD/OS/WP.19 Letter dated 17 March 1988 from the Representative of the Union of Soviet Socialist Republics addressed to the President of the Conference on Disarmament, transmitting the text of a document entitled "Establishment of an international system of verification of the non-deployment of weapons of any kind in outer space" (also issued as CD/817);

CD/OS/WP.20 1988 Programme of Work

CD/OS/WP.21 Statement by the Chairman of the Ad Hoc Committee at the 3rd meeting, on 22 March 1988;

CD/OS/WP.22 Proposed Programme of Work for 1988, submitted by the Group of 21.

### III. SUBSTANTIVE WORK DURING 1985-1988

6. In discharging the tasks set forth in its mandate, the Ad Hoc Committee at the beginning of each session adopted a programme of work covering the following subjects: issues relevant to the prevention of an arms race in outer space; existing agreements and existing proposals and future initiatives. Since 1986 the Committee has worked under the following programme of work:

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

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

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

In carrying out its work, the Ad Hoc Committee will take into account developments which have taken place since the establishment of the Committee in 1985."

The work of the Committee was governed by the mandate only.

#### A. Issues relevant to the prevention of an arms race in outer space

7. In the course of the work, various delegations drew attention to a number of issues relevant to the prevention of an arms race in outer space, such as:

the status of outer space as the common heritage of mankind which should be used exclusively for peaceful purposes, the need to prevent an arms race in outer space, the absence at present of weapons in space, the identification of threats to which space objects are confronted, the relationship between the prevention of an arms race in outer space and arms limitation and disarmament measures in other areas, the relationship between bilateral and multilateral efforts to prevent an arms race in outer space and questions relating to verification and compliance.

8. There was general recognition of the importance of the bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America. Some delegations, while stressing that there was clear need for the Conference on Disarmament to play a role with respect to problems relating to the prevention of an arms race in outer space, held that nothing should be done that would hinder the success of the bilateral negotiations. Furthermore, they believed that multilateral disarmament measures in this area could not be considered independently of developments at the bilateral level. Other delegations, emphasized that ongoing bilateral negotiations in no way diminished the urgency of multilateral negotiations and reaffirmed that, as provided for in the resolutions adopted by the General Assembly on the subject, the Conference on Disarmament, as the single multilateral disarmament negotiating forum, had the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects.

9. Many delegations reiterated that outer space is the common heritage of mankind and should be reserved exclusively for peaceful uses to promote the scientific, economic and social development of all nations. Stressing the overriding importance and urgency of preventing an arms race in outer space, they expressed concern that the military competition between the two major powers was being extended into outer space. In their view, the introduction of weapons into space would result in an irreversible competition in the field of space weaponry which would have dangerous consequences for international peace and security, give the arms race a qualitatively new dimension, undermine existing agreements and jeopardize the disarmament process as a whole. They, therefore, believed that the priority task of the Ad Hoc Committee should be the immediate prohibition of the testing, production and deployment of weapons systems and their components adaptable for use in, towards, or from space. To that end, in their opinion, attention should

focus on the question of the measures that should be adopted. These delegations also pointed to the military uses of space that were already taking place as an extension of weapons systems on Earth. In that connection, it was noted that information gathered by reconnaissance and surveillance satellites had been used in support of military operations against developing countries. The view was expressed that to guard against such uses, satellite reconnaissance and surveillance activities should be entrusted to an international agency. The view was also expressed that, in the interim, space powers should give assurances to non-aligned and neutral States against the discriminatory and inequitable use of satellites.

10. Delegations of a group of socialist countries shared the view that outer space is the common heritage of mankind and that, consequently, its exploration and use should be preserved exclusively for peaceful purposes in order to promote the scientific, economic and social development of all countries. They also stressed the overriding importance and urgency of preventing an arms race in outer space. They were concerned about the danger of the extension of the arms race into outer space which would, in their view, accelerate the arms race in other areas and make reductions in strategic nuclear arsenals impossible. These delegations were of the view that the stage of exploring the problem of preventing an arms race in outer space had been passed and that the Ad Hoc Committee should proceed to more practical and concrete work on the elaboration of measures aimed at the prevention of an arms race in outer space. They believed that the most important aspect of the problem of preventing an arms race in outer space was preventing the introduction of weapons in space through the prohibition of space-strike weapons. Their understanding of the term was that it included: first, space-based ABM systems of any principle of action, second, space-based systems of any principle of action designed to strike from space targets in the atmosphere or on the surface of the Earth and, third, systems of any principle of action and however based designed to strike space objects. They underlined the importance of assuring that the non-deployment of weapons in space would be effectively verified and to that end supported the establishment of an international inspectorate, as discussed below in paragraph 33. These delegations also noted that, although satellites were being used in a variety of support missions and were playing an important role in the strategic relationship, there had been no weapons permanently deployed in outer space up to the present time. They further observed that ballistic missiles having their launching sites and targets situated on Earth, were not space strike weapons either.



11. Some delegations, while attaching utmost importance to the objective of preventing an arms race in outer space, stated that for thirty years space had appeared as an appropriate environment for national security activities like the Earth and the atmosphere. They also noted that military systems deployed in space accomplished a variety of support missions and that they played a vital role in the strategic relationship of the two major powers. They believed that it was necessary to give thorough consideration to the role that the military uses of space played in the maintenance of international peace and security. Beyond that, they noted that outer space was not immune from utilization by existing weapons systems such as ballistic missiles. These delegations rejected selective approaches to the prevention of an arms race in outer space, as represented by the concept of "space strike weapons" which did not give an accurate picture of the threats faced by space objects and of the military and strategic situation relevant to outer space. They also criticized attempts to define categories of "space strike weapons" which were at the same time too broad, because they placed in the same category systems with different functions and implications, and too narrow because they excluded weapons and other means which have the capability to disrupt the normal functioning of space objects. They were of the view that, while the Ad Hoc Committee had had very substantial discussions, fundamental divergencies persisted and the work was still in an exploratory phase. They considered that issues relevant to the prevention of an arms race in outer space could not be examined in isolation, but should be approached in the wider context of developments in other fields of arms limitation and disarmament, in particular the reduction of nuclear weapons. These delegations emphasised the need for a more thorough examination of questions relating to verification of, and compliance with, existing and future agreements. They also called for detailed information on national space programmes of military significance.

12. One delegation stated that outer space should be explored and used in the service of peace and economic, scientific and cultural development for the benefit of the entire human race. It reiterated that it opposed the qualitative escalation of the arms race to outer space. It considered that the two major space powers, which at present were the only ones that possessed and were continuing the development of space weapons, should assume special responsibility for halting the arms race in outer space. It believed that they should adopt practical measures in undertaking not to develop, test and deploy space weapons, and an international agreement on the complete

prohibition of space weapons should be concluded through negotiations as soon as possible. It was of the view that at the present stage, work in the Conference on Disarmament should centre on the solution of the problems that were most directly related to preventing the "weaponization" of outer space.

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

13. There was general recognition that, as provided for in the 1967 Outer Space Treaty, activities in the exploration and use of outer space should be carried out in accordance with international law, including the Charter of the United Nations. Delegations generally also recognised the relevance of the Charter provisions concerning the non-use of force.

14. Some delegations emphasized that the Charter of the United Nations played a central role in the legal régime applicable to outer space and, in that context, highlighted the special importance of the Charter provisions on the non-use of force - Articles 2(4) and 51 - which, taken together, prohibit any act of aggression in outer space. Accordingly, they believed that these provisions, together with other agreements, afforded a substantial degree of protection to space objects. Various other delegations, while acknowledging the importance of the Charter, considered that its provisions on the non-use of force were not, and by their nature could not be, sufficient to prevent an arms race in outer space since they did not address the problem of the development, testing, production and deployment of weapons in space. For example, these delegations recalled that the legal provisions of those Articles had not prevented the arms race on Earth, nor did they diminish the universally recognized need to negotiate disarmament agreements and even to ban specific types or whole classes of weapons. Some delegations also maintained that Article 51 of the Charter could not be interpreted as justifying the use of space weapons for any purpose or the possession of any type of space weapons. They further stressed that Article 51 could not be invoked to legitimize the use or threat of use of force in or from outer space.

15. In the course of the work, various multilateral and bilateral instruments were examined, inter alia: the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (1963), the Treaty on Principles Governing the Activities of States in the Exploration and Use of

Outer Space, including the Moon and Other Celestial Bodies (1967), the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (1968), the Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War Between the United States of America and the Union of Soviet Socialist Republics (1971), the Convention on International Liability for Damage Caused by Space Objects (1972), the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (1972), the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Prevention of Nuclear War (1973), the Convention on Registration of Objects Launched into Outer Space (1975), the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (1977) and the Agreement Governing the Activities of States on the Moon and other Celestial Bodies (1979). In this connection, reference was made to documents CD/OS/WP.6 and 7.

16. It was noted that under the multilateral agreements in force: (1) it is prohibited to place in orbit around the Earth any objects carrying nuclear weapons or any other weapons of mass destruction and to install such weapons on celestial bodies or station them in outer space in any other manner; (2) the Moon and other celestial bodies are to be used exclusively for peaceful purposes and the establishment of military bases, installations and fortifications, the testing of any type of weapons and the conducting of military manoeuvres on celestial bodies are forbidden; (3) the testing of nuclear weapons or any other nuclear explosions in outer space is prohibited.

17. Many delegations recognized that the outer space legal régime played and continues to play a significant role for the prevention of an arms race in outer space. It is for this reason that many delegations stressed the need to consolidate and reinforce that régime and enhance its effectiveness and the importance of strict compliance with existing agreements, both bilateral and multilateral.

18. Many delegations noted the USSR/US statement at the December 1987 summit that their bilateral delegations in Geneva be instructed "to work out an agreement that would commit the sides to observe the ABM Treaty, as signed in 1972, while conducting their research, development and testing as required, which are permitted by the ABM Treaty, and not to withdraw from the ABM Treaty for a specified period of time".

19. Various delegations, while recognizing that the existing legal régime placed some barriers to the arms race in outer space, through limitations on

certain weapons and military activities in that environment, stressed that in some areas there were loopholes and some provisions of this legal régime lent themselves to different interpretations. They noted that the 1967 Outer Space Treaty, because of its limited scope, left open the possibility of the introduction of weapons in space, other than nuclear weapons or other weapons of mass destruction, in particular anti-satellite weapons and space-based anti-ballistic missile systems. They also noted that some of the Treaty's basic terms lent themselves to different interpretations. Furthermore, in their opinion, current developments in space science and technology, coupled with ongoing military space programmes, underscored the inadequacy of existing legal instruments to prevent an arms race in outer space. They, therefore, held that there was an urgent need to strengthen, supplement and amplify the existing legal régime applicable to outer space with a view to the effective prevention of an arms race in outer space in all its aspects.

20. Some delegations considered that there already exists a considerable body of international law applicable to outer space and that the arms control régime in that environment is much more comprehensive than that on Earth. These delegations also believed that broader participation in existing multilateral agreements and strict observance of both multilateral and bilateral agreements would strengthen the legal régime applicable to outer space. They believed that in order to identify lacunae that might exist in the legal régime governing outer space it was first necessary to establish common ground on what were permitted and prohibited uses of outer space. They noted that the examination of existing agreements in the Ad Hoc Committee had revealed differences of view concerning the meaning of a number of basic terms -- such as "peaceful uses", "militarization" -- which remain to be defined in a satisfactory and generally acceptable fashion.

Consequently, in their view, there was still a need to arrive at a common understanding of what is forbidden and what is permitted under the legal régime applicable to outer space. In particular, these delegations were of the opinion that it was necessary to give in-depth consideration to the question of terminology with a view to reaching greater precision in the use of terms and referred to document CD/OS/WP.15 as a good basis for work. One of these delegations circulated a two-volume dictionary of terms relating to space science and technology, which was generally welcomed.

21. One delegation, in addition to sharing the views reflected in the above paragraph, considered that the existing legal régime for arms control in outer space was equitable, balanced and extensive and that it could be said that it had been far more successful in preventing an arms race than any comparable legal régime on Earth. In the view of this delegation, since the

advent of the space age thirty years ago, recurring predictions of an impending so-called arms race in outer space have not been borne out. The existing legal régime can be seen to be wide-ranging and logical. Moreover, the existing régime did not contain gaps and holes; instead, it placed strict legal controls on virtually any possible type of weapon in outer space and had several significant accomplishments to its credit. This delegation further noted that, for example, outer space is a zone free of nuclear weapons and not one known act in violation of Article 2, paragraph 4 of the United Nations Charter has occurred in space. In addition, it pointed out that in several cases there are even redundant and mutually-reinforcing legal constraints. It further believed that what was needed now was more participation in, better compliance with, and a fuller understanding of the existing legal régime. It maintained that if all nations were to comply fully with all existing agreements, there would be no doubt that outer space would be used only for peaceful purposes.

22. Many delegations were of the view that all States, in particular the space powers, should become parties to the multilateral treaties in force that contain provisions relevant to the prevention of an arms race in outer space, in particular the 1963 Partial Test Ban Treaty and the 1967 Outer Space Treaty.

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

23. Proposals and views were put forward by various delegations for consideration in the course of the work.

24. Many delegations reiterated that the overall objective of the Conference on Disarmament should be the complete prohibition of the development, testing, production and deployment of space weapons. Pending the realization of that comprehensive objective, they considered that efforts should be concurrently directed towards the adoption of partial measures. Some delegations considered one of the most urgent problems to be a ban on anti-satellite weapons. Some other delegations maintained that the strengthening of the Registration Convention, *inter alia*, through effective verification provisions; prohibition of the introduction of new weapon systems into outer space; and ensuring that existing treaties safeguarding the peaceful uses of outer space, as well as the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems are fully complied with, strengthened and extended as necessary in the light of recent technological advances, were also urgent. In this context, mention was also made of

other measures called for in the Harare Declaration adopted at the Eighth Conference of Heads of State or Governments of Non-aligned Countries. These delegations recalled that individually or collectively they had presented the following proposals for consideration by the Ad Hoc Committee under point 3 of the programme of work:

- Amendment to Article IV of the 1967 Outer Space Treaty or additional protocol thereto;
- Definitions of space weapons;
- Declarations on the non-deployment of weapons in space;
- General treaty on the prohibition of anti-satellite weapons with specific protocols applicable to different categories of satellites;
- Prohibition of dedicated ASAT weapons;
- ASAT moratorium;
- Multilateral instrument to supplement the 1972 ABM Treaty;
- Strengthening of the 1975 Registration Convention;
- Establishment of a group of governmental experts.

25. Delegations of socialist countries submitted the following proposals for measures aimed at the prevention of an arms race in outer space: draft treaty on the prohibition of the stationing of weapons of any kind in outer space (CD/274), draft treaty prohibiting the use of force in outer space, or from space against the Earth (CD/476), main provisions of a treaty on the prohibition of ASAT weapons and ways to ensure the immunity of space objects (CD/777), establishment of an international system of verification of the non-deployment of weapons of any kind in outer space, based on the international space inspectorate (CD/817) and the proposal for a structured discussion on item 3 of the programme of work (CD/OS/WP.18).

26. Some delegations stated that proposals for measures relating to the prevention of an arms race in outer space should be judged in terms of their effectiveness, their contribution to international peace and security and their verifiability. Some of those delegations were also not in favour of proposals which have been made by delegations calling for an immediate ASAT ban, immunity for all satellites, a ban on so-called space weapons, a comprehensive ban on the use of force in space, an international inspectorate for the verification of the non-deployment of weapons in outer space and other similar approaches.

27. Various delegations considered that existing proposals for the definition of space weapons (CD/OS/WP.13/Rev.1 and CD/OS/WP.14/Rev.1 and Add.1) shared common elements and thus provided a good basis for further work towards the objective of prohibiting the emergence of space weapons. Other delegations, were not in favour of this approach since, in their view, it did not give an accurate picture of all the threats confronting space objects and also overlooked other significant factors of the military and strategic situation relevant to outer space.

28. Various delegations discussed proposals concerning the prohibition of anti-satellite weapons and the protection of satellites. It was suggested that one possible structure for an instrument on the subject would be in the form of a general treaty with specific protocols applicable to different categories of satellites. Reference was made to the suggestion that, in order to assure the verifiability of treaty commitments, untested anti-satellite systems could be prohibited, i.e., those capable of attacking satellites in high orbit. Another suggestion was that for purposes of an ASAT prohibition, a distinction might be made between dedicated anti-satellite systems, designed and tested for a flexible attack capacity, and ancillary systems with a limited and not clearly identifiable anti-satellite capacity. Still another view was that a treaty on the subject should: ban the use of force against any space object; prohibit the deliberate destruction, damage or interference with the normal functioning of space objects; proscribe the development, production or deployment of ASAT weapons; and provide for the destruction under international control of any existing ASAT weapons and to prevent the utilization and modification of any space object as well as manned spacecraft for anti-satellite purposes. Some delegations which supported a ban on ASAT weapons, emphasized that such a ban on ASAT weapons should give protection only to satellites performing peaceful functions and not to those engaged in activities which threatened the security of other States. An ASAT ban, therefore, presupposed an agreed definition of peaceful functions and a verification system aimed at determining whether objects launched into space fulfilled this criterion. Some other delegations were of the view that the issue of defining peaceful functions would have to be resolved in the context of negotiations on an ASAT ban. Commenting on proposals for the protection of satellites, one delegation noted that it would first be necessary to establish as clearly as possible within the context of existing international law and established international practice, which satellites perform functions that are in the common interest, what these common interests are and how these satellites

contribute to them, following which, it would be necessary to identify how these satellites could be protected. In this regard one delegation also recalled that a proposal had been made that active discussion be entered into on measures to protect from attack all satellites - and their associated ground stations - that contribute to strategic stability and to verification of arms control arrangements. Some delegations commented in detail on a wide range of means that were available to interfere with the functioning of satellites which, in their view, demonstrated that in the examination of proposals to prohibit ASAT systems it was clearly necessary to take into account that the concept involved much more than weapons systems specifically designed and intended to destroy satellites. They pointed out the limitations, both of the notion of "intention" for the classification of a device as an ASAT weapon, and of any distinction between so-called "dedicated ASAT systems" and "ancillary ASAT systems". In addition, they also stated that the diversity and the characteristics of the potential threat against space objects could, in their view, make a treaty on the prohibition of ASAT systems difficult to verify and easy to circumvent.

29. Commenting on proposals for the adoption of measures for the protection of space objects, some delegations noted that the majority of satellites perform military missions and held that to grant them immunity would be tantamount to legitimizing the military uses of space. In their opinion, the adoption of measures to protect space objects should be accompanied by a strengthening of the 1975 Registration Convention to assure that the functions and purposes of protected space objects are clear. It was suggested that the Convention should include provisions to verify the accuracy of the information provided thereunder and that the verification of the nature of space objects could be carried out at the launching sites.

30. Delegations of socialist countries noted that scope and procedure for broadening the international exchange of information on the space activities of States were included in the proposal on the establishment of an international space inspectorate.

31. Some delegations mentioned as worthy of study, such ideas and suggestions as the possibility of multilateralizing the provisions of existing bilateral agreements relating to the immunity of satellites; the role that the international monitoring of satellites might play; the possibility of placing constraints on some elements of anti-satellite activity, consistent with the security interests of all States; and a



"rules-of-the-road" agreement for space. Some delegations suggested several possible measures relevant to the security of satellites and to confidence-building and transparency for consideration by the Conference on Disarmament in its exploration of the prevention of an arms race in outer space: the reaffirmation and the development of the principle of non-interference with peaceful space activities; the elaboration of a code of conduct in outer space to prevent the risks and fears that could arise from certain manoeuvres of space objects; the reinforcement for greater transparency of the system of notification established by the 1975 Convention on the Registration of Space Objects; and international cooperation for the use of earth monitoring satellites for the verification of arms control and disarmament agreements.

32. Referring to proposals for banning the use of force in outer space, immunizing satellites from attack, immunizing satellite ground stations from attack and banning anti-satellite weapons, one delegation held that such proposals were either redundant or perhaps even prejudicial to the legal controls that were already in place. In its view, all uses of force except in self-defence were currently prohibited by law; all satellites and the ground stations associated with such satellites were already protected from attack except in cases of self-defence; the existing legal régime placed many restraints on the nature, deployment and uses of ASATs; and a comprehensive ASAT ban would raise many complex problems. Regarding proposals and views to amend the Registration Convention, this delegation stated that consideration of the Registration Convention falls properly within the venue of the United Nations Committee for the Peaceful Uses of Outer Space (COPUOS), and not the Conference on Disarmament's Ad Hoc Committee on Outer Space.

33. Various delegations noted that existing legal restraints were not comprehensive enough to prevent the emergence of non-nuclear ASAT weapons in outer space and should, therefore, be supplemented by agreements which would preclude the introduction of such weapons in that environment.

34. Some delegations, noting that limits on offensive nuclear weapons would be possible only if strict constraints were placed on BMD systems, emphasized the need to supplement the bilateral ABM Treaty through the conclusion of a multilateral agreement of unlimited duration banning or placing stringent limits on such systems. In this connection, they recalled the proposal to this effect made by one delegation in 1986 (CD/OS/WP.12).

35. Various delegations supported the proposal that members of the Conference on Disarmament should declare that none of them has deployed weapons in outer space on a permanent basis. Other delegations questioned its usefulness because, in their view, such a declaration was not verifiable and might interfere with the bilateral negotiations.

36. Delegations generally recognized the importance of verification in the context of measures to prevent an arms race in outer space. Beyond that, some delegations considered that verification did not raise insurmountable obstacles to the conclusion of agreements to prevent an arms race in outer space since, in their view, it should be possible to assure verification of compliance through a combination of national technical means and international procedures. A number of delegations were of the view that verification functions should be entrusted to an international body to provide the international community with an independent capability to verify compliance. In this connection reference was made to the proposed international satellite monitoring agency. Mention was also made of the possibilities offered by the PAXSAT concept - a research programme on the feasibility of the application of remote-sensing techniques to the verification of multilateral arms limitation and disarmament agreements and covering both space-to-space and space-to-ground remote-sensing.

37. Sharing these views, socialist delegations underlined that the non-deployment of weapons in space should be effectively verified. They supported the creation of a world space organization which would, inter alia, perform verification functions. They also suggested that, pending the conclusion of an appropriate agreement on space, a start should be made on establishing a system for international verification of the non-deployment of weapons of any kind in outer space. The main purpose of such a system would be to determine that objects to be launched into and stationed in space were not weapons and were not equipped with weapons of any kind. In the opinion of the group of socialist countries, the central place in such a system of verification might be taken by an international space inspectorate upon which the States parties to the agreement would confer the right of access, for inspection purposes, to any objects intended to be launched into and stationed in outer space. In order to ensure a complete ban on space weapons, measures of verification with the aid of the international space inspectorate should include, inter alia; advance submission by the receiving State to the representatives of the international space inspectorate of information on every forthcoming launch, including the date and time of launch, the type of launch vehicle, the parameters of the orbit and general

information on the space object to be launched; the permanent presence of inspection teams at all sites for launching space objects in order to check all such objects irrespective of the vector; and the verification of undeclared launches from undeclared launching pads by means of extraordinary on-site inspections without right of refusal.

38. Some delegations maintained that issues relating to verification and compliance needed to be considered in greater depth. They noted that many elements of the existing legal régime applicable to outer space were relatively simple and stated that the more complicated any arms control agreement for outer space was, the more difficult it would be to verify compliance with it. They believed that verification and compliance issues were particularly sensitive and complex in this area because, on the one hand, vital national security interests were at stake and, on the other hand, the vastness of space and the possibilities of concealment on Earth posed special problems. With respect to the proposal for the establishment of a world space organization, some delegations were of the opinion that its consideration was beyond the competence of the Conference on Disarmament. They also foresaw substantial technical, political and organizational difficulties associated with an international verification inspectorate. In this regard, they believed that one had to keep in mind that virtually any space object, if controlled and manipulated properly, is capable of serving as a weapon. They stated that this basic fact plus many technical, definitional, organizational and political obstacles bar the way to a successful international verification inspectorate.

39. Some delegations, expressing concern at restrictions being placed on the transfer of space technology, stated that in the consideration of proposals it was necessary to contemplate ways and means of strengthening international co-operation in the peaceful uses of outer space so that all States would have access without discrimination to space technology to promote their economic and social development according to their needs, interests and priorities. In that connection, these delegations underlined the need to further the objectives of Article I of the Outer Space Treaty.

40. Delegations of socialist countries drew attention to the proposal for the establishment of a world space organization organization and to the proposal that the leading space powers establish an international centre for conducting joint research and development of space technology prototypes ordered by developing countries.

41. Many delegations emphasized that all aspects of the arms race in outer space should be dealt with in order to achieve a comprehensive régime to prevent an arms race in outer space. Three possibilities were suggested to achieve a complete prohibition of all activities that could directly or indirectly contribute to an arms race in outer space: amending Article IV of the 1967 Outer Space Treaty, an additional protocol thereto, or the elaboration of a new comprehensive treaty or partial agreements aimed at the prevention of an arms race in outer space, as appropriate.

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42. Some delegations supported the idea of establishing a group of governmental experts to provide technical expertise and guidance in the consideration of issues relating to the prevention of an arms race in outer space. The view was expressed that such a group could assist the Ad Hoc Committee with respect to problems of definition and verifiability of space assets. Another idea advanced by some delegations was that the group could be entrusted with the task of defining the nature of the information that should be provided pursuant to the 1975 Registration Convention in order to permit that a distinction be made between military and non-military space objects. Other delegations believed that a governmental expert group was not the only alternative and that other appropriate arrangements could be considered to provide scientific and technical expertise to the Committee. Some delegations shared the view that the participation of experts made a valuable contribution to the work of the Committee and believed that it would be useful for experts to be included in delegations. In their opinion, however, at this stage of the work, the Committee was not yet in a position to establish a group of experts with a specific mandate. Some delegations suggested that, with a view to reaching a common approach to the objective of preventing an arms race in outer space, it would be desirable that the Committee draw up an open-ended list of questions and, at an appropriate stage, identify those that needed further elaboration by experts under a clearly-defined mandate.

43. Some delegations were of the view that the Ad Hoc Committee had completed the exploratory phase of its work and that it should concentrate on the consideration of measures to prevent an arms race in outer space in all its aspects. They believed that the ideas and suggestions that had been put forward in the course of the work provided sufficient areas of consensus for the initiation of multilateral negotiations on such measures. Other delegations considered that, while the work accomplished had contributed to a

broader and deeper understanding of the subject, it was still necessary to continue the examination and identification of issues relevant to the prevention of an arms race in outer space in order to reach a level of common understanding that would permit the Committee to arrive at a common definition of the scope and specific objectives of multilateral efforts for the prevention of an arms race in outer space.

#### IV. CONCLUSION

44. There was 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 carried out by the Committee since its establishment contributed to the accomplishment of its task. The Committee advanced and developed further the examination and identification of various issues relevant to the prevention of an arms race in outer space. The discussions held contributed to a better understanding of a number of problems and to a clearer perception of the various positions. It was recognized that the legal régime applicable to outer space by itself does not guarantee the prevention of an arms race in outer space. There was recognition of the significant role that the legal régime applicable to outer space plays in the prevention of an arms race in that environment and of the need to consolidate and reinforce that régime and enhance its effectiveness and of the importance of strict compliance with existing agreements, both bilateral and multilateral. 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 states that "in order to prevent an arms race in outer space, further measures should be taken and appropriate international negotiations held in accordance with the spirit of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies". A preliminary consideration was given to a number of proposals and initiatives aimed at preventing an arms race in outer space and ensuring that its exploration and use will be carried out exclusively for peaceful purposes in the common interest and for the benefit of all mankind.

# CONFERENCE ON DISARMAMENT

CD/834  
2 May 1988

Original: ENGLISH

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## SPECIAL REPORT OF THE CONFERENCE ON DISARMAMENT TO THE THIRD SPECIAL SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DEVOTED TO DISARMAMENT

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION.....	1 - 3	3
II. ORGANIZATION OF WORK OF THE CONFERENCE .....	4 - 39	3
A. Work of the Conference from August 1982 to April 1988 .....	4	3
B. Participants in the work of the Conference .	5	3
C. Rules of procedure .....	6	3
D. Agenda of the Conference .....	7 - 10	4
E. Establishment of subsidiary bodies of the Conference .....	11 - 12	5
F. Participation of States not members of the Conference .....	13 - 15	5
G. Expansion of the membership of the Conference .....	16 - 21	6
H. Improved and effective functioning of the Conference .....	22 - 35	7
I. Measures relating to the financial situation of the United Nations .....	36 - 37	11
J. Communications from non-governmental organizations .....	38	11
K. Documentation .....	39	12

	<u>Paragraphs</u>	<u>Page</u>
III. SUBSTANTIVE WORK OF THE CONFERENCE	40 - 103	12
A. Nuclear test ban .....	42 - 56	13
B. Cessation of the nuclear arms race and nuclear disarmament .....	57 - 76	21
C. Prevention of nuclear war, including all related matters .....	77 - 83	30
D. Chemical weapons .....	84 - 87	36
E. Prevention of an arms race in outer space .....	88 - 89	182
F. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons .....	90 - 91	196
G. New types of weapons of mass destruction and new systems of such weapons; radiological weapons .....	92 - 96	205
H. Comprehensive programme of disarmament ..	97 - 98	231
I. Consideration of other areas dealing with the cessation of the arms race and disarmament and other relevant measures ..	99 - 101	265
J. Consideration and adoption of the special report of the Conference to the third special session of the General Assembly of the United Nations devoted to disarmament .	102 - 103	265

## I. INTRODUCTION

1. By resolution 42/42 L of 30 November 1987, the General Assembly requested the Conference on Disarmament to submit a special report on the status of its negotiations and its work to the General Assembly at its third special session devoted to disarmament.

2. Pursuant to that request, the Conference on Disarmament submits its special report to the third special session of the General Assembly devoted to disarmament. The annual reports of the Committee on Disarmament for 1982 and 1983 1/ and of the Conference on Disarmament for 1984, 1985, 1986 and 1987 2/ may be referred to for additional information concerning the work of this single multilateral negotiating forum.

3. In that connection, pursuant to the decision taken by the Conference on Disarmament as recorded in paragraph 21 of its report to the thirty-eighth session of the General Assembly of the United Nations (CD/421), the designation of the "Committee" as "Conference on Disarmament" came into effect on 7 February 1984, the date of the commencement of the 1984 annual session.

## II. ORGANIZATION OF WORK OF THE CONFERENCE

### A. Work of the Conference from August 1982 to April 1988

4. During this period, the Conference held 288 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. The Conference also held 266 informal meetings on its agenda, programme of work, organization and procedures, as well as on items on its agenda and other matters.

### B. Participants in the work of the Conference

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

### C. Rules of procedure

6. The work of the Conference continued to be conducted by the Rules of Procedure adopted early at the 1979 session, with consequential changes resulting from the new designation. 3/

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1/ Documents CD/335 and CD/421.

2/ Documents CD/540, CD/642, CD/732 and CD/787.

3/ Document CD/8/Rev.2.



D. Agenda of the Conference

7. In conformity with the provisions of Section VIII of its Rules of Procedure, the Conference has adopted its annual agenda within the following framework which was established in 1979:

"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."

8. The following substantive agenda items have been considered by the Conference during its annual sessions since 1982:

1. Nuclear test ban
2. Cessation of the nuclear arms race and nuclear disarmament
3. Prevention of nuclear war, including all related matters
4. Chemical weapons
5. Prevention of an arms race in outer space
6. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

7. New types of weapons of mass destruction and new systems of such weapons; radiological weapons
8. Comprehensive programme of disarmament.
9. Item 3 was first inscribed in the annual agenda in 1983, as part of item 2 and, at the opening of the 1984 session of the Conference, became a separate agenda item.
10. On the basis of its annual agenda, the Conference establishes its programme of work at the beginning of each part of its annual session. The programme of work includes a schedule of the activities of the plenary of the Conference in relation to the substantive items on its agenda. Whenever necessary, organizational matters have been part of the programme of work.

E. Establishment of subsidiary bodies of the Conference

11. The Conference has established, at various stages of its work, subsidiary bodies on the following substantive items on its annual agenda: Nuclear Test Ban, Chemical Weapons, Prevention of an Arms Race in Outer Space, Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons, Radiological Weapons and Comprehensive Programme of Disarmament. The activities of those subsidiary bodies are discussed in Chapter III, under the sections dealing with those substantive items of the agenda.
12. Since the 1982 session, the Ad hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events met regularly in two sessions every year in accordance with the arrangements made by the multilateral negotiating forum early during its 1979 session. The Ad hoc group submitted, during that period, its third and fourth reports to the Conference (CD/448 and CD/720).

F. Participation of States not members of the Conference

13. In addition to those States not members of the Conference attending its plenary meetings in conformity with Rule 32 of the Rules of Procedure, the Conference invited the representatives of:

(a) Austria, Denmark, Finland, Greece, Ireland, Norway, Senegal, Spain, Switzerland and Turkey to participate during 1982 in the discussions on the substantive items on the agenda at plenary and informal meetings of the Conference;

(b) Austria, Burundi, Denmark, Finland, Greece, Ireland, Norway, Portugal, Senegal, Spain, Switzerland and Turkey to participate during 1983 in the discussions on the substantive items on the agenda at plenary and informal meetings of the Conference; Viet Nam to make a statement on Chemical Weapons on 19 April 1983, and Austria, Denmark, Finland, New Zealand, Norway and Switzerland to participate in the informal meeting held also in 1983 to consider appropriate follow-up measures to the conclusions of the First Review Conference of the Parties to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof;

(c) Austria, Bangladesh, Cameroon, Colombia, Denmark, Democratic Yemen, Ecuador, Finland, Greece, Ireland, New Zealand, Norway, Senegal, Spain, Switzerland and Turkey to participate during 1984 in the plenary meetings of the Conference; Viet Nam to address the plenary meetings on 27 March and 26 July 1984 on the items on the agenda dealing with Negative Security Assurances and the Comprehensive Programme of Disarmament; and the Holy See to address the plenary meeting of the Conference on 15 March 1984;

(d) Austria, Bangladesh, Burundi, Cameroon, Denmark, Finland, Greece, Ireland, New Zealand, Norway, Portugal, Senegal, Spain, Switzerland and Turkey to participate during 1985 in the plenary meetings of the Conference; and Viet Nam to address the plenary during the same year on the Comprehensive Programme of Disarmament;

(e) Austria, Bangladesh, Denmark, Finland, Greece, Ireland, New Zealand, Norway, Portugal, Spain, Switzerland and Turkey to participate during 1986 in the plenary meetings of the Conference; Finland and Norway to participate during the same year in the informal meetings on the substance of agenda item 2; and Viet Nam to address the plenary during 1986 on the Comprehensive Programme of Disarmament;

(f) Austria, Bangladesh, Denmark, Finland, Greece, New Zealand, Norway, Portugal, Senegal, Spain, Switzerland, Turkey and Zimbabwe to participate during 1987 in the plenary meetings of the Conference; Viet Nam to address the plenary during the same year on the Comprehensive Programme of Disarmament; and Finland, New Zealand and Norway to participate, also during 1987, in the informal meetings on the substance of agenda item 2;

(g) Austria, Denmark, Finland, Greece, Ireland, Malaysia, New Zealand, Norway, Portugal, Spain, Switzerland, Turkey and Zimbabwe to participate during 1988 in the plenary meetings of the Conference; Viet Nam to address, during the same year, the plenary meetings on item 8 of the agenda; and Bangladesh to participate, also in 1988, at plenary meetings of the Conference in connection with item 8 of the agenda.

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

15. During the period covered by this special report, invitations were also extended to States not members which had requested to participate in the discussions held in subsidiary bodies established under substantive items on the annual agenda. The list of those States not members so invited appears under each section of Chapter III of this special report dealing with substantive items of the agenda on which subsidiary bodies were established.

#### G. Expansion of the membership of the Conference

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

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

18. During its 1982 and 1983 sessions, the then Committee on Disarmament considered the question of the modalities of the review of its membership. The Federal Republic of Germany submitted document CD/404, dated 4 August 1983, where it is argued that the membership problem would be solved most effectively by several small enlargement steps over a period of time. In examining the subject-matter, the Committee kept in mind the views expressed in Chapter IV of the Final Document of the first special session of the General Assembly devoted to disarmament, particularly that "... for maximum effectiveness ... the negotiating body, for the sake of convenience, should have a relatively small membership", and that there is a "continuing requirement for a single multilateral disarmament negotiating forum of limited size taking decisions on the basis of consensus". At the end of its 1983 session, the Committee accepted in principle a limited expansion in its membership, subject to agreement by the Committee on the selection of new members and taking into account the necessity of maintaining balance. The Committee was of the opinion that its membership might increase by not more than four States and entrusted its Chairman with the responsibility of conducting appropriate consultations with the Members, individually and collectively, according to established practice, in order to reach a decision as to the selection of additional Members.

19. During the 1984 session, the Presidents of the Conference conducted those consultations. A group of socialist countries presented working paper CD/WP.132 regarding modalities and guidelines for expansion. Other delegations also stated their views on these questions. The Conference agreed that candidates for membership should be nominated, two by the Group of 21, one by the Socialist Group and one by the Western Group, so as to maintain balance in the membership of the Conference.

20. During the 1985 and 1986 sessions, the Presidents of the Conference conducted continuous consultations with the Members on the selection of additional Members. Members of the Conference also engaged in consultations on this important question. The Conference reaffirmed its 1984 decision on expansion. During the 1986 session, the Socialist and the Western Groups announced that their candidates for membership were Viet Nam (CD/PV.345) and Norway (CD/WP.351), respectively. The Group of 21 noted that it would select its candidates when there was agreement on concrete ways and means for implementing the above-mentioned decision.

21. During the 1987 session, continuing consultations were conducted by the Presidents of the Conference with the Members, who also engaged in consultations among themselves. In its report to the forty-second session of the General Assembly of the United Nations, the Conference stated that it would further intensify its consultations with a view to taking a positive decision at its 1988 session and would inform accordingly the next session of the General Assembly (CD/787, paragraph 17). Those consultations are continuing.

#### H. Improved and effective functioning of the Conference

22. During its 1982 session, the then Committee on Disarmament held a number of informal meetings for the consideration of the question of its improved and effective functioning. Proposals were discussed on a variety of matters, mainly procedure, organization, duration of sessions, representation, rationalization of work programmes, fuller participation of non-Member States and strengthening of the Secretariat. While expressing its appreciation for

the structure and functioning of the CD as such, the Committee agreed on the need to examine periodically its work, procedures and organization, with a view to improving its performance as the sole multilateral negotiating body for disarmament measures.

23. The question continued to be examined during the 1983 and 1984 sessions. An informal group of seven Members acting in their personal capacities submitted working paper CD/WP.100/Rev.1, dated 19 July 1984. The Conference devoted three informal meetings to its consideration and, at its 282nd plenary meeting on 16 August 1984, took note with appreciation of that working paper. Several Members made statements in connection with it and made proposals concerning further work on the subject.

24. Since 1984, a number of the procedural and organizational suggestions contained in working paper CD/WP.100/Rev.1 have been utilized by the Conference.

25. As from 1985 onwards, the Conference has been dealing with the question of its improved and effective functioning on a continuing basis. The consideration of this item is reflected in the annual reports of the Conference to the General Assembly for 1985 and 1986. At the 1987 session, it was agreed to establish an informal group to consider and make suggestions on the subject, composed of seven Members who would act on a personal basis. Members of the informal group were Ambassadors J. Alan Beesley of Canada, Richard Butler of Australia, Fan Guoxiang of China, Alfonso García Robles of Mexico, David Meiszter of Hungary, Youri Nazarkin of the Union of Soviet Socialist Republics and Jaskaran Teja of India. Ambassador Fan Guoxiang was appointed Chairman of the Group, which was requested to report on the progress of its work, approximately every six weeks, to an informal meeting of the Conference.

26. Various views were expressed on the priority and importance of ways of improving the functioning of the Conference. Several ideas were advanced in connection with the establishment of subsidiary bodies and their mandates. It was suggested that subsidiary bodies be established under each agenda item on the basis of the general mandate of the Conference and that each subsidiary body should then determine its programme of work. The view was also expressed that subsidiary bodies be established for all agenda items either with negotiating mandates or under the general mandate of the Conference pursuant to paragraph 120 of the Final Document of the first special session of the General Assembly devoted to disarmament. Another view was that decisions concerning the establishment of subsidiary bodies and their mandates and the orientation to be given to the work in accordance with the mandate should continue to depend on the specific conditions of each item. Members also discussed the scope of the rule of consensus. It was proposed that the Rules of Procedure be amended so that the rule of consensus would not apply in such a way as to prevent the establishment of subsidiary bodies. Another view was that the Conference should continue to conduct its work and adopt all its decisions by consensus. The question of the preparation of the annual report to the General Assembly was also addressed. Some delegations noted that it had become an unnecessarily adversarial procedure which too often and fruitlessly attempted to lay blame for lack of progress in the Conference and consumed a disproportionate amount of time, when the report should be concise and factual and should not repeat or attempt to summarize statements already contained in verbatim records. Other delegations stated that the unnecessarily adversarial nature of report-writing often emerged when it had

not been possible to set up subsidiary bodies with suitable mandates. These delegations opposed substantial modifications of the contents of the annual report and emphasized that, pursuant to the Rules of Procedure, reports should reflect the positions of delegations and should provide full and reliable information on the reasons why progress, in their view, had not been made. Various proposals were also advanced in connection with the participation of non-members in the work of the Conference, including automatic invitations to States not members except in case of controversy over representation and automatic participation of all States Members of the United Nations. The view was also expressed that applications from non-members should continue to be considered by the Conference on a case-by-case basis before decisions might be taken.

27. The informal group of seven members reviewed all these issues and considered that, in view of the limited time available during the 1987 session, it would be appropriate to concentrate on the questions of subsidiary bodies and the annual report to the General Assembly, with a view to making recommendations thereon to the Conference. The report of the group on those two issues was submitted to the Conference as document CD/WP.286, containing suggestions on both questions, and was given initial consideration by the Conference at an informal meeting.

28. The informal group of seven members continued its work during the first part of the 1988 session, Ambassador J. Alan Beesley of Canada being replaced by Ambassador Robert van Schaik of the Netherlands. During its deliberations, the group focused its attention on six questions on which it intended to report to the Conference: (a) Participation of non-member States in the work of the Conference; (b) Participation of scientific and technical experts in the work of the Conference; (c) Non-governmental organizations; (d) Disarmament consultative council; (e) Time, duration and organization of the annual session; (f) Membership of the Conference.

29. As a result of its deliberations, the Group submitted a second report to the Conference, contained in document CD/WP.341. The Group agreed to transmit to the Conference ideas and suggestions on the first three questions, while the latter three contained options, the consideration of which could not be concluded in view of the limited time available.

30. During 1988, statements were made at plenary meetings on the question of improved and effective functioning. The Conference also devoted two informal meetings to the consideration of the reports of the Group of Seven, as well as to the question in general.

31. The socialist States proposed that the work of the Conference be put on a more intensive footing by making it work throughout the year with two or three breaks. They favoured a more active involvement of experts and scientific centres and proposed the establishment of a consultative council at the Conference with the participation of world-renowned scientists and public officials. They also advanced the proposal of holding sessions at the level of Ministers of Foreign Affairs in times of critical importance. It is their opinion that the Conference might become, in the future, a permanent universal organ of disarmament negotiations. Socialist countries supported the establishment of Ad Hoc Committees for each agenda item under the general mandate of the Conference and the suggestion that they should continue their work until their task had been accomplished. Some socialist countries further expressed preference for the general debate at the opening of each annual session to be confined to two or three weeks, after which work would continue

in subsidiary bodies. They expressed the view that non-member States should have the right to make statements in the general debate and also participate in the work of subsidiary bodies. The socialist States continued to support the decision of the CD, taken in connection with the expansion of its membership. They put forward the candidate of their Group. Noting growing interest of the States in the membership of the Conference, they stressed the necessity to provide for the full participation of all States willing to contribute to the work of the Conference. The socialist countries pointed out that the negotiations on questions of security and disarmament which were conducted on a multilateral as well as a bilateral basis, should complement one another.

32. Members of the Western Group contributed to the process of considering this question, both by reflecting on the views of other delegations and by offering views for the consideration of the Conference as a whole. Some Western delegations emphasized the need to balance alternative periods of negotiation and recess during the annual session. The suggestion of holding five five-week sessions, spread out over the year, was advanced. Western delegations also maintained that universal membership would not make the Conference more effective and would duplicate the functions of deliberative bodies. The agreement on expansion by four members could be implemented on a case-by-case basis, since the need of consensus would make the requirement of political balance unnecessary. A proposal was made that the candidate put forward by that Group be admitted to the Conference as a first step to implement this agreement. Members of the Group expressed the view that participation of non-members could be facilitated by simplifying present procedures. Delegations could also consider ways and means of increasing the participation of scientists and technical experts, as appropriate, in the work of the Conference. Some Western countries expressed preference for a concentrated general debate at the opening of each annual session. They stressed that the Conference could only conduct its work under the rule of consensus. It was further noted that the agenda had been drawn up almost a decade ago and suggested that the Conference review it in the light of new developments. In that context, issues relating to conventional arms were mentioned. While indicating preference for the automatic continuation of subsidiary bodies from year to year, some Western countries expressed serious doubts with respect to the suggestion of establishing ad hoc committees for each agenda item without specific mandates.

33. Members of the Group of 21 stressed the importance of maintaining the political balance in the membership of the Conference. They favoured an annual session lasting not less than seven months with two main working periods. Plenary meetings would be held regularly throughout the annual session. It was noted, in this connection, that delegations should be encouraged to participate at the highest level during the general debate. The Group supported the establishment of Ad Hoc Committees for each agenda item under the general mandate of the Conference, as well as the suggestion that they should continue with their work until their task had been accomplished. In that respect, it was stated that the general negotiating mandate of the Conference was fundamental and that Rule 23 of the Rules of Procedure could only be interpreted in this context. Members of the Group stated again that the rule of consensus should not be used to prevent the establishment of subsidiary bodies. They expressed the view that the expertise of national delegations should be strengthened, as well as that more use should be made of Rules 22 and 23 of the Rules of Procedure for the establishment of groups of experts on such subjects as the prevention of an arms race in outer space and

the emergence of new types of weapons of mass destruction. The suggestion of extending invitations by the Conference to independent eminent scientists to address it on technical issues was advanced. It was also noted that the importance of organizational arrangements should not be over-emphasized, as political conditions were determinant in achieving progress in the Conference.

34. One delegation, not belonging to any Group, believed that the Conference on Disarmament had in the main worked in normal conditions under the present Rules of Procedure, and that it was useful to continue the consideration of its improved and effective functioning. It noted that CD/WP.286 was a consensus paper by the Group of Seven in 1987. It considered that the present annual schedule and division of the Conference's annual session into two parts should be maintained, with the possibility of ad hoc arrangements, as necessary, for subsidiary bodies and keeping in mind that special sessions of the Conference could be convened. It welcomed the fact that an increasing number of States had requested membership in the Conference. In this regard, the rule of consensus should be applied with the acceptance of each candidate on a case-by-case basis. It appreciated the interest of many non-member States in participating in the work of the Conference, and suggested that they should be enabled to make statements in plenary meetings while their requests to take part in the work of subsidiary bodies were subject to decisions by the Conference; these decisions should remain in effect for as long as the related subsidiary bodies were at work.

35. The Conference has not taken any decisions based on its considerations of the subject in 1988. The Conference will continue during the second part of the 1988 session the consideration of its improved and effective functioning, including consideration of the two reports submitted by the Group of Seven.

I. Measures relating to the financial situation of the United Nations

36. On 10 April 1986, the Personal Representative of the United Nations Secretary-General and Secretary-General of the Conference advanced a number of suggestions designed to meet the limitations resulting from the financial situation of the United Nations. Those suggestions dealt with the effective utilization of conference resources, reductions in the number and nature of the official documents circulated in the Conference, the preparation of official records, avoidance of duplication in documentation and the shortening of reports of subsidiary bodies and of the annual report to the General Assembly of the United Nations. At an informal meeting on 22 April, the Conference accepted the proposals of the Secretariat to proceed with the technical measures suggested and to maintain the matter under review.

37. As from the beginning of the 1987 session, there was general agreement among Members on the services to be provided to the Conference, as outlined by the Secretary-General, in the implementation of the target reduction of 30 per cent in services allocated to it. Earlier, after informal consultations in the Conference, the Secretariat took measures in the implementation of the target reduction as from the second part of the 1986 session.

J. Communications from non-governmental organizations

38. In accordance with Rule 42 of the Rules of Procedure, lists of all communications from non-governmental organizations and persons have been periodically circulated to the Conference.



#### K. Documentation

39. The list of official documents of the Conference during the period covered by this report is contained in the various annual reports of the Conference from 1982 onwards, as well as in each section of Chapter III dealing with the substantive work of the Conference, for those documents issued during the 1988 session.

#### III. SUBSTANTIVE WORK OF THE CONFERENCE

40. The substantive work of the Conference has been based on its agenda and programme of work. At the beginning of each annual session, the Conference had before it a letter from the Secretary-General of the United Nations transmitting all the resolutions on disarmament adopted by the General Assembly at its previous regular session, in particular those entrusting specific responsibilities to the Conference. The Conference also received, at the opening of each session, a message of the Secretary-General conveyed by his Personal Representative and Secretary-General of the Conference. At the 194th plenary meeting on 15 February 1983 and at the 271st plenary meeting on 10 July 1984, the Secretary-General of the United Nations addressed this single multilateral negotiating forum. In his statements, he underlined its responsibilities as the sole multilateral body for negotiating measures of disarmament, as well as the high priority he attached to its work (CD/PV.194 and CV/PV.271).

41. In addition to documents referred to under each agenda item, the Conference received for the first part of its 1988 session the following:

(a) Document CD/788, dated 3 September 1987, submitted by the delegations of Argentina, India, Mexico and Sweden, entitled "Message to the International Conference on the Relationship between Disarmament and Development".

(b) Document CD/797, dated 5 February 1988, submitted by the delegation of the United States of America, entitled "Joint United States-Soviet Summit Statement".

(c) Document CD/798, dated 5 February 1988, submitted by the delegation of the United States of America, entitled "Text of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range missiles, together with the Protocol on Procedures governing the elimination of the missile systems subject to the Treaty, the Protocol regarding inspections relating to the Treaty and its Annex on Provisions on privileges and immunities of inspectors and aircrew members, and the Memorandum of Understanding regarding the establishment of the data base for this Treaty, signed at Washington on 8 December 1987".

(d) Document CD/799, dated 5 February 1988, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Joint Soviet-United States Summit Statement".

(e) Document CD/800, dated 5 February 1988, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Text of the Treaty between the Union of Soviet Socialist Republics and the United States of America on the elimination of their intermediate-range and shorter-range

missiles, the Protocol on Procedures governing the elimination of the missile systems subject to the Treaty between the Union of Soviet Socialist Republics and the United States of America on the elimination of their intermediate-range and shorter-range missiles, the Protocol regarding inspections relating to the Treaty between the Union of Soviet Socialist Republics and the United States of America on the elimination of their intermediate-range and shorter-range missiles, together with its Annex on Provisions on privileges and immunities of inspectors and aircrew members, and the Memorandum of Understanding regarding the establishment of the data base for the Treaty between the Union of Soviet Socialist Republics and the United States of America on the elimination of their intermediate-range and shorter-range missiles, signed at Washington on 8 December 1987".

(f) Document CD/807, dated 19 February 1988, submitted by the delegations of Argentina, India, Mexico and Sweden, entitled "The Stockholm Declaration".

(g) Document CD/811, dated 3 March 1988, submitted by the delegation of Argentina, entitled "Declaration by the Ministers for Foreign Affairs of Argentina, Brazil, Colombia, Mexico, Peru, Uruguay and Venezuela signed at the first session of the third ordinary meeting of the Permanent Mechanism of Political Consultation and Concertation". (Cartagena de Indias, Colombia, 25 February 1988.)

(h) Document CD/813, dated 7 March 1988, submitted by Norway, entitled "Contributions by Norway to the Conference on Disarmament 1982-1987".

(i) Document CD/824, dated 6 April 1988, submitted by the delegation of Bulgaria, entitled "Text of the Communiqué on the Session of the Committee of Ministers for Foreign Affairs of the States Parties to the Warsaw Treaty Member States held in Sofia on 29 and 30 March 1988, and of the Appeal to NATO Member States, and to all States participating in the CSCE, issued at that Session".

#### A. Nuclear Test Ban

42. The Committee on Disarmament and since 1984 the Conference on Disarmament has continued, after the second special session of the United Nations General Assembly devoted to disarmament, to consider "Nuclear Test Ban" as item 1 of the agenda of its annual sessions.

43. Following the decision taken in April 1982, the Committee established a subsidiary body on that item with the following mandate (CD/291):

"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 Committee on Disarmament decides to establish an ad hoc working group under item 1 of its agenda entitled 'Nuclear Test Ban'.

Considering that discussion of specific issues in the first instance may facilitate progress toward negotiation of a nuclear test ban, the Committee requests the ad hoc working group to discuss and define, through substantive examination, issues relating to verification and compliance with a view to making further progress toward a nuclear test ban.

The ad hoc working group will take into account all existing proposals and future initiatives, and will report to the Committee on the progress of its work before the conclusion of the 1982 session. The Committee will thereafter take a decision on subsequent courses of action with a view to fulfilling its responsibilities in this regard."

The subsidiary body on item 1 of the agenda was re-established in 1983 with the same mandate (CD/358). During the course of the 1983 session a number of proposals were made with a view to revising the mandate of the subsidiary body, but no consensus could be reached.

44. During the second part of the 1982 session, the subsidiary body was chaired by Ambassador Curt Lidgard of Sweden and, in his absence, by Mr. Carl-Magnus Hyltenius of Sweden. In 1983, it was chaired by Ambassador Gerhard Herder of the German Democratic Republic, who was succeeded by Ambassador Harald Rose, also from the German Democratic Republic. During its 1982 and 1983 sessions, the subsidiary body held a total of 27 meetings. The delegations of two nuclear-weapon States did not participate in its proceedings. At various stages of its work, the following States not members of the Committee on Disarmament participated in the meetings of the subsidiary body: Austria, Burundi, Denmark, Finland, Greece, Ireland, Norway, Senegal, Spain and Turkey. The account of the work undertaken by the subsidiary body during the above period as well as its conclusions and recommendations can be found in its respective reports which form an integral part of the reports of the Committee on Disarmament (CD/335 and CD/421). During this period, pursuant to its programme of work, the Ad Hoc Working Group held a structured discussion to define issues relating to verification and compliance with a view to making further progress toward a nuclear test ban. A large number of delegations considered that the Ad Hoc Working Group had fulfilled its mandate by discussing and defining all the issues relating to verification and compliance of a nuclear test ban during its 1982 and 1983 sessions, and held that the mandate of the Working Group should be changed in order to enable it to proceed without further delay to negotiations on a nuclear test-ban treaty. Some delegations, however, maintained that the subject was not exhausted and that during the discussions a number of views were expressed which required further examination.

45. Since its 1984 session, the Conference has continued to consider item 1 of its agenda in plenary meetings. Informal meetings to consider proposals for a mandate of a subsidiary body on the item have also been held. Relevant documents and proposals were submitted by delegations. 1/ There has been no opposition to the re-establishment of the subsidiary body on a nuclear test ban. However, the Conference has been unable to agree on that body's mandate. During this period, a number of proposals for a mandate for a subsidiary body have been submitted both by individual delegations and by groups of delegations, including the following:

- CD/492 by the Group of 21 for the establishment of an ad hoc subsidiary body to initiate immediately the multilateral negotiation of a treaty for the prohibition of all nuclear weapon tests.

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1/ The list of documents on the item can be found in the 1984-1987 annual reports of the Conference on Disarmament to the United Nations General Assembly (CD/540, CD/642, CD/732 and CD/787).

- CD/520 and Rev.1 and 2 by the Group of 21 for the establishment of an ad hoc committee to initiate the multilateral negotiation of a treaty for the prohibition of all nuclear weapon tests.
- CD/521 by a group of Western countries for the re-establishment of an ad hoc committee to resume its substantive examination of specific issues relating to a comprehensive test ban, including the issue of scope as well as those of verification and compliance with a view to negotiation of a treaty on the subject and to examine the institutional and administrative arrangements necessary for establishing, testing and operating an international seismic monitoring network as part of an effective verification system.
- CD/522 and Rev.1 by a group of socialist States for the establishment of an ad hoc committee to carry out practical negotiations with a view to elaborating a treaty prohibiting all nuclear weapon tests.
- CD/602 by Brazil for the establishment by the Conference, in the exercise of its responsibilities as the multilateral disarmament forum, in accordance with paragraph 120 of the Final Document of the First Special Session of the General Assembly of the United Nations devoted to disarmament, and taking into account the need to achieve the full implementation of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, of 1963, of an ad hoc committee in order to fulfil that purpose.
- CD/772 by eight members of the Group of 21 for the establishment of an ad hoc committee with the objective of carrying out the multilateral negotiation of a comprehensive nuclear test-ban treaty and for the setting up by the ad hoc committee of two working groups which would deal, respectively, with the following interrelated questions:
  - (a) Working Group I - Contents and scope of the treaty;
  - (b) Working Group II - Compliance and verification.
- CD/829 by the Group of 21, which reproduces CD/772 above, with the following footnote: "This draft mandate is put forward in a spirit of co-operation and constitutes a clear proof of the flexible approach adopted by the Group of 21. If a similar flexibility is reciprocated by the other groups, this could replace the draft mandate contained in document CD/520/Rev.2 of 21 March 1986."

In addition, several proposals have been submitted concerning the possible structure and programme of work of a subsidiary body on the item (CD/621, CD/629 and CD/701). At various stages of its work, the Conference has also discussed a number of informal proposals for a mandate for a subsidiary body on item 1, including those advanced by its Presidents.

46. The Conference considered the above-mentioned mandate proposals in its plenary meetings. At the request of their sponsors some of these proposals were submitted to the Conference for decision. No consensus could be reached on any of the proposals. The detailed account of their consideration by the Conference can be found in paragraphs 34 and 35 of its report on the 1984 session, paragraphs 30 to 32 of its report on the 1985 session, paragraphs 34 to 37 of its report on the 1986 session and paragraphs 33 to 38 of its report on the 1987 session.

47. The substantive positions held by various delegations on the issue since the second special session of the General Assembly devoted to disarmament are summarized as follows. 1/

48. Members of the Group of 21 have consistently reaffirmed both collectively and individually throughout the period the utmost importance they attach to the urgent conclusion of a comprehensive treaty on the complete prohibition of testing of all types of nuclear weapons in all environments by all States - an objective which has been pursued for more than 30 years and which continues to remain a matter of the highest priority for them - as a significant contribution to the aim of ending the qualitative improvement of nuclear weapons and the development of new types of such weapons as well as of preventing their proliferation. Some members of the group reiterated their view that such a treaty must provide for the complete cessation of all nuclear testing. Members of the group have also consistently called for a moratorium on nuclear testing as a provisional measure pending the conclusion of such a treaty. Several delegations have drawn attention to the repeated appeals of the Six Nations Initiative for the cessation of all nuclear testing and their offer to assist in the verification of a moratorium. Many delegations referred to the Declaration adopted by the Eighth Conference of Heads of State or Government of Non-Aligned Countries held in Harare in September 1986, in which they emphasized the pressing need to negotiate and conclude a comprehensive multilateral nuclear test-ban treaty prohibiting all nuclear weapon tests by all States in all environments for all time. Some members of the group recalled that the Organization of the Islamic Conference has repeatedly called for serious negotiations under the aegis of the Conference on Disarmament on a comprehensive test ban treaty. Some other delegations drew attention to the Declarations made by the South Asian Association for Regional Co-operation calling for the early conclusion of a comprehensive test-ban treaty. Some members of the group have further advocated the convening of a conference of States Parties to the 1963 Partial Test Ban Treaty to consider possible amendments aimed at converting it into a CTB. Members of the Group of 21 have consistently underlined that the Conference on Disarmament as the single multilateral negotiating body has the primary role in negotiations to achieve a comprehensive nuclear test ban. Having agreed in 1982 and 1983 to participate in a consensus on the setting up of a subsidiary body on the item with a mandate that they considered

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1/ Full account of the delegations' positions can be found in the official records of the Conference on Disarmament.

inadequate, members of the group considered also that that mandate was exhausted and they therefore maintained that the Conference should initiate the multilateral negotiation of a CTB treaty and set up a subsidiary body for that purpose. In 1987, several members of the group proposed the establishment of such a body with the objective of carrying out the multilateral negotiation of a CTB and the setting up by it of two working groups dealing, respectively, with contents and scope of the treaty and its compliance and verification. Members of the Group of 21 have consistently deplored the fact that no consensus has been reached since 1983 on a negotiating mandate for the renewal of the work of the subsidiary body on that priority item, despite a display of flexibility on their part as to the terms of reference and possible structure of such a body. Members of the group continued to maintain that the mandate contained in CD/521, which had been tabled in 1984 and was already then considered to be inadequate by members of the Group of 21, without any attempts at developing a generally acceptable compromise, could not be interpreted as a sign of either serious intent or flexibility. Several members of the group noted that the inability of the CD to establish a subsidiary body on the complete cessation of all nuclear testing can only lead to undermining confidence in the multilateral disarmament process and that therefore the CD without further delay must initiate substantive work on all aspects of the test ban issue. In their view, all Member States have a responsibility effectively to contribute to that goal. Several members of the group have submitted during the period a number of proposals on the substance of the issue, including, *inter alia*, a document submitted by one delegation entitled "Draft treaty banning any nuclear weapon test explosion in any environment" (CD/381). In an effort to find a possible common denominator the 21 members of the group reintroduced in document CD/829 the text which had been submitted one year before by eight of its members in document CD/772 through which the Conference on Disarmament would decide "to establish an ad hoc committee on item 1 of its agenda with the objective of carrying out the multilateral negotiation of a comprehensive nuclear test-ban treaty". It was stated that each delegation would be entitled to make an interpretative declaration of the meaning and scope it attributes to the terms "with the objective of". It would thus be possible to approve by consensus a mandate to which the members of the Conference gave a different meaning, since the proposed mandate would permit delegations to interpret it as referring to an "immediate" or a "long-term" objective and thus to accept it without abandoning their positions. The proposal of the Group of 21 also includes a footnote which indicates that it constitutes a clear proof of the flexible approach adopted by the group, adding that if a similar flexibility is reciprocated by the other groups the new draft mandate could replace the one contained in document CD/520/Rev.2 of 21 March 1986. Some delegations, noting the commencement of negotiations between the two major nuclear-weapon States on nuclear testing on a stage-by-stage basis, reiterated their view that the existing bilateral thresholds did not preclude the modernization of nuclear weapons and thus failed to contribute to the cessation of the qualitative development of nuclear weapons. Rather than verifying these thresholds, what was required was that all nuclear tests be completely prohibited. Intermediate agreements to limit testing will serve a useful purpose only if they serve to curb the qualitative development of nuclear weapons and constitute steps towards the conclusion of a comprehensive test ban treaty at an early and specified date. These delegations have urged the two major nuclear-weapon States to inform the Conference regularly on progress in their negotiations.

49. During this period, members of the group of socialist countries have consistently regarded the earliest elaboration of a treaty on the complete and general prohibition of nuclear weapon tests and, until the conclusion of such a treaty, the proclamation of a moratorium on all nuclear explosions, among the most urgent and significant measures for halting the nuclear arms race and preventing the proliferation of nuclear weapons. They have accordingly advocated the establishment of a subsidiary body of the Conference to carry out practical negotiations on such a treaty (CD/522 and Rev.1). At the same time, they have consistently supported the proposals to that effect submitted by the Group of 21. In particular they stressed their support for the proposal of the Group of 21, contained in document CD/829 "to establish an ad hoc committee on item 1 of its agenda with the objective of carrying out the multilateral negotiation of a comprehensive nuclear test-ban treaty", which constitutes a good basis for starting practical work on the issue. Members of the group further believed that all avenues should be used to achieve progress on that priority issue, including, inter alia, bilateral, trilateral or multilateral negotiations, appropriate interim measures and the convening of a conference of States Parties to the 1963 Partial Test Ban Treaty to consider possible amendments aimed at converting it into a CTB. During the period, they have both collectively and individually submitted a number of substantive proposals on the issue, in particular a document entitled "Basic provisions of a treaty on the complete and general prohibition of nuclear-weapon tests" (CD/756). In putting forward this initiative, the sponsors stressed that they were guided by a desire to stimulate an early start of substantive full-scale negotiations at the Conference for which the document submitted could form a basis.

50. A nuclear-weapon State, member of that group, has repeatedly stressed throughout the period its commitment to an early achievement of a CTB and its readiness to use all possibilities leading to the fulfilment of that objective. Thus, it has consistently called for moratoria on nuclear explosions and has itself observed a unilateral moratorium during an 18-month period in 1985-1986. Having agreed to proceed with another major nuclear-weapon State in the context of full-scale negotiations on a step-by-step basis leading to a complete ban on nuclear testing, it has maintained, however, that the search for agreement at the bilateral level and the preparation of a comprehensive treaty within the Conference on Disarmament should be undertaken concurrently. To that end, it has introduced a number of substantive proposals in the Conference, in particular two drafts of a treaty on the issue in 1983 (CD/346) and again in 1987 (CD/756) together with other socialist States. It also proposed in 1987 the setting up of a special group of scientific experts who would submit recommendations on the structure and functions of a system of verification for any possible agreement not to conduct nuclear-weapon tests as well as the establishment of an international system of global radiation safety monitoring involving the use of space communication links. These proposals were supported by the other members of that group.

51. A group of Western countries has repeatedly reaffirmed during the period its commitment to a ban on all nuclear tests by all States in all environments for all time as well as its readiness to contribute to that objective by actively participating in practical work within a subsidiary body of the Conference on Disarmament on that issue. Having considered the work done by the subsidiary body in 1982 and 1983 as useful but inconclusive, members of the group, in what they regarded as a spirit of flexibility, proposed, in 1984, a

revised mandate for such a body (CD/521) which would enable the Conference to continue its substantive examination of specific issues relating to a nuclear test ban, including the issue of scope as well as those of verification and compliance, with a view to the negotiation of a treaty on the subject. Subsequently, the same group of Western countries and one non-Member State proposed a programme of work for a subsidiary body (CD/621). Members of the group have repeatedly stressed that the draft mandate contained in CD/521 as well as the draft programme of work contained in CD/621 continued to provide a viable framework in which to commence and carry out the substantive examination of many issues relating to a CTB. Several delegations of that group have submitted during the period a number of substantive proposals dealing with various aspects of a nuclear test ban and regretted the Conference's inability to consider those proposals in a serious manner. One member of the group submitted a related proposal (CD/717) calling for the immediate establishment of a Global Seismic Monitoring Network. At the same time, the group stood ready to consider positively any initiative to solve the mandate question in order to start practical work on the subject. In that spirit, members of the group expressed their readiness to consider an informal proposal made by the President of the Conference for the month of April 1987, as a basis for developing a consensus. They felt, however, that the draft mandate contained in document CD/772 did not involve a new approach. Members of that group have further maintained that the stage-by-stage approach to the subject offered the best chance for early progress and have welcomed in that connection the bilateral talks between the two major nuclear-weapon States. In response to the tabling of the draft mandate contained in CD/829 a group of Western States indicated that: the text was the same as that given in CD/772 on which its position had already been made clear; the statements of the Group of 21 with regard to their new flexibility had not been substantiated by any alteration in the text of the mandate; and the suggestion that CD/829 could be adopted through the enunciation of overtly different interpretations of its terms would lead to confusion in the purpose of any work which might be conducted under such conditions. The same group expressed its deep regret that an ad hoc committee on item 1 of the agenda had not been re-established since 1983. It reiterated that such action could be taken under the draft mandate given in CD/521 and that unlike CD/829 this mandate offered the possibility of all necessary and relevant practical multilateral work on a nuclear test ban being undertaken in the Conference. The same group said it hoped that an ad hoc committee would be able to be established in the summer part of the 1988 session of the Conference, on the basis of the participation of all Member States willing to take part in work on a nuclear test ban in the Conference, and was willing to continue consultations to this end.

52. A nuclear-weapon State, member of the Western group of delegations, has, since 1982, consistently stressed that a CTB remains its long-term objective to be achieved in the context of significant reductions in the existing arsenals of nuclear weapons, the development of substantially improved verification measures, expanded confidence-building measures and a greater balance in conventional forces. It has repeatedly voiced its objections to moratoria on nuclear testing. Since 1986, it has been seeking with another major nuclear-weapon State agreements on nuclear testing on a stage-by-stage basis leading - in association with reduction and ultimate elimination of all nuclear weapons - to limitations and the ultimate ending of nuclear testing. With regard to the role of the Conference on Disarmament, it has expressed its readiness to support the establishment of a subsidiary body on the item with an appropriate non-negotiating mandate.



53. Another nuclear-weapon State from the same group said that it remained committed to the ultimate objective of a comprehensive nuclear test ban. It was ready to take part in substantive work in a subsidiary body of the Conference on issues such as scope and verification, on which it had tabled working papers. In its view, as well as the need for effective verification, political realities had to be taken into account. It considered that the stage-by-stage approach, being pursued in the bilateral negotiations on the subject, offered the best hope of progress.

54. Another Western nuclear-weapon State has repeatedly reiterated its view that international commitments in the field of nuclear testing can be considered only in the overall context of nuclear disarmament, and has maintained that the cessation of nuclear-weapon testing was not a pre-condition for progress towards nuclear disarmament but, on the contrary, could become significant at the end of a long-term process resulting in real and effective nuclear disarmament. It has stressed that it could not agree to the obsolescence of its limited nuclear deterrent and that it had conducted only the nuclear explosions necessary to maintain its credibility. It has also stressed that, in the context of deep reductions of nuclear weapons, the problem of reliability of the remaining weapons could, in its view, only become more important. It has therefore not been in a position to participate in work whose objective is the negotiation of an agreement to which it cannot subscribe.

55. Yet another nuclear-weapon State, not belonging to any group, has consistently reiterated that it will be prepared, once the two States with the largest nuclear arsenals have taken the lead in halting the testing, production and deployment of nuclear weapons and drastically reducing their nuclear arsenals, to take corresponding measures. It has announced that it will no longer conduct nuclear tests in the atmosphere. Since 1985 it has expressed its willingness to participate in a subsidiary body of the Conference on Disarmament on item 1 of its agenda in the case of its re-establishment and has stated its flexible approach with regard to that body's terms of reference.

56. The Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events has continued its work on measures which might be established in the future for the international exchange of seismological data under a treaty prohibiting nuclear weapon tests covering nuclear explosions for peaceful purposes in a protocol which would be an integral part of the treaty, in accordance with the terms of reference given to it by the Committee on Disarmament in 1979 (CD/PV.48). 1/ Since the second special session on disarmament, the Ad Hoc Group has prepared two substantive reports on its work. In 1984, the Ad Hoc Group presented its third report containing detailed, preliminary instructions for the comprehensive experimental testing of the global system which might be

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1/ In the period under review, the following States, Members and Non-Members of the Conference, participated in various sessions of the Ad Hoc Group: Algeria, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, Czechoslovakia, Denmark, Egypt, Finland, German Democratic Republic, Germany, Federal Republic of, Hungary, India, Indonesia, Islamic Republic of Iran, Italy, Japan, Kenya, Mexico, Netherlands, New Zealand, Norway, Peru, Poland, Romania, Spain, Sweden, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

established for the international exchange of seismological data under a future treaty (CD/448). The Conference on Disarmament took note of that report at its 259th plenary meeting on 17 April 1984. In 1986, the Ad Hoc Group presented its fourth report (CD/720) which contained a detailed description of the results of and experience gained from the large-scale technical test conducted by the Group during 1984. 1/ That test, which had been termed the Group of Scientific Experts' Technical Test (GSETT), had comprised exchange and analysis of parameter (Level I) data using the Global Telecommunications System of the World Meteorological Organization (WMO) on the regular use basis authorized by the WMO in 1983. The Conference on Disarmament took note of that report at its 382nd plenary meeting on 26 August 1986 as well as of a summary of that report (CD/681/Rev.1). The Group is currently conducting discussions on the overall concept of a modern international seismic data exchange system based on the expeditious exchange of waveform (Level II) and parameter (Level I) data and the processing of such data at International Data Centres (IDCs). The Ad Hoc Group has considered various preliminary specifications for modern prototype "CD-stations", able to collect and exchange high quality waveform data from seismic events at all distances, as well as various technical options for establishing high-speed communication links to interconnect the International Data Centres. The Ad Hoc Group has also discussed a preliminary plan for a large-scale global experiment on the exchange of Level II data, using accessible channels of communication, including WMO/Global Telecommunications System (GTS) and satellite transmission where possible.

B. Cessation of the Nuclear Arms Race and Nuclear Disarmament

57. Since the second special session of the United Nations General Assembly devoted to disarmament, the Conference has continued the consideration of item 2 of its annual agenda in plenary and informal meetings. Documents pertaining to this item have also been submitted by delegations. 2/

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1/ According to the original plan for the technical test submitted to the Conference on Disarmament on 13 August 1984 (CD/534), 27 countries had agreed to take part. These were: Australia, Austria, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Egypt, Finland, German Democratic Republic, Germany, Federal Republic of, Hungary, India, Indonesia, Islamic Republic of Iran, Italy, Japan, Netherlands, New Zealand, Norway, Peru, Romania, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia. Following the appeal for wider participation in the test, contained in the Group's progress report on its eighteenth session (CD/535), 10 additional countries indicated their interest in participating: Argentina, Bolivia, Brazil, Colombia, France, Ireland, Kenya, Pakistan, Thailand, Zimbabwe. In addition, a total of 75 seismograph stations in 37 countries contributed Level I data during the technical test.

2/ The list of documents on the item can be found in the 1982-1987 annual reports of the Committee on Disarmament and the Conference on Disarmament to the United Nations General Assembly (CD/335, CD/421, CD/540, CD/642, CD/732 and CD/787).

58. During the period, the Conference considered a number of proposals submitted by various delegations and groups of delegations for a decision by the Conference with a view to setting up a subsidiary body on the issue, including those by the Group of 21 (CD/180) and the German Democratic Republic (CD/259) in 1982 and 1983, and by a group of socialist States (CD/523) and the Group of 21 (CD/526) in 1984 and 1985. In addition, in the course of its 1982-1983 sessions, the Conference considered, in the context of its agenda item 2, proposals concerning the establishment of a subsidiary body on the prohibition of the nuclear neutron weapon (CD/219 and CD/344). No consensus, however, could be reached on any of the above-mentioned proposals. The detailed account of their consideration by the Conference can be found in paragraphs 47 and 48 of its report on the 1982 session, paragraphs 36 and 37 of its report on the 1983 session, paragraph 57 of its report on the 1984 session and paragraph 57 of its report on the 1985 session.

59. During its 1986 session, the Conference decided to hold informal meetings on the substance of the agenda item. Some delegations stated that their agreement with that decision should not be construed as representing a change in their position of principle, namely, that an ad hoc committee should be established for the consideration of the item.

60. During its 1987 session, the Conference again decided to hold informal meetings on the substance of the agenda item. It also decided that discussions at those informal meetings be duly reflected in the annual report of the Conference to the General Assembly. To facilitate a structured discussion, the President took the initiative of preparing a list of topics as follows:

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

In that connection, a delegation made a statement on behalf of the group of Western countries noting that the members of the group were ready to play a full part in the informal meetings and noted that, as pointed out by the President, the list of topics as submitted was binding upon no delegation. It also pointed out that this group of delegations did not see, in the presidential statement, any precedent whatsoever for decisions relating to the activities of the Conference. During 1986 and 1987, a total of 15 informal meetings was held. The following States not members of the Conference participated in those meetings at their request: Finland, New Zealand and Norway.

61. At the 451st plenary meeting, on 24 March 1988, after receiving a request from the Group of 21, the President put before the Conference for decision a proposal of that group, contained in document CD/819, on a draft mandate for an ad hoc committee on item 2 of the agenda. In accordance with that proposal, the Conference would establish an ad hoc committee under item 2 of its agenda and would request it, as a first step, to elaborate on paragraph 50 of the Final Document of SSOD I and to identify substantive issues for multilateral negotiations. On behalf of the Group of Western countries, it was stated that although Western delegations were prepared to participate in informal plenary meetings on the subject matter of item 2, they had not been convinced that creation of a subsidiary body would contribute to the cause of nuclear disarmament and, therefore, were not in a position to join in a consensus with regard to the proposed mandate. The President of the Conference noted that there was no consensus at that time on the draft mandate contained in document CD/819. The delegation of the nuclear-weapon State not belonging to any group stated that it could go along, in principle, with the draft mandate submitted by the Group of 21. At the same time, it expressed its willingness to consider other ways and means to enable the Conference to play its role on item 2 and hoped that consultations to that effect would continue. Speaking on behalf of the Group of Socialist States, a delegation expressed the support of that group for the draft mandate proposed by the Group of 21. While further expressing its regret that a consensus had not been reached, it advocated, in view of the forthcoming SSOD III, the continuation of consultations in order to find an organizational framework acceptable to all which would allow a substantive discussion on item 2 of the Conference's agenda. The Group of 21 expressed regret that despite the preliminary work carried out on the subject during 1986 and 1987, it had still not been possible to set up a subsidiary body on item 2. It was further stated that the Group of 21 remained firmly committed to the implementation of paragraph 50 of the Final Document of SSOD I and that the establishment by the Conference of a subsidiary body on item 2 of its agenda provided the best means to achieve that objective.

62. During the first part of the 1988 session, the documents relating to the Treaty on the elimination of their intermediate-range and shorter-range missiles were submitted to the Conference by the two major nuclear-weapon States (CD/797, CD/798, CD/799 and CD/800). They were generally welcomed by the members of the Conference. The hope was further expressed for an early conclusion by those States of a treaty on 50 per cent reductions in their strategic offensive arms within the framework of the Geneva Nuclear and Space Talks.

63. In addition to the documents mentioned above, other documents submitted to the Conference during the first part of its 1988 session in connection with the agenda item include the following:

(a) Document CD/806, dated 16 February 1988, submitted by the delegations of Argentina, India, Mexico and Sweden, entitled "Joint message addressed on 6 December 1987 to President Reagan and General Secretary Gorbachev by the six leaders authors of the Initiative for peace and disarmament."

(b) Document CD/807, dated 19 February 1988, submitted by the delegations of Argentina, India, Mexico and Sweden, entitled "The Stockholm Declaration".

(c) Document CD/810, dated 3 March 1988, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Message from A. A. Gromyko, Chairman of the Presidium of the Supreme Soviet of the Soviet Union to the heads of the States Members of the South Pacific Forum in connection with the ratification by the Soviet Union of Protocols 2 and 3 to the South Pacific Nuclear Free Zone Treaty (The Treaty of Rarotonga)".

(d) CD/824, dated 6 April 1988, submitted by the delegation of Bulgaria, entitled "Text of the Communiqué on the session of the Committee of Ministers for Foreign Affairs of the States Parties to the Warsaw Treaty Member States held in Sofia on 29 and 30 March 1988, and of the Appeal to NATO Member States, and to all States participating in the CSCE, issued at that session".

64. The substantive positions held by various delegations on the item since the second special session of the General Assembly devoted to disarmament are summarized as follows. 1/

65. The Group of 21 has consistently reaffirmed its conviction of the paramount need for urgent multilateral negotiations on the cessation of the nuclear arms race and nuclear disarmament through adoption of concrete measures leading to complete elimination of nuclear weapons. In the opinion of the Group of 21, multilateral negotiations on nuclear disarmament have been long overdue. While welcoming the developments of the bilateral negotiations, the group reiterated that because of their limited scope and the number of parties involved, these could never replace the genuinely multilateral search for nuclear disarmament measures. The Group of 21 fully shared the view stated in the Final Document of the first special session of the General Assembly devoted to disarmament that the nuclear arms race, far from contributing to the strengthening of security of all States, on the contrary, weakened it, and increased the danger of the outbreak of nuclear war. The Group of 21 reaffirmed its position that all nations had a vital interest in negotiations on nuclear disarmament, because the existence of nuclear weapons in the arsenals of a handful of States and their quantitative and qualitative development directly jeopardized the security of both nuclear and non-nuclear-weapon States. Further, effective cessation of the nuclear arms race requires participation of all nuclear-weapon States in multilateral negotiations. The disparity that may exist between the nuclear arsenals of the two major nuclear-weapon States, on the one hand, and the nuclear arsenals of the other nuclear-weapon States, on the other hand, is a matter that should be dealt with in the process of multilateral negotiations and should not constitute an obstacle to the initiation of a process for the elimination of a fundamental disparity existing between nuclear-weapon States and non-nuclear-weapon States. Consequently, the Group of 21 has repeatedly stressed its belief that the Conference on Disarmament, whose members include all the nuclear-weapon States as well as non-nuclear-weapon States, should be allowed to fulfil its designated task in the sphere of nuclear disarmament, which has been entrusted to it by the United Nations General Assembly, in particular, by the Final Document of the first special session devoted to disarmament. The Group of 21 considered that the doctrines of nuclear deterrence which in the ultimate analysis were predicated upon the willingness

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1/ Full account of the delegations' positions can be found in the official records of the Conference on Disarmament.

to use nuclear weapons, far from being responsible for the maintenance of international peace and security, lay at the root of the continuing escalation of the quantitative and qualitative development of nuclear armaments and led to greater insecurity and instability in international relations. Military doctrines based on the possession of nuclear weapons, and thus explicitly or implicitly admitting the possibility of the use of nuclear weapons, were indefensible for it was unacceptable that the prospects of annihilation of human civilization be used by some States to promote their security. The future of mankind could not be made hostage to the perceived security requirements of a few nuclear-weapon States. The group reiterated that Article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of conventional armed attack. For the above reasons, the Group of 21 has, throughout the period, reiterated its proposal regarding the setting up by the Conference of a subsidiary body entrusted to elaborate on paragraph 50 of that document and to identify substantive issues for multilateral negotiation of agreements, with adequate measures of verification and in appropriate stages, for the cessation of the qualitative improvement and development of nuclear weapons systems; cessation of the production of all types of nuclear weapons and their means of delivery and the production of fissionable material for weapons purposes; and the substantial reduction in existing nuclear weapons with a view to their ultimate elimination. They have maintained in this regard that in the nuclear age, the only valid doctrine is the achievement of collective security through nuclear disarmament. Both individually and collectively they have submitted a number of proposals dealing with the substance of the agenda item. The Group of 21 recalled the declaration of the 8th Conference of Heads of State or Government of Non-Aligned Countries at Harare, in particular stressing that bilateral and multilateral negotiations on disarmament should mutually facilitate and complement and not hinder or preclude, each other. The Conference on Disarmament should therefore be kept informed of all steps in bilateral negotiations and it should be enabled to fulfil its mandate as the sole multilateral negotiating body in the field of disarmament and to adopt concrete measures of disarmament, in particular, measures for nuclear disarmament. Many members of the group supported the successive pronouncements of the Six Nations' Initiative in Delhi, Mexico and Stockholm, which contain concrete proposals for dealing with the substance of this agenda item. Some members of the group supported the views expressed by the Heads of State or Government of the South Asian Association for Regional Co-operation at Dhaka, Bangalore and Kathmandu on the subject of nuclear disarmament.

66. Members of the Group of Socialist States have consistently reiterated the primary importance they attach to the cessation of the nuclear arms race and nuclear disarmament. While stressing the crucial importance of the bilateral efforts to this end, members of the group have at the same time repeatedly pointed out that the total elimination of nuclear weapons they have been seeking can only be achieved through multilateral negotiations with the participation of all nuclear-weapon States and that the Conference on Disarmament, owing to its composition, is particularly well suited for this purpose. Consequently, they have themselves proposed and supported proposals by the Group of 21 to establish a subsidiary body of the Conference, inter alia, to elaborate on paragraph 50 of the Final Document of SSOD I. In connection with the participation of the five nuclear-weapon States in the process of nuclear disarmament, they suggested the setting up of a sub-committee composed of these five States, having a negotiating mandate,

with a view to contributing to a multilateral consideration of item 2 by the Conference on Disarmament itself. They have also called for an elaboration of a multilateral convention on the prohibition of the nuclear neutron weapon. Members of the Socialist Group supported the stage-by-stage programme for the achievement of nuclear disarmament by the year 2000 put forward in 1986 by the nuclear-weapon State belonging to the Group. They further stressed a discrepancy between substantial progress, achieved recently in the Soviet-American bilateral negotiations, embodied by the INF Treaty and lack of progress in the field of nuclear disarmament on the multilateral level. Members of the group deem it necessary for all countries to concentrate their efforts on the following priorities: to ensure the entry into force and the implementation of the Treaty between the USSR and the United States on the Elimination of Their Intermediate-range and Shorter-range Missiles; the conclusion of a treaty in the first half of 1988 between the USSR and the United States on a 50 per cent reduction in strategic offensive arms, and an agreement on strict compliance with the ABM Treaty, as signed in 1972, and on non-withdrawal from that Treaty for an agreed period. In the framework of the CSCE process, they proposed to commence separate negotiations on reductions of tactical nuclear weapons in Europe, including the nuclear components of dual purpose systems, and the ensuing elimination of such weapons. The weapons eliminated in the process of disarmament and arms reductions should not be replaced by others. They have consistently criticized the doctrine of nuclear deterrence and advocated the establishment of a comprehensive system of international peace and security. Throughout the period, members of the group have submitted a number of proposals on various substantive aspects of the item, inter alia, on the creation of zones free of nuclear weapons in the Balkans, central Europe and in northern Europe, the reduction of armaments and the enhancement of confidence in central Europe, the establishment of a nuclear-free corridor and of a zone of confidence and a reduced level of armaments along the line of contact between the Warsaw Treaty and NATO, the commencement of the process of restricting military activities and lowering the level of military confrontation in Europe, both north and south, and the turning of the Mediterranean into a zone of peace and co-operation.

67. The nuclear-weapon State belonging to the Group of Socialist States drew attention to the programme for the progressive elimination of nuclear weapons throughout the world by the year 2000, contained in the statement of 15 January 1986 of the General Secretary of the Central Committee of the Communist Party of the Soviet Union, M. S. Gorbachev, (CD/649). The delegation of this State pointed out that after the signing of the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles a prospect had opened up for reaching agreement on a more difficult question: 50 per cent reductions in strategic offensive arms in conditions of compliance with the ABM Treaty, as signed in 1972, and non-withdrawal from it for a specified period of time. The same delegation also stressed that bilateral efforts, undertaken through bilateral negotiations, should be complemented by efforts on a multilateral level. Combined efforts should lead to a world free of nuclear weapons. While it realized the need for prior reduction of the arsenals of the two leading nuclear-weapon States, it was still necessary to know when and under what conditions the other nuclear-weapon States would join the process of nuclear disarmament. In the view of the delegation of this State, the real prospect of reducing by half strategic offensive arms of the Soviet Union and the United States opened up the possibility to start already now the discussion at the Conference on Disarmament of concrete directions for multilateral efforts in the domain of nuclear disarmament. For that reason,

it suggested starting to identify in practice the substance of possible multilateral measures in this field. The delegation concerned also proposed a series of points for the activities of the Conference: establishment of a comprehensive, phased programme with an agreed timetable for the complete elimination of nuclear weapons; preparation of principles to serve as a basis for implementing nuclear disarmament; examination of the relationship between nuclear disarmament measures and measures for reducing conventional weapons, of the order in which nuclear arms would be eliminated, of control and verification as well as the cessation of the production of fissionable materials for weapons purposes by proposing to this end to create in the framework of the Conference a group of experts or any other mechanism to study this problem with the participation of all nuclear powers at the stage of complete elimination of their nuclear weapons. On the question of security concepts relating to nuclear arms, the same delegation compared the criterion of a "reasonably sufficient level" with the concept of deterrence based on the threat of use of nuclear weapons, a concept which, in its view, aimed at military superiority, constituted the basis for continuation of the arms race and was dangerous also because it doomed all States to live in constant fear, making them nuclear hostages. It advocated the establishment of a comprehensive system of international peace and security to replace the deterrent role played by nuclear weapons.

68. Members of the Group of Western countries have repeatedly stressed the importance they attach to the subject matter addressed under this agenda item and the importance they attach in particular to substantial and verifiable reductions of nuclear weapons. In this context, they welcomed the bilateral negotiations in progress between the two major nuclear-weapon States and stated that those negotiations played a vital role in any process for the cessation of the nuclear arms race and nuclear disarmament. They welcomed the successful outcome of the negotiations by the two main Powers for the elimination of their intermediate-range nuclear forces. They also hoped that an agreement could be concluded in the near future for the 50 per cent reduction of the same two States' strategic arsenals and welcomed their commitment to the ultimate elimination of nuclear weapons. Delegations of the group considered that the establishment of a subsidiary organ was inappropriate at the present stage and that, under current circumstances, informal and plenary meetings constituted the most suitable framework for the continuation of work on the cessation of the nuclear arms race and nuclear disarmament. Members of the group also emphasized that nuclear arms reductions could not be divorced from other disarmament measures and should be pursued so as to enhance international stability and security. In this regard, it was noted that deterrence could not be assigned a purely nuclear status and that there were instances of competition in arms at regional rather than global level, typically in conventional arms, which often were the product of mutual suspicion and military and foreign policies. Furthermore, the continuing importance of nuclear deterrence for security was underscored. A delegation noted that nuclear disarmament, through the negotiation of balanced and verifiable agreements, would reduce and should ultimately remove the necessity for countries to rely on nuclear deterrents.

69. One nuclear-weapon State belonging to the Western Group observed that it did not believe that an arms race could be successfully addressed without taking into account the tensions between States or groups of States that generated an arms race. It stressed that States acquired nuclear weapons for the same reason that they acquired conventional ones, to enhance their



security, and that the destructive power of such weapons, however regrettable, formed an integral part of the military forces of some States, a situation that would continue for the foreseeable future. Nuclear weapons, it reiterated, were an essential component of the strategy of deterrence, which, in its opinion, contributed to preserving peace between the super-Powers and their allies. It stressed that security is paramount, and that preoccupation with the complete elimination of nuclear weapons should not divert attention from the critical steps that must precede this ultimate goal - effective, verifiable arms control agreements that resulted in broad, deep, and equitable reductions in offensive nuclear arms of the super-Powers and correction of imbalances in conventional armaments, especially in Europe. It drew attention to positive trends in the bilateral negotiations between the super-Powers that might result in deep reductions in the number of their nuclear weapons, but noted the slow pace of negotiations on reductions in conventional forces. This State considered that for obvious reasons deriving from the large size of the nuclear arsenals of the two major Powers, the responsibility to hold as a matter of priority negotiations on the limitation or reduction of their nuclear weapons rested with them. It drew attention, furthermore, to the achievements and potential achievements of these bilateral negotiations: the elimination of an entire class of nuclear weapons by means of the Treaty on Intermediate Nuclear Forces; the agreement establishing Nuclear Risk Reduction Centres, which had a role in reducing conflict of any kind; full-scale, stage-by-stage negotiations on nuclear testing; and intensive negotiations to conclude a treaty that would reduce the strategic arms of both sides by 50 per cent. It also noted its participation in other multilateral forums in Europe regarding reductions of forces and armaments, conventional stability, and confidence building measures. This State concluded that the establishment of an ad hoc committee on agenda item 2 would not contribute to the process of disarmament.

70. Another nuclear-weapon State belonging to the Western Group stressed that in view of the scale of the threat facing it, its security would depend for the foreseeable future on nuclear deterrence. Meanwhile, its aim was to maintain continuing security and peace at lower levels of nuclear forces. Efforts in this direction should be combined with complete elimination of chemical weapons and progress towards conventional stability at lower levels of forces taking into account current imbalances. In view of the overwhelming preponderance (95 per cent) of nuclear weapons held by the two major military Powers, the most realistic way to make progress was through bilateral negotiations between these two countries. It believed that this should be achieved step-by-step through mutual, balanced and effectively verifiable agreements. It welcomed progress in this direction, particularly the complete elimination of INF and the prospect of a 50 per cent cut in strategic arms. Given the minimum nature of its deterrent (less than 3 per cent of the nuclear forces available to the two major nuclear-weapon States), it did not see any scope for making a contribution to any reductions in present circumstances, and would maintain the credibility of its deterrent. It welcomed recognition by both sides that this is legitimate. It pointed out, however, that if there were very substantial reductions in the strategic arsenals of the two major nuclear-weapon States and there were no significant changes in defensive capabilities, it would be ready to review its position and consider how best to contribute to arms control in the light of the reduced threat.

71. Another nuclear-weapon State belonging to the Western Group observed that nuclear deterrence was a reality and not an ideology or a theory and that it could not be replaced by declarations of intent or political initiatives. It referred in that connection to its experience over the past century: the attempts to institute a new security system had failed to prevent a devastating conflict, and it could not be denied that since then nuclear deterrence had played a decisive role in international security arrangements. Nuclear deterrence should, however, go hand in hand with steadily greater arms control. From that point of view, it could not but condemn the absurd logic of the redundancy of the two main Powers' systems, whereby the number of weapons far exceeded the number of potential targets; that was a serious factor of imbalance and tension and it was up to the two participants in the incessant race to remedy the situation. While recognizing the importance of the Treaty of Washington on the elimination of American and Soviet intermediate-range missiles, it stressed that nothing should divert now from the priority objective of a 50 per cent reduction of offensive strategic weapons of the two main nuclear-weapon States. It stressed that the INF Treaty stood alone and should not be expected to lead to the denuclearization of Europe, and that the priority in this region was the establishment of conventional stability. While it saw things as they were, that State did not intend to stand aloof from nuclear disarmament; it had already said that it would be willing to take part in the process as soon as three conditions, which were closely linked to the present or future negotiations, were met: a very substantial reduction in the disparity between the two main Powers' and its own nuclear arsenals, the non-deployment of defensive systems, and a return to a balance of conventional forces together with the elimination of chemical weapons.

72. One nuclear-weapon State, not belonging to any group, has repeatedly stated that it opposes and will never take part in an arms race. It has consistently called for the complete prohibition and thorough destruction of nuclear weapons. It has reiterated that its limited nuclear force solely serves defence purposes. It has undertaken, since the first day of its possession of nuclear weapons, not to be the first to use nuclear weapons under any circumstances and unconditionally pledged not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones. It has signed Protocols to the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) and to the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga). This State has held that the two States possessing the largest and most advanced nuclear arsenals in the world have a special responsibility for curbing the nuclear arms race and carrying out nuclear disarmament. It is of the view that the INF Treaty signed by them, a first positive step towards nuclear disarmament, should be followed, inter alia, by an agreement on the 50 per cent reduction of their strategic nuclear weapons. It has maintained that to promote nuclear disarmament, great importance should be accorded to the issues of conventional disarmament and curbing the arms race in outer space. The same State has reiterated that the two major nuclear States should take the lead in halting the testing, production and deployment of all types of nuclear weapons and drastically reduce them, so as to create favourable conditions for the convocation of a broadly representative international conference with the participation of all the nuclear-weapon States to discuss measures for further nuclear disarmament and thorough destruction of nuclear weapons. It is of the view that the nuclear arms race should stop, both quantitatively and

qualitatively. It has also agreed that bilateral and multilateral negotiations should complement each other and consistently reiterated its support for the establishment by the Conference on Disarmament of a subsidiary body under item 2 of its agenda.

73. Some delegations noted that the Treaty for the Prohibition of Nuclear Weapons in Latin America (The Treaty of Tlatelolco) which entered into force in 1967 and its two Protocols constituted an important disarmament measure designed to contribute to the objective of achieving a world entirely free of nuclear weapons.

74. Some delegations stated that the South Pacific Nuclear Free Zone Treaty, (The Treaty of Rarotonga, contained in CD/633) which entered into force on 11 December 1986 constitutes an important contribution to the maintenance of peace and security in the region it covers and that it is a significant nuclear arms limitation and arms control agreement. They also noted that there were three Protocols attached to the treaty which were opened for signature on 1 December 1986 (annexed to CD/633) and expressed the hope that all nuclear-weapon States and States which had territories in the region covered by that zone would adhere to those Protocols without reservation.

75. The delegation of the Union of Soviet Socialist Republics drew attention to the fact that the Presidium of the USSR Supreme Soviet has ratified Protocols 2 and 3 to the South Pacific Nuclear Free Zone Treaty (The Treaty of Rarotonga), thereby declaring the intention of the USSR to discharge fully its obligations under those Protocols.

76. Several members of the Group of 21 recalled paragraphs 33 and 60 of the Final Document of the first special session of the General Assembly devoted to disarmament stating that the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned constitutes an important disarmament measure and drew attention to the proposals for the establishment of such zones in the Middle East and South Asia and for the denuclearization of Africa.

C. Prevention of nuclear war, including all related matters

77. This question was first included in the agenda of the Committee on Disarmament in 1983 as the second part of agenda item 2 as follows: "Cessation of the nuclear arms race and nuclear disarmament; prevention of nuclear war, including all related matters". It became a separate item - item 3 - in 1984. During the period covered by this report a number of documents were submitted dealing with procedural as well as substantive aspects of the question. In addition to the documents of previous sessions, 1/ at the 1988 session the Conference had before it the following documents:

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1/ The list of relevant documents may be found in the 1983-1987 Annual Reports of the Committee on Disarmament and the Conference on Disarmament to the General Assembly of the United Nations (CD/421, CD/540, CD/642, CD/732 and CD/787 respectively).

- Document CD/515/Rev.4, dated 7 April 1988, submitted by the Group of 21, entitled "Draft Mandate for an Ad Hoc Committee on item 3 of the agenda of the Conference on Disarmament";
- Document CD/814, dated 8 March 1988, submitted by the delegation of the Union of Soviet Socialist Republics, transmitting the texts of the Agreement between the Union of Soviet Socialist Republics and the United States of America on the Establishment of Nuclear Risk Reduction Centers and of Protocol I and Protocol II to that Agreement, signed at Washington on 15 September 1987;
- Document CD/815, dated 8 March 1988, submitted by the delegation of the United States of America, transmitting the text of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Establishment of Nuclear Risk Reduction Centers, together with its two Protocols, signed at Washington on 15 September 1987.

78. At the 1984, 1985, 1986 and 1987 sessions, consultations were held under the guidance of the President of the Conference to consider an appropriate organizational arrangement to deal with item 3, including proposals for the establishment of a subsidiary body, but no agreement could be reached. At each session, following those consultations the Group of 21 put before the Conference for decision a draft mandate for an Ad Hoc Committee (CD/515 and Rev.1, Rev. 2 and Rev.3) under which the Committee would, as a first step, consider all proposals relevant to agenda item 3 including appropriate and practical measures for the prevention of nuclear war. The group of Western countries could not join a consensus thereon. The draft mandate was again put to a decision at the 1988 session (CD/515/Rev.4). As on previous occasions, the group of Western countries could not associate itself with a consensus on the proposed mandate. The group was disappointed that such a mandate was once again put before the Conference for decision since it did not facilitate work on the subject. The group also stressed the significance it attached to an in-depth consideration of item 3 since the time it had been inscribed on the agenda of the Conference and thus regretted that it had not been possible to reach agreement on an appropriate format for such consideration. It expressed the hope that it would still prove possible during the 1988 session to have a substantive discussion of all the aspects involved in agenda item 3. It stated its continued willingness to jointly search for and define an appropriate framework for dealing with the agenda item. The Group of 21 regretted the inability of the Conference to set up an Ad Hoc Committee under agenda item 3. It noted that, in deference to the position of other delegations, it had put forward a non-negotiating mandate that would permit a thorough consideration of all aspects - legal, political, technical, military - of all the proposals before the Conference. It believed that such consideration would not only contribute to a better understanding of the subject but also pave the way for negotiations for an agreement on the prevention of nuclear war, an objective which could not be achieved through discussions in plenary or informal meetings. The group expressed the hope that the importance of the matter would lead to a re-thinking on the part of those who had expressed reservations on the proposed mandate. The group of socialist countries expressed its full support for the draft mandate proposed by the Group of 21 and regretted that the Conference was not in a position to adopt it. It noted that the proposed mandate was goal-oriented, flexible and comprehensive and dealt equally with all the elements of the agenda item, thus

allowing for the consideration of both the prevention of nuclear war and of all related matters. While the group believed that a subsidiary body would be the most appropriate format to deal with agenda item 3, it stated that it was open to other procedural arrangements that would allow the Conference to commence concrete work on the item. One nuclear-weapon State, not belonging to any group, could accept the draft mandate contained in document CD/515/Rev.4 and agreed that, meanwhile, the Conference could also carry out its work on item 3 in other forms.

79. In the absence of consensus on an appropriate format to deal with item 3, issues concerning the prevention of nuclear war, including all related matters were addressed at plenary meetings of the Conference.

80. The Group of 21 reiterated its conviction that the greatest peril facing mankind was the threat to survival posed by nuclear weapons and that, consequently, the prevention of a nuclear war was a matter of the highest priority. It, therefore, noted with concern that no progress had been made in the Conference on item 3 since its inclusion in the Conference's agenda as a separate item. The Group of 21 consistently expressed the belief that the surest way to remove the danger of nuclear war lay in the elimination of nuclear weapons and that, pending the achievement of nuclear disarmament, the use or threat of use of nuclear weapons should be prohibited. The Group of 21 considered that while nuclear-weapon States had the primary responsibility for avoiding a nuclear war, given the catastrophic consequences that such a war could have for mankind as a whole, including the danger of a nuclear winter, all nations had a vital interest in the negotiation of measures for the prevention of nuclear war. In this regard, the Group recalled the repeated requests addressed to the Conference by the General Assembly to undertake, as a matter of the highest priority, negotiations with a view to achieving agreement on appropriate and practical measures for the prevention of nuclear war and to establish for that purpose an Ad Hoc Committee. The Group reaffirmed that it was unacceptable that the security of all States and the very survival of mankind should be held hostage to the threat of a nuclear holocaust. The Group welcomed the declaration of the leaders of the Union of Soviet Socialist Republics and the United States of America that a nuclear war cannot be won and must never be fought and stated that it was time to translate it into a binding commitment. Members of the group considered that the belief in the maintenance of world peace through nuclear deterrence was the most dangerous fallacy that existed. Members of the Group also considered that nuclear weapons posed a unique threat to human survival and, therefore, could not accept the view that the question of the prevention of nuclear war should be dealt with in the context of the prevention of all armed conflicts. Beyond that, they were of the view that, nuclear weapons being weapons of mass destruction, the Charter of the United Nations could not be invoked to justify their use in the exercise of the right of self-defence against armed attack not involving the use of nuclear weapons. Many members of the Group reaffirmed the conclusion of the Seventh Conference of Heads of State or Government of non-aligned countries that nuclear weapons were more than weapons of war, they were instruments of mass annihilation. They also recalled that the Harare Declaration, adopted at the Eighth Conference of Heads of State or Government of non-aligned countries, stated that: "Use of nuclear weapons, besides being a violation of the Charter of the United Nations, would also be a crime against humanity. In this regard, we urge the nuclear-weapon States to agree, pending the achievement of nuclear disarmament, to the conclusion of an international treaty on the prohibition

of the use or threat of use of nuclear weapons." In this connection, many members of the Group endorsed the statement in the Stockholm Declaration adopted by the Heads of State or Government of Argentina, Greece, India, Mexico and Sweden and the First President of Tanzania (CD/807), that no nation has the right to use nuclear weapons and that their use should be explicitly prohibited by international law through a binding international agreement. Other measures were also proposed, such as a moratorium on nuclear-weapon tests with effective verification arrangements and non-extension of the arms race to outer space. In addition, certain confidence-building measures were suggested, including immediate negotiations for the peaceful solution of disputes involving nuclear-weapon States; extension or broadening of existing agreements to establish direct communication among all the nuclear-weapon States and the establishment of a system of crisis control centres, including the five nuclear-weapon States and non-nuclear-weapon States.

81. The socialist countries reaffirmed that the prevention of nuclear war was the most urgent task at present. They believed that changes in international relations, the increasing inter-dependence of States, and the existence of weapons of unprecedented destructive power called for a new approach to the issues of war and peace, disarmament and other complex global and regional problems, and for the abandonment of the concept of nuclear deterrence which, in their view, was a constant threat to strategic stability and a permanent source of fuelling the arms race in pursuit of military superiority and perpetual international tensions. They shared the view that article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons, since nuclear war would threaten the very survival of mankind. They affirmed that in a nuclear war there could be no winners and underlined the importance of the statement at the summit meeting in Geneva between General Secretary Gorbachev and President Reagan that a nuclear war cannot be won and must never be fought, that any war between the Union of Soviet Socialist Republics and the United States of America, whether nuclear or conventional must be prevented and that the Union of Soviet Socialist Republics and the United States of America will not seek to achieve military superiority. Socialist countries called for the creation of a comprehensive system of international security embracing measures in the military, political, economic and humanitarian spheres and leading to a nuclear-free and non-violent world. They emphasized that, under present-day conditions, recourse to military means to resolve any disputes was inadmissible. They pointed to the defensive nature of the military doctrine of the States parties to the Warsaw Treaty, which was underlined by their determination never under any circumstances to initiate military action unless they were themselves the target of an armed attack, by their firm intention not to be the first to use nuclear weapons, by the absence of territorial claims on their part to any other States, and by the fact that they did not view any State or any people as their enemy. They noted the proposals of the States parties to the Warsaw Treaty to the member States of the North Atlantic Alliance to enter into consultations in order to compare the military doctrines of the two Alliances, so as to guarantee that the military concepts and doctrines of the two military blocs and their members would be based on defensive principles. Other possible subjects for consultation included imbalances and asymmetrical levels in certain categories of armaments and armed forces. They noted that in conformity with the defensive nature of their military doctrine, they were pursuing the following objectives: first, general and complete prohibition of nuclear testing, the

gradual reduction and final elimination of nuclear weapons and the prevention of an arms race in outer space; second, prohibition and elimination of chemical weapons and other categories of weapons of mass destruction; third, reduction of the armed forces and conventional armaments in Europe to a level where neither side would have the means to stage a surprise attack or offensive operations in general; fourth, strict verification of all disarmament measures through a combination of national technical means and international procedures, including the establishment of appropriate international bodies, the exchange of military information, and on-site inspections; fifth, establishment of nuclear-weapon-free and chemical-weapon-free zones in various areas of Europe and in other regions, as well as zones of thinned-out arms concentration and increased mutual trust, introduction of military confidence-building measures on a reciprocal basis in Europe and agreements on such measures in other regions of the world, including seas and oceans; sixth, they regarded the division of Europe as unnatural and favoured the simultaneous dissolution of the North Atlantic Alliance and the Warsaw Treaty with a view to the final establishment of a comprehensive system of international security. They emphasized the significance of the programme proposed by the nuclear-weapon State belonging to the Group for the complete elimination of nuclear weapons and other weapons of mass destruction by the end of the year 2000 and the prohibition of space-strike weapons. They also reiterated the importance of commitments on non-first-use of nuclear weapons and reiterated their support for the proposal for the conclusion of a convention to prohibit the use of nuclear weapons and their readiness to consider confidence-building measures, such as measures for the prevention of accidental or unauthorized use of nuclear weapons and the avoidance of the possibility of surprise attacks. In this context, attention was drawn to the agreement concluded by the two major nuclear-weapon States on the establishment of nuclear risk reduction centres and its two protocols (CD/814-815).

82. Western delegations, including three nuclear-weapon States, while reaffirming that they attached the utmost importance to agenda item 3, underlined that its title "Prevention of nuclear war, including all related matters" reflected the comprehensive nature of the subject matter. They reiterated that the question of preventing nuclear war could not be isolated from the problem of preventing war and that the question at issue was how to maintain peace and international security in the nuclear age. They stressed that this comprehensive approach to the prevention of war was in no way designed to belittle the catastrophic consequences and the inadmissibility of a nuclear war. They underlined the effectiveness of nuclear deterrence in preventing war and preserving peace in Europe since 1945, while noting that millions of casualties have been inflicted around the world in non-nuclear conflicts during the same period. They noted that large numbers of human beings continued to be killed in conventional wars. They also observed that deterrence was not a Western phenomenon; rather, it was a fact of life and a key element in the military doctrine of the other side. Western delegations further considered that deterrence had made a significant contribution to East-West stability. They shared the views expressed by General Secretary Gorbachev and President Reagan in their joint communiqué of November 1985 about the importance of avoiding any war between them, whether nuclear or conventional, and welcomed their commitment to the ultimate elimination of nuclear weapons. They emphasized that that statement reflected the comprehensive nature of the problem and the need to address the question of war prevention in all its aspects. They held that, in the present

circumstances, nuclear weapons continued to be a basic element in the balance needed to maintain peace and security. They pointed to the existence of serious imbalances in the conventional, chemical and nuclear fields and reaffirmed that at present there was no alternative to the Western concept for the prevention of war - the strategy of deterrence based on an appropriate mix of adequate and effective nuclear and conventional forces, each element being indispensable. At the same time, Western countries reiterated that none of their weapons would ever be used, except in response to armed attack. They again emphasized that strict compliance by all States with the Charter of the United Nations, in particular the obligation to refrain from the threat or use of force and to settle all disputes by peaceful means, was a key element in the prevention of nuclear war. They also stressed the importance of deep and verifiable reductions of nuclear weapons, but considered that reductions in one class of weapons must not make the use of other types of weapons more probable and that, therefore, in order to maintain stability and security, it was necessary to take into account the threat posed by conventional and chemical weapons. Western countries highlighted the significant contribution of confidence-building measures to lessening the danger of war, including nuclear war. Beyond that, they noted the value of measures to reduce the risk of the accidental use of nuclear weapons and reference was made to the activation of a third direct-communications system between the two major nuclear-weapon States and to their agreement on the establishment of nuclear-risk reduction centres.

83. One nuclear-weapon State, not belonging to any group, believed that the effective prevention of nuclear war called for a stable international environment. It believed that to safeguard peace and security it was imperative to oppose hegemonism and power politics, check aggression and expansion and eliminate regional trouble spots. It was of the view that all countries should honour the principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful co-existence. It underlined that all countries should respect and observe the United Nations Charter and renounce the use or threat of force in international relations and settle disputes by peaceful means. It recalled that it had always held that the fundamental way to the elimination of the nuclear threat and the prevention of nuclear war lay in the complete prohibition and total destruction of all nuclear weapons. It held that the two major nuclear powers bear a special responsibility towards the prevention of nuclear war. In its view, to reduce the danger of a nuclear war and create conditions for its complete elimination, all nuclear-weapon States, should undertake not to be the first to use nuclear weapons in any circumstances and should unconditionally pledge not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones and, on this basis, an international convention prohibiting the use of nuclear weapons should be concluded, with the participation of all nuclear-weapon States. It further considered that, along with the prevention of nuclear war, conventional wars should also be prevented. It noted, in particular, that the outbreak of a conventional war in areas with a high concentration of nuclear and conventional weapons, involved the danger of escalation into a nuclear war. Therefore, it considered that the two military blocs should reach agreement on the drastic reduction of their conventional armed forces and armaments.



#### D. Chemical weapons

84. The item on the agenda entitled "Chemical weapons" has been considered since 1982 mainly in a subsidiary body of the Conference. The report of the Ad Hoc Committee referred to in paragraph 87 contains a description of the work of that subsidiary body.

85. A number of States have made declarations regarding chemical weapons and related issues and informed the Conference on visits to military facilities for the destruction of chemical weapons as well as to civil chemical facilities. Other States have reported various symposia and seminars. Further exchanges of data and experiments to test verification procedures are under consideration. These measures are intended to promote confidence among the negotiating States, to assist in the drafting of the Convention, and to facilitate its early efficient functioning.

86. Many delegations in the plenary expressed concern over the repeated and verified use of chemical weapons and called for the speedy conclusion of the Convention.

87. At its 462nd plenary meeting on 29 April 1988, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 438th plenary meeting. That report (CD/831), which was submitted in view of the third special session of the General Assembly devoted to disarmament, is an integral part of this special report and reads as follows:

##### "I. INTRODUCTION

"1. Taking into consideration paragraph 75 of the Final Document of the First Special Session of the General Assembly of the United Nations devoted to disarmament which, while noting that negotiations had been proceeding for several years, stated that the conclusion of a convention on chemical weapons was one of the most urgent tasks of multilateral negotiations, and the reaffirmation of this objective by the General Assembly of the United Nations in 1982 and on subsequent occasions, the Conference on Disarmament continued the elaboration of a convention to ban chemical weapons during the second part of its 1982 session as well as during its sessions in 1983, 1984, 1985, 1986, 1987 and in the first part of the 1988 session.

##### "II. MANDATES AND SUBSTANTIVE WORK OF THE AD HOC COMMITTEE DURING THE PERIOD 1982-1987

"2. During the 1982 and 1983 sessions, the then-Committee on Disarmament re-established the then-Ad Hoc Working Group on Chemical Weapons with the following mandate:

'... In discharging its responsibility for the negotiation and elaboration as a matter of high priority, of a multilateral convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction, the Committee on Disarmament decides to establish, for the duration of its 1982 session, an ad hoc working group of the Committee to elaborate such a convention, taking into account all existing proposals and future initiatives with a view to enabling the Committee to achieve agreement at the earliest date.'

The Ad Hoc Working Group on Chemical Weapons was chaired by Ambassador B. Sujka of Poland during the second part of 1982 and by Ambassador D.S. McPhail of Canada during the 1983 session.

"3. Since the 1984 session of the Conference on Disarmament, the Ad Hoc Committee on Chemical Weapons was re-established each year with the following mandate:

'... In discharging its responsibility to conduct as a priority task the negotiations on a multilateral convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction, and to ensure the preparation of the convention, the Conference on Disarmament decides to re-establish, in accordance with its rules of procedure, the Ad Hoc Committee to start the full and complete process of negotiations, developing and working out the convention, except for its final drafting, taking into account all existing proposals and drafts as well as future initiatives with a view to giving the Conference a possibility to achieve an agreement as soon as possible.'

In 1984, the Ad Hoc Committee on Chemical Weapons was chaired by Ambassador Rolf Ekéus of Sweden, in 1985 by Ambassador Stanislaw Turbanski of Poland, in 1986 by Ambassador Ian Cromartie of the United Kingdom and in 1987, again, by Ambassador Rolf Ekéus of Sweden.

"4. As of 1983, the Ad Hoc Committee on Chemical Weapons has held, on a regular basis, resumed sessions of limited duration during periods in which the Conference on Disarmament is not in session.

"5. Throughout the period, a number of official documents and working papers relating to chemical weapons were presented by delegations. These are listed in successive annual reports of the Conference on Disarmament to the General Assembly (CD/335, CD/421, CD/540, CD/642, CD/732 and CD/787).

"6. An account of the work undertaken by the Ad Hoc Committee and the progress achieved in the elaboration of the Convention during this period are registered in each of the annual reports of the Conference on Disarmament to the General Assembly (CD/335, CD/421, CD/540, CD/642, CD/732 and CD/787).

"7. At various stages of the work of the Ad Hoc Committee, the following States not members of the Conference on Disarmament participated in its work: Austria, Denmark, Greece, Finland, Ireland, New Zealand, Norway, Portugal, Spain, Switzerland, Viet Nam and Zimbabwe.

"III. MANDATE AND SUBSTANTIVE WORK OF THE AD HOC COMMITTEE  
DURING THE FIRST PART OF THE 1988 SESSION

"A. Organization of work and documentation

"8. At its 438th plenary meeting on 9 February 1988, the Conference on Disarmament adopted the following decision on the re-establishment of the Ad Hoc Committee on Chemical Weapons (CD/805):

'The Conference on Disarmament, keeping in mind that the negotiation of a Convention should proceed with a view to its final elaboration at the earliest possible date, in accordance with United Nations General Assembly resolution 42/37 A, and in discharging its responsibility to conduct as a priority task the negotiations on a multilateral convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction, and to ensure the preparation of the convention, decides to re-establish, in accordance with its rules of procedure, for the duration of its 1988 session, the Ad Hoc Committee to continue the full and complete process of negotiations, developing and working out the convention, except for its final drafting, taking into account all existing proposals and drafts as well as future initiatives with a view to giving the Conference a possibility to achieve an agreement as soon as possible. This agreement, if possible, or a report on the progress of the negotiations, should be recorded in the report which this Ad Hoc Committee will submit to the Conference at the end of the second part of its 1988 session.

The Conference further decides that the Ad Hoc Committee will report to the Conference on the progress of its work before the conclusion of the first part of its 1988 session, in view of the convening of the Third Special Session of the General Assembly devoted to disarmament.'

"9. At its 438th plenary meeting on 9 February 1988, the Conference on Disarmament appointed Ambassador Bogumil Sujka of Poland as Chairman of the Ad Hoc Committee. Mr. Abdelkader Bensmail, Senior Political Affairs Officer of the Department for Disarmament Affairs, continued to serve as Secretary of the Ad Hoc Committee.

"10. The Ad Hoc Committee held 10 meetings from 12 February to 20 April 1988. In addition, the Chairman held a number of informal consultations with delegations.

"11. At their request, the representatives of the following States not members of the Conference participated in the work of the Ad Hoc Committee: Austria, Denmark, Greece, Finland, Ireland, New Zealand, Norway, Portugal, Spain, Switzerland and Zimbabwe.

"12. In addition to the papers of the previous sessions listed in the documents mentioned in paragraph 5, the Ad Hoc Committee had the following documents before it:

- Document CD/789, dated 16 December 1987, entitled 'Letter dated 16 December 1987 from the Representative of the Union of Soviet Socialist Republics addressed to the President of the Conference on Disarmament, transmitting a Working Paper entitled, "Information on the presentation at the Shikhany Military Facility of standard chemical munitions and of technology for the destruction of chemical weapons at a mobile unit"'.

- Document CD/790, dated 13 January 1988, entitled 'Letter dated 12 January 1988 from the Representative of the Union of Soviet Socialist Republics, addressed to the President of the Conference on Disarmament, transmitting the text of the Statement by the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics of 26 December 1987'.

- Document CD/791 (also issued as CD/CW/WP.183), dated 25 January 1988, submitted by the delegation of the Federal Republic of Germany, entitled 'Verification of non-production: the case for ad hoc checks'.
- Document CD/792 (also issued as CD/CW/WP.184), dated 25 January 1988, submitted by the delegation of the Federal Republic of Germany, entitled 'Super-toxic lethal chemicals (STLCs)'.
- Document CD/795, dated 29 January 1988, entitled 'Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament on its work during the period 12-29 January 1988'.
- Document CD/802 (also issued as CD/CW/WP.186), dated 5 February 1988, submitted by the delegation of the United States of America, entitled 'Threshold for monitoring chemical activities not prohibited by a convention'.
- Document CD/805, dated 9 February 1988, entitled 'Decision on the Re-establishment of the Ad Hoc Committee on Chemical Weapons'.
- Document CD/808 (also issued as CD/CW/WP.188), dated 19 February 1988, entitled, 'Letter dated 18 February 1988 from the Representative of the Union of Soviet Socialist Republics, addressed to the President of the Conference on Disarmament, transmitting a document entitled "Memorandum on multilateral data exchange in connection with the elaboration of a convention on the complete and general prohibition and destruction of chemical weapons (proposal by the USSR) "'.
- Document CD/809 (also issued as CD/CW/WP.189), dated 26 February 1988, submitted by the delegation of Argentina, entitled 'Assistance for protection against chemical weapons'.
- Document CD/812, dated 4 March 1988, submitted by the delegation of the German Democratic Republic, entitled 'Chemical Weapons Convention: The Executive Council: composition, size, decision-making and other procedural matters'.
- Document CD/821 (also issued as CD/CW/WP.196), dated 29 March 1988, submitted by the delegation of the Union of Soviet Socialist Republics, entitled 'Letter dated 28 March 1988 from the representative of the Union of Soviet Socialist Republics to the President of the Conference on Disarmament transmitting a text of the Statement of the Ministry of Foreign Affairs of the USSR on 16 March 1988'.
- Document CD/822 (also issued as CD/CW/WP.197), dated 29 March 1988, submitted by the delegations of the Federal Republic of Germany and Italy, entitled 'The order of destruction of chemical weapons'.
- Document CD/823, dated 31 March 1988, submitted by the delegation of Canada, entitled 'Chemical Weapons Convention: Factors involved in determining verification inspectorate personnel and resource requirements'.
- Document CD/826, dated 11 April 1988, submitted by the delegation of the Federal Republic of Germany, entitled 'Note from the Government of the Federal Republic of Germany evoked by the recent reports about the use of chemical weapons in the war between Iraq and Iran'.

- Document CD/827, dated 12 April 1988, entitled 'Letter dated 11 April 1988 from the Permanent Representative of the Islamic Republic of Iran addressed to the President of the Conference on Disarmament, containing the list of occasions of use of chemical weapons by Iraq against Iran from January 1981 to March 1988'.

- Document CD/828, dated 12 April 1988, submitted by the delegation of the Federal Republic of Germany, entitled 'Provisions of data relevant to the chemical weapons convention'.

- Document CD/830 (also issued as CD/CW/WP.201), dated 19 April 1988, entitled 'Letter dated 18 April 1988 from the Representative of the United States of America addressed to the President of the Conference on Disarmament transmitting the text of a document entitled "Information presented to the visiting Soviet delegation at the Tboele Army Depot, 18-21 November 1987"'.  
"

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

- CD/CW/WP.182, dated 15 January 1988, submitted by the delegation of Mongolia, entitled 'Order of destruction of chemical weapons stocks'.

- CD/CW/WP.183, (also issued as CD/791), dated 25 January 1988, submitted by the delegation of the Federal Republic of Germany, entitled 'Verification of non-production: the case for ad hoc checks'.

- CD/CW/WP.184 (also issued as CD/792), dated 25 January 1988, submitted by the delegation of the Federal Republic of Germany, entitled 'Super-toxic lethal chemicals (STLCs)'.

- CD/CW/WP.185, dated 27 January 1988, entitled 'Draft Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament on its work during the period 12-19 January 1988'.

- CD/CW/WP.186 (also issued as CD/802), dated 5 February 1988, submitted by the delegation of the United States of America, entitled 'Thresholds for monitoring chemical activities not prohibited by a convention'.

- CD/CW/WP.187, dated 12 February 1988 entitled, 'Working Paper presented by the Chairman: outline for the organization and programme of work of the Ad Hoc Committee on Chemical Weapons for the first part of the 1988 session'.

- CD/CW/WP.188 (also issued as CD/808), dated 19 February 1988, entitled, 'Letter dated 18 February 1988 from the Representative of the Union of Soviet Socialist Republics, addressed to the President of the Conference on Disarmament, transmitting a document entitled "Memorandum on multilateral data exchange in connection with the elaboration of a convention on the complete and general prohibition and destruction of chemical weapons (proposal by the USSR) "'.

- CD/CW/WP.189 (also issued as CD/809), dated 26 February 1988, submitted by the delegation of Argentina, entitled 'Assistance for protection against chemical weapons'.

- CD/CW/WP.190, dated 8 March 1988, submitted by the delegation of Italy, entitled 'Convention on Chemical Weapons: some remarks on the toxicity index (LD 50) chosen as parameter to identify chemicals not listed in Schedules [1], [2] or [3]'
- CD/CW/WP.191, dated 11 March 1988, submitted by the delegation of the Federal Republic of Germany, entitled 'Some aspects of a challenge inspection régime'
- CD/CW/WP.192, dated 11 March 1988, submitted by the delegation of the Federal Republic of Germany, entitled 'Non-production: Annex to Article VI [1]'
- CD/CW/WP.193, dated 18 March 1988, submitted by the delegation of Austria, entitled 'Article VI'
- CD/CW/WP.194, dated 18 March 1988, submitted by the delegation of the German Democratic Republic, entitled 'Chemical weapons convention: provisions to ensure the confidentiality of information provided in connection with verification activities'
- CD/CW/WP.195, dated 22 March 1988, submitted by the delegation of the German Democratic Republic, entitled 'Article VI: Régime for chemicals in Schedule [1]'
- CD/CW/WP.196 (also issued as CD/821), dated 29 March 1988, entitled 'Letter dated 28 March 1988 from the representative of the Union of Soviet Socialist Republics to the President of the Conference on Disarmament transmitting a text of the Statement of the Ministry of Foreign Affairs of the USSR on 16 March 1988'
- CD/CW/WP.197 (also issued as CD/822), dated 29 March 1988, submitted by the delegations of the Federal Republic of Germany and Italy, entitled 'The order of destruction of chemical weapons'
- CD/CW/WP.198, dated 5 April 1988, submitted by the delegation of the German Democratic Republic, entitled 'Chemical Weapons Convention: on-site inspection on challenge - guidelines on the International Inspectorate'
- CD/CW/WP.199, dated 7 April 1988, submitted by the delegation of France, entitled 'Security stocks: proposed amendments'
- CD/CW/WP.200, dated 15 April 1988, entitled 'Draft Special Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament'
- CD/CW/WP.201 (also issued as CD/830), dated 19 April 1988, entitled 'Letter dated 18 April 1988 from the Representative of the United States of America addressed to the President of the Conference on Disarmament transmitting the text of a document entitled "Information presented to the visiting Soviet delegation at the Tooele Army Depot, 18-21 November 1987"'

"B. Substantive work during the first part of the 1988 session

"14. In accordance with its mandate, the Ad Hoc Committee continued the negotiation and further elaboration of the convention. In so doing, it utilized Appendices I, II and III of CD/795 (Report of the Ad Hoc Committee on Chemical Weapons on its work during the period 12-29 January 1988), as well as other proposals presented by the Chairman of the Committee and by delegations.

"15. The Committee agreed to deal with all the Articles of the draft convention as follows:

Cluster I:

- Article I: General provisions on scope
- Article II: Definitions and criteria

Cluster II:

- Article III: Declarations
- Article IV: Chemical weapons
- Article V: Chemical weapons production facilities
- Article X: Assistance

Cluster III:

- Article VI: Activities not prohibited by the convention
- Article XI: Economic and technological development

Cluster IV:

- Article VII: National implementation measures
- Article VIII: The Organization
- Article IX: Consultations, co-operation and fact-finding

Cluster V:

- Article XII: Relation to other international agreements
- Article XIII: Amendments
- Article XIV: Duration, withdrawal
- Article XV: Signature, ratification, entry into force
- Article XVI: Languages
- Preamble

It was further decided to focus the efforts of the Committee in the first instance on Clusters II, III, IV and V. To this end, it was agreed that Group A, under the Chairmanship of Mr. Andrej Cima of Czechoslovakia, would deal with Articles VI and XI; that Group B, under the Chairmanship of Mr. Pablo Macedo of Mexico, would deal with Articles III, IV, V and X; and that Group C, under the Chairmanship of Mr. Sadaaki Numata of Japan, would deal with Articles VII, VIII and IX. In addition, the Chairman of the Ad Hoc Committee conducted open-ended consultations aimed at the elaboration of Articles XII, XIII, XIV, XV, XVI and the Preamble. The Committee agreed that Cluster I will also be dealt with when it resumes its work in July 1988. All proposals, without exception, will be taken into account.

"IV. CURRENT STAGE OF THE NEGOTIATIONS ON THE  
CHEMICAL WEAPONS CONVENTION

"16. The results achieved to date in the negotiations on the draft convention on chemical weapons are contained in the attached Appendices:

- Appendix I represents the present stage of elaboration of the provisions of the draft convention.

- Appendix II contains papers reflecting the results of work undertaken so far on issues under the convention. They are enclosed as a basis for future work.



"APPENDIX I

"Preliminary structure of a Convention on chemical weapons

"Preamble

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

"Preamble 1/

The States Parties to this Convention,

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

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

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

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

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

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

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

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

Have agreed as follows:

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

"I. GENERAL PROVISIONS ON SCOPE 1/ 2/

"1. Each State Party undertakes not to:

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

"2. Each State Party undertakes not to:

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

---

"1/ One delegation pointed out, in CD/CW/WP.199 of 7 April 1988, the preoccupying effects, in its view, on the security of States deriving from the very large disproportion, during the transitional period, between existing chemical weapons capabilities. In this context, it recalled its opinion that it is necessary to provide for the possibility, for the States which wish to do so, to establish, upon entry into force of the Convention and until the end of the 10-year period, a transitory régime organizing a limited security stock which would be destroyed during the last two years. The building up and the maintenance in good condition of this stock would be ensured by one single production facility attached to it, placed under international control, and destroyed during the ninth year.

"2/ Other delegations stressed that, in their view, the continuation of the production of chemical weapons after the entry into force of the Convention would have preoccupying effects from the point of view both of the spread of chemical weapons and of the distortion of the very objective of the Convention. As to the disproportion between existing chemical weapons capabilities, the solution would be, in their view, the strict implementation of the Convention's provisions concerning the declarations, verification, continuous monitoring of stocks, their subsequent destruction and the cessation of the production of chemical weapons from the beginning.

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

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

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

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

---

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

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

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

"II. DEFINITIONS AND CRITERIA

"For the purposes of this Convention:

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

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

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

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

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

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

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

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

"[2. 'Toxic chemicals' means:

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

"[2. 'Toxic chemicals' means:

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

"Toxic chemicals are divided into the following categories:]

"(a) 'super-toxic lethal chemicals', which have a median lethal dose which is less than or equal to 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m<sup>3</sup> (by inhalation) when measured by an agreed method 1/ set forth in ... 2/

"(b) 'other lethal chemicals', which have a median lethal dose which is greater than 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m<sup>3</sup> (by inhalation) and less than or equal to 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m<sup>3</sup> (by inhalation) when measured by an agreed method set forth in ... 2/

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

"[and 'other harmful chemicals' has a median lethal dose which is greater than 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m<sup>3</sup> (by inhalation).]

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

2/ Recommended procedures for toxicity determinations are contained in pages 131-135 of this document.

"3. Purposes not prohibited by the Convention means:

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

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

"4. 'Precursor' means:

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

"(a) 'Key Precursor' means:

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

It may possess [possesses] the following characteristics:

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

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

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

Key precursors are listed in ...

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

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

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

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



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

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

"5. 'Chemical weapons production facility' means: 1/

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1/ Consultations on this issue are under way. A paper that could serve as a basis for further work is included in Appendix II.

"III. DECLARATIONS 1/

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

"(a) Chemical Weapons

- "(i) whether it has any chemical weapons under its jurisdiction or control 2/ anywhere;
- "(ii) whether it has on its territory any chemical weapons under the jurisdiction or control of others, including a State not Party to the Convention;
- "(iii) whether it has transferred or received any chemical weapons and whether it has transferred to or received from anyone the control over such weapons since [1 January 1946] [26 March 1975].

"(b) Chemical Weapons Production Facilities

- "(i) whether it has any chemical weapons production facilities under its jurisdiction or control anywhere or has had such facilities at any time since [1.1.1946];
- "(ii) whether it has any chemical weapons production facilities on its territory under the jurisdiction or control of others, including a State not Party to this Convention, or has had such facilities at any time since [1.1.1946];
- "(iii) whether it has transferred or received any equipment for the production of chemical weapons [and documentation relevant to the production of chemical weapons] since [1.1.1946], and whether it has transferred to, or received from, anyone the control of such equipment [and documentation].

---

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

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

"(c) Other declarations 1/

"The precise location, nature and general scope of activities of any facility and establishment 2/ on its territory or under its jurisdiction or under its control anywhere 3/ designed, constructed or used since [1.1.46] for development of chemical weapons, inter alia, laboratories and test and evaluation sites.

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

---

"1/ One delegation held the view that these provisions do not apply to the production facility attached to the security stockpile as defined in document CD/CW/WP.199.

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

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

"IV. CHEMICAL WEAPONS 1/

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

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

"(a) specifies the [precise location,] 2/ aggregate quantity and detailed inventory of any chemical weapons under its jurisdiction or control;

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

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

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

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

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

"5. Each State Party shall:

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

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

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

---

1/ One delegation held the view that the provisions of this Article and its Annex shall apply without exception other than the rules relating to the security stock as defined in document CD/CW/WP.199.

2/ One delegation reserved its position on this question.

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

"7. Any chemical weapons discovered by a State Party after the initial declaration of chemical weapons shall be reported, secured and destroyed, as provided in the Annex to Article IV. 1/ 2/

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

"9. Any State Party which has on its territory chemical weapons which are under the control of a State that is not a Party to this Convention shall ensure that such weapons are removed from its territory not later than [30 days] after the date on which the Convention entered into force for it.

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

---

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

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

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

"V. CHEMICAL WEAPONS PRODUCTION FACILITIES 1/

"1. The provisions of this article shall apply to any and all chemical weapons production facilities under the jurisdiction or control of a State Party, regardless of location. 2/

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

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

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

"(a) specifies any chemical weapons production facilities under its jurisdiction or control, or on its territory under the control of others, 4/ including a State not party to this Convention, at any time since [1 January 1946] [at the time of entry into force of the Convention];

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

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

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

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

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

---

1/ One delegation held the view that the provisions of this Article shall apply to any and all chemical weapons production facilities, except the production facility assigned to the security stock as dealt with in document CD/CW/WP.199.

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

3/ Some delegations consider this paragraph redundant.

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

"6. Each State Party shall:

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

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

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

"8. Each State Party shall:

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

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

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

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

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

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

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1/ One delegation held the view that the detailed plans in question should be submitted by each State Party within 12 months of the entry into force of the Convention for it.

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

"VI. ACTIVITIES NOT PROHIBITED BY THE CONVENTION 1/ 2/

"1. Each State Party:

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

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

"2. Toxic Chemicals and their Precursors:

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

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

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

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

Annex to Article VI [...]: Production of super-toxic lethal chemicals not listed in Schedules [1].

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

"2/ One delegation expressed the view that the question of collection and forwarding of data and other information to verify non-production requires further consideration. This delegation made reference to the Working Paper CD/CW/WP.159 of 19 March 1987, which includes draft elements for inclusion in the rolling text.

"3/ Some delegations consider that these chemicals should be dealt with in the Annex to Article VI [2] Schedule [2]. Other delegations consider that a separate Annex [4] is required. Until this issue is resolved, the designation Annex to Article VI [...] is used.



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

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

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

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

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

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

"8. The provisions of this article shall be implemented in a manner designed in so far as possible to avoid hampering the economic or technological development of parties to the Convention and international co-operation in the field of peaceful chemical activities including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for peaceful purposes in accordance with the provisions of the Convention. 2/ 3/

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

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

"(b) take every precaution to protect confidential information coming to its knowledge in the implementation of the Convention; 2/ and

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

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

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

2/ It was agreed that provisions to ensure the confidentiality of the information provided should be elaborated.

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

"VII. NATIONAL IMPLEMENTATION MEASURES

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

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

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

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

"National Technical Means 2/

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

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

"VIII. THE ORGANIZATION 1/

"A. General Provisions

"1. The States Parties to the Convention hereby establish the Organization for the Prohibition of Chemical Weapons, to achieve the objectives of the Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and co-operation among States Parties. 2/

"2. All States Parties to the Convention shall be members of the Organization.

"3. The seat of the headquarters of the Organization shall be ...

"4. There are hereby established as the organs of the Organization the [Consultative Committee] [General Conference], the Executive Council and the Technical Secretariat.

"B. [The Consultative Committee] [The General Conference]

"(a) Composition, procedure and decision-making

"1. The [Consultative Committee] [General Conference] shall be composed of all the States Parties to this Convention. Each State Party to the Convention shall have one representative in the [Consultative Committee] [General Conference], who may be accompanied by alternates and advisers.

"2. The first session of the [Consultative Committee] [General Conference] shall be convened by the Depository at (venue) not later than 30 days after the entry into force of the Convention.

"3. The [Consultative Committee] [General Conference] shall meet in regular sessions which should be held annually unless it decides otherwise. It shall meet in special sessions, as the [Consultative Committee] [General Conference] may decide, at the request of the Executive Council or at the request of any State Party supported by [8-10] 3/ [one third of] the States Parties. When necessary a special session shall be convened at short notice.

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1/ One delegation has expressed reservations with regard to the approach being given to the concept of an Organization for the Prohibition of Chemical Weapons, or any other similar solution for this purpose, and has expressed the view that before proceeding further in the examination of this question, there is a need to define the principles that will govern the financing of such an Organization.

2/ A view was expressed that the achievement of these objectives should be sought in close co-operation with the United Nations.

3/ A view was expressed that a smaller number of States Parties supporting such a request could also be sufficient.

"4. Sessions shall take place at the headquarters of the Organization unless the [Consultative Committee] [General Conference] decides otherwise.

"5. The [Consultative Committee] [General Conference] shall adopt its rules of procedure. At the beginning of each regular session, it shall elect its Chairman and such other officers as may be required. They shall hold office until a new Chairman and other officers are elected at the next regular session.

"6. A majority of the members of the [Consultative Committee] [General Conference] shall constitute a quorum.

"7. Each member of the [Consultative Committee] [General Conference] shall have one vote.

"8. Decisions on questions of procedure, including decisions to convene special sessions of the [Consultative Committee] [General Conference], shall be taken by a simple majority of the members present and voting. Decisions on questions of substance shall be taken by a two-thirds majority of the members present and voting unless otherwise specifically provided for in the Convention. When the issue arises as to whether a question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the [Consultative Committee] [General Conference] by the majority required for decisions on questions of substance. 1/ 2/

"(b) Powers and functions

"1. The [Consultative Committee] [General Conference] shall be the [principal] [supreme] organ of the Organization. It shall consider any questions, matters or issues within the scope of the Convention, including those relating to the powers and functions of the Executive Council and Technical Secretariat. It may make recommendations and take decisions 2/ on any questions, matters or issues related to the Convention raised by a State Party or brought to its attention by the Executive Council.

"2. The [Consultative Committee] [General Conference] shall oversee the implementation of the Convention, and promote and [assess] review compliance with it. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issue guidelines in accordance with the Convention to either of them in the exercise of their functions.

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1/ It has also been proposed that decisions should be taken by consensus, except as specified elsewhere and, if a consensus were not possible within 24 hours, by a simple majority of the members present and voting. It has also been pointed out that there should be no differentiation between decisions on questions of procedure and those of substance.

2/ A view was expressed that the report of a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.

"3. In addition, the powers and functions of the [Consultative Committee] [General Conference] shall be:

- "(i) To consider and adopt at its regular sessions the report of the Organization, consider other reports 1/ and consider and adopt the programme and budget of the Organization, submitted by the Executive Council;
- "(ii) to [encourage] [promote] international co-operation for peaceful purposes in the chemical field;
- "(iii) to review scientific and technological developments which could affect the operation of the Convention;
- "(iv) to decide on the scale of financial contributions to be paid by States Parties; 2/
- "(v) to elect the members of the Executive Council;
- "(vi) to appoint the Director of the Technical Secretariat; 3/
- "(vii) to approve the rules of procedure of the Executive Council submitted by the latter;
- "(viii) to establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Convention. 4/ 5/
- "(ix) ... 6/

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1/ It has been proposed that reports should be sent to the United Nations.

2/ The entire problem of the costs of the Organization needs to be considered.

3/ The option of candidates being proposed by the Executive Council and by States Parties for appointment should be discussed.

4/ It has been proposed that a Scientific Advisory Council be established as a subsidiary body.

5/ It has been proposed that a Fact-finding Panel be established as a subsidiary body.

6/ The question of functions relating to the implementation of Articles X and XI will be considered at a later stage. Other functions, e.g. the action to be taken in the event of non-compliance by a State Party, could be included as well.

"4. The [Consultative Committee] [General Conference] shall, after the expiry of 5 and 10 years from the date of entry into force of this Convention and at such other times within that time period as may be agreed on, meet in special sessions to undertake reviews of the operation of this Convention. Such reviews shall take into account any relevant scientific and technological developments. At intervals of five years thereafter, unless otherwise agreed upon by a majority of the States Parties, further sessions of the [Consultative Committee] [General Conference] shall be convened with the same objective. 1/

"[5. The Chairman of the [Consultative Committee] [General Conference] shall serve as non-voting Chairman of the Executive Council.]

"C. The Executive Council

"(a) Composition, procedure and decision-making

(To be elaborated)

"(b) Powers and functions

"1. The Executive Council shall be the executive organ of the [Consultative Committee] [General Conference], to which it shall be responsible. It shall carry out the powers and functions entrusted to it under the Convention and its Annexes, as well as such functions delegated to it by the [Consultative Committee] [General Conference]. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the [Consultative Committee] [General Conference] and assure their continuous and proper implementation.

"2. In particular, the Executive Council shall:

"(a) promote the effective implementation of, and compliance with, the Convention;

"(b) supervise the activities of the Technical Secretariat;

"(c) co-operate with the appropriate national authorities of States Parties and facilitate consultations and co-operation among States Parties at their request;

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1/ The placement and wording of this provision as well as the possible need for separate review conferences require further consideration.

"(d) consider any issue or matter within its competence, affecting the Convention and its implementation, including concerns regarding compliance, and cases of non-compliance, 1/ and, as appropriate, inform States Parties and bring the issue or matter to the attention of the [Consultative Committee] [General Conference];

"(e) consider and submit to the [Consultative Committee] [General Conference] the draft programme and budget of the Organization;

"(f) consider and submit to the [Consultative Committee] [General Conference] the draft report of the Organization on the implementation of the Convention, the report on the performance of its own activities and such special reports as it deems necessary or which the [Consultative Committee] [General Conference] may request;

"(g) conclude agreements with States and international organizations on behalf of the Organization, subject to approval by the [Consultative Committee] [General Conference], and approve agreements relating to the implementation of verification activities, concluded by the Director-General of the Technical Secretariat with States Parties;

"(h) "(i) meet for regular sessions. Between regular sessions, it shall meet as often as may be required for the fulfilment of its functions;

"[(ii) elect its Chairman;]

"(iii) elaborate and submit its rules of procedure to the [Consultative Committee] [General Conference] for approval;

"(iv) make arrangements for the sessions of the [Consultative Committee] [General Conference] including the preparation of a draft agenda.

"3. The Executive Council may request the convening of a special session of the [Consultative Committee] [General Conference]. 2/

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"1/ A view was expressed that the report of a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.

"2/ It has been proposed that the Executive Council should request the convening of a special session of the [Consultative Committee] [General Conference] whenever obligations set forth in Article I of the Convention are violated.

"D. Technical Secretariat

"1. A Technical Secretariat shall be established to assist the [Consultative Committee] [General Conference] and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the functions entrusted to it under the Convention and its Annexes, as well as such functions assigned to it by the [Consultative Committee] [General Conference] and the Executive Council.

"2. In particular, the Technical Secretariat shall:

"(a) address and receive communications on behalf of the Organization to and from States Parties on matters pertaining to the implementation of the Convention;

"(b) negotiate the subsidiary agreements with States Parties relating to systematic international on-site verification for approval by the Executive Council;

"(c) execute international verification measure provided for in the Convention; 1/

"(d) inform the Executive Council of any problems which have arisen with regard to the execution of its functions, and of [doubts, ambiguities or uncertainties about compliance with the Convention] which have come to its notice in the performance of its verification activities and/or which it has been unable to resolve or clarify through its consultations with the State Party concerned;

"(e) provide technical assistance and technical evaluation to States Parties [in accordance with] [in the implementation of the provisions of] the Convention; 2/

"(f) prepare and submit to the Executive Council the draft programme and budget of the Organization;

"(g) prepare and submit to the Executive Council the draft report of the Organization on the implementation of the Convention and such other reports as the Executive Council and/or the [Consultative Committee] [General Conference] may request;

"(h) provide administrative and technical support 2/ to the [Consultative Committee] [General Conference], the Executive Council and other subsidiary bodies.

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1/ It has been suggested that the International Inspectorate may request inspections for some insufficiently clear situations in the context of their systematic verification activities.

2/ The phrasing of this paragraph needs to be considered further in the light of the elaboration of the relevant provision of the Convention. It has been suggested that the technical assistance or evaluation may relate, inter alia, to developing technical procedures, improving the effectiveness of verification methods, and revising lists of chemicals.



"3. The International Inspectorate shall be a unit of the Technical Secretariat and shall act under the supervision of the Director-General of the Technical Secretariat. Guidelines on the International Inspectorate are specified in ... 1/

"4. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, and inspectors and such scientific, technical and other personnel as may be required.

"5. The Director-General of the Technical Secretariat shall be appointed by the [Consultative Committee] [General Conference] [upon the recommendation of the Executive Council] 2/ for [4] [5] years [renewable for one further term, but not thereafter]. The Director-General shall be responsible to the [Consultative Committee] [General Conference] and the Executive Council for the appointment of the staff and the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of services shall be the necessity of securing the highest standards of efficiency, competence and integrity. Only citizens of States Parties shall serve as international inspectors or as other members of the professional and clerical staff. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to a minimum necessary for the proper execution of its responsibilities.

"6. In the performance of their duties, the Director-General of the Technical Secretariat, the inspectors and other members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organization. They shall refrain from any action which might reflect on their positions as international officers responsible only to the [Consultative Committee] [General Conference] and the Executive Council. In particular, subject to such responsibilities, they shall not disclose to any unauthorized persons any confidential information coming to their knowledge in the performance of their official duties. The Director-General shall establish a régime governing the handling and protection of confidential data by the Technical Secretariat.

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

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"1/ Because of considerations under way in some capitals, the question of how to approach these guidelines will be decided later. For the convenience of delegations Attachment (A) of the Report of the Co-ordinator for Cluster IV (CD/CW/WP.175) is included as Addendum I to this Appendix.

"2/ It has been proposed that the Director-General of the Technical Secretariat be appointed by the [Consultative Committee] [General Conference] upon the recommendation of the Secretary-General of the United Nations.

"IX. CONSULTATIONS, CO-OPERATION AND FACT-FINDING 1/ 2/

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

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

"Procedure for requesting clarification

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

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

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

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

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

"2/ One delegation held the view that the specific procedures of the challenge inspection régime applicable to the security stock shall be those defined in document CD/CW/WP.199.

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

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

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

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

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

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

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

"Procedure for requesting a fact-finding mission

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

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1/ Consultations on this issue were carried out by the Chairman of the Ad Hoc Committee for the 1987 session. The state of affairs, as seen by the Chairman is presented in Appendix II with the aim of facilitating further consideration of the issue. Further consultations are being carried out by the Chairman of Group C.

"X. ASSISTANCE 1/

"XI. ECONOMIC AND TECHNOLOGICAL DEVELOPMENT 1/

"XII. RELATION TO OTHER INTERNATIONAL AGREEMENTS 2/

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

"XIII. AMENDMENTS 2/

"XIV. DURATION, WITHDRAWAL 2/

...

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

"XV. SIGNATURE, RATIFICATION, ENTRY INTO FORCE 2/

"XVI. LANGUAGES 2/

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"1/ Work on this Article continued. With the aim of facilitating further consideration of the issues involved, the text reflecting the current stage of discussion is included in Appendix II.

"2/ During the first part of the 1988 session, work on this Article was undertaken. With the aim of facilitating further consideration of the issues involved, the text reflecting the current stage of discussion is included in Appendix II.

"ANNEX TO ARTICLE III

"I. DECLARATIONS OF CHEMICAL WEAPONS

"A. Possession or non-possession

"1. Possession of chemical weapons on own territory

Yes .....

No .....

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

Yes .....

No .....

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

Yes .....

No .....

"C. Past transfers

Yes .....

No .....

"II. DECLARATIONS OF CHEMICAL WEAPONS PRODUCTION FACILITIES

"A. Possession or non-possession

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

Yes .....

No .....

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

Yes .....

No .....

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

Yes .....

No .....

"C. Past transfers of equipment [or technical documentation] <sup>1/</sup>

Yes .....

No .....

" [III. OTHER DECLARATIONS ]

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<sup>1/</sup> The view was expressed that technical documentation should not be included.

"ANNEX TO ARTICLE IV

"I. DECLARATIONS OF CHEMICAL WEAPONS

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

"1. The aggregate quantity of each chemical declared.

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

- name;

- geographical co-ordinates.] 1/

"3. Detailed inventory for each storage facility:

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

"(a) Chemicals shall be declared within the schedules specified in the Annex to Article VI. 2/

"(b) For a chemical not listed in the Schedules in the Annex to Article VI, 2/ the information required for possible assignment of the chemical to one of the proper schedules shall be provided, including the toxicity of the pure compound. For a precursor chemical, the toxicity and identity of the principal final reaction product(s) shall be provided.

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

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

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

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1/ One delegation reserved its position on this question.

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

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

- type
- size or calibre
- number of items
- weight of chemical fill per item

In addition, for chemicals stored in bulk the percentage purity shall be declared.

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

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

- "(a) the number of items
- "(b) the fill volume per item
- "(c) the intended chemical fill, if known.

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

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

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

"C. Past transfers and receipts.

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



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

"1. Storage facility description

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

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

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

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

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

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

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

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

"3. Agreements on subsidiary arrangements 1/

"(a) Within [6] months after entry into force of the convention, States Parties shall conclude with the International Authority agreements on subsidiary arrangements for verification of their storage facilities. Such agreements shall be based on a Model Agreement and shall specify for each storage facility the number, intensity, duration of inspections, detailed inspection procedures and the installation, operation and maintenance of the seals and monitoring devices by the International Authority. The Model Agreement shall include provisions to take into account future technological developments.

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

"4. International verification of declarations of chemical weapons

"(a) International verification by on-site inspections

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

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

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

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

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

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

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

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

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

"5. International systematic monitoring of storage facilities

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

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

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

"(d) In the period before the activation of the continuous monitoring with on-site instruments and at other times when this continuous monitoring is not feasible, seals installed by International Inspectors may only be opened in the presence of an International Inspector. If an extraordinary event requires the opening of a seal when an inspector is not present, a State Party shall immediately inform the International Authority and International Inspectors will return as soon as possible to validate the inventory and re-establish the seals.

"(e) Monitoring with instruments.

"(i) For the purpose of the systematic monitoring of a chemical weapons storage facility, International Inspectors will install, in the presence of host country personnel and in conformity with the relevant agreement on subsidiary arrangements, a monitoring system consisting of, inter alia, sensors, ancillary equipment and transmission systems. The agreed types of these instruments shall be specified in the Model Agreement. They shall incorporate, inter alia, seals and other tamper-indicating and tamper-resistant devices as well as data protection and data authentication features.

- "(ii) The monitoring system shall have such abilities and be installed, adjusted or directed in such a way as to correspond strictly and efficiently to the sole purpose of detecting prohibited or unauthorized activities within the chemical weapons storage facility as referred to above under (a). The coverage of the monitoring system shall be limited accordingly. The monitoring system will signal the International Authority if any tampering with its components or interference with its functioning occurs. Redundancy shall be built into the monitoring system to ensure that failure of an individual component will not jeopardise the monitoring capability of the system.
  - "(iii) When the monitoring system is activated, International Inspectors will verify the accuracy of the inventory of chemical weapons, as required.
  - "(iv) Data will be transmitted from each storage facility to the International Verification Headquarters by means (to be determined). The transmission system will incorporate frequent transmissions from the storage facility and a query and response system between the storage facility and the International Verification Headquarters. International Inspectors shall periodically check the proper functioning of the monitoring system.
  - "(v) In the event that the monitoring system indicated any irregularity, the International Inspectors would immediately determine whether this resulted from equipment malfunction or activities at the storage facility. If, after this examination the problem remained unresolved, the International Authority would immediately ascertain the actual situation, including through immediate on-site inspection or visit of the storage facility if necessary. The International Authority shall report any such problem immediately after its detection to the State Party who should assist in its resolution.
  - "(vi) The State Party shall immediately notify the International Authority if an event at the storage facility occurs, or may occur, which may have an impact on the monitoring system. The State Party shall co-ordinate subsequent actions with the International Authority with a view to restoring the operation of the monitoring system, and establishing interim measures, if necessary, as soon as possible.
- "(f) Systematic on-site inspections and visits.
- "(i) Visits to service the monitoring system may be required in addition to systematic on-site inspections to perform any necessary maintenance, replacement of equipment or to adjust the coverage of the monitoring system, if required.

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

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

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

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

"(b) The State Party shall provide the Inspectors with the detailed inventory of the chemical weapons to be moved. The International Inspectors shall be present when chemical weapons are removed from the storage facility and shall verify that the chemical weapons on the inventory are loaded on to the transport vehicles. Upon completion of the loading operations, the International Inspectors shall seal the cargo and/or means of transport, as appropriate.

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

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

"7. Inspections and visits

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

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

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

- have unimpeded access to all parts of the storage facilities including any munitions, devices, bulk containers, or other containers therein. While conducting their activity, Inspectors shall comply with the safety regulations at the facility. The items to be inspected will be chosen by the Inspectors;
- bring with them and use such agreed instruments as may be necessary for the completion of their tasks;
- receive samples taken at their request from any devices and bulk containers and other containers at the facility. Such samples will be taken by representatives of the State Party in the presence of the Inspectors;
- perform on-site analysis of samples;
- transfer, if necessary, samples for analysis off-site at a laboratory designated by the International Authority, in accordance with agreed procedures;
- afford the opportunity to the Host State Party to be present when samples are analysed;
- ensure, in accordance with agreed procedures that samples transported, stored and processed are not tampered with;
- communicate freely with the International Authority.

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

- have the right to accompany the International Inspectors at all times during the inspection and observe all their verification activities at the storage facility;
- have the right to retain duplicates of all samples taken and be present when samples are analysed;
- have the right to inspect any instrument used or installed by the International Inspectors and to have it tested in the presence of its personnel;

- provide assistance to the International Inspectors, upon their request, for the installation of the monitoring system and the analysis of samples on-site;
- receive copies of the reports on inspections of its storage facility(ies);
- receive copies, at its request, of the information and data gathered about its storage facility(ies) by the International Authority.

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

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

#### "III. PRINCIPLES, METHODS AND ORGANIZATION OF THE DESTRUCTION OF CHEMICAL WEAPONS

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

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

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

#### "IV. PRINCIPLES AND ORDER OF DESTRUCTION 1/

"1. The elaboration of the Order of Destruction shall build on the undiminished security for all States during the entire destruction stage; confidence-building in the early part of the destruction stage; gradual acquisition of experience in the course of destroying chemical weapons stocks and applicability irrespective of the actual composition of the stockpiles and the methods chosen for the destruction of the chemical weapons.

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1/ The further development of this entire section has been subject to consultations by the Chairman of Group B, the result of which is included in Appendix II.

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

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

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

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

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



"4. Order of Destruction (to be elaborated). 1/ 2/

"V. INTERNATIONAL VERIFICATION OF THE DESTRUCTION OF CHEMICAL WEAPONS

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

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

"2. General plans for destruction of chemical weapons

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

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

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

2/ Some delegation drew attention to the proposal contained in CD/822 of 29 March 1988. This proposal is aimed at ensuring the undiminished security of all States during the destruction stage. To this end, it proceeds from the basic undertaking that all CW production shall cease immediately upon entry into force of the Convention and that all chemical weapons storage sites as well as production facilities will be subject from the outset to systematic international on-site verification.

"Taking account of existing discrepancies in CW stocks it suggests a specific phased approach, according to which State parties with large CW stocks are to proceed with the destruction of their stockpile until an agreed level is reached in the first phase. In their view, it is only after the end of this first phase, which would result at the end of the fifth year in the levelling out of the large CW stockpiles, that State parties with smaller stockpiles would be required to start with the destruction of their stocks. The whole two phased destruction period would be subject to close monitoring.

"(b) the number of chemical weapons destruction facilities existing or planned, to be operated over the 10 years destruction period;

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

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

"3. Detailed plans for destruction of chemical weapons

"The detailed plans submitted pursuant to article IV, six months before each destruction period, shall specify:

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

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

"(c) data about each destruction facility,

- name, postal address, geographical location;
- method of destruction;
- end-products;
- layout plan of the facility;
- technological scheme;
- operation manuals;
- the system of verification;
- safety measures in force at the facility;
- living and working conditions for the international inspectors.

"(d) data about any storage facility at the destruction facility planned to provide chemical weapons directly to it during the destruction period,

- layout plan of the facility;
- method and volume of storage estimated by types and quantities of chemical weapons;
- types and quantities of chemical weapons to be stored at the facility during the destruction period;
- safety measures in force at the facility.

"(e) After the submission of the first detailed plans, subsequent annual plans should contain only changes and additions to required data elements submitted in the first detailed plans.

"4. Review of detailed plans for the destruction of chemical weapons

"(a) On the basis of the detailed plan for destruction and proposed measures for verification submitted by the State Party, and as the case may be, on experience from previous inspections and on the relevant agreement(s) on subsidiary arrangements, the Technical Secretariat shall prepare before each destruction period, a plan for verifying the destruction of chemical weapons, consulting closely with the State Party. Any differences between the Technical Secretariat and the State Party should be resolved through consultations. Any unresolved matters shall be forwarded to the Executive Council for appropriate action with a view to facilitating the full implementation of the Convention.

"(b) The agreed combined detailed plans for destruction and verification plans, with an appropriate recommendation by the Technical Secretariat, will be forwarded to the members of the Executive Council for review. The members of the Executive Council shall review the plans with a view to approving them, consistent with verification objectives. This review is designed to determine that the destruction of chemical weapons, as planned, is consistent with the obligations under the Convention and the objective of destroying the chemical weapons. It should also confirm that verification schemes for destruction are consistent with verification objectives, and are efficient and workable. This review should be completed 60 days before the destruction period.

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

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

"(e) After a review of the detailed plans of destruction of chemical weapons, the Technical Secretariat, if the need arises, will enter into consultation with the State Party concerned in order to ensure its chemical weapons destruction facility(ies) is (are) designed to assure destruction of

chemical weapons, to allow advanced planning on how verification measures may be applied and to ensure that the application of verification measures is consistent with proper facility(ies) operation, and that the facility(ies) operation allows appropriate verification.

"(f) Destruction and verification should proceed according to the agreed plan as referred to above. Such verification should not interfere with the destruction process.

"5. Agreements on subsidiary arrangements

"For each destruction facility, States Parties should conclude with the International Authority detailed agreements on subsidiary arrangements for the systematic verification of destruction of chemical weapons. Such agreements shall be based on a Model Agreement and shall specify, for each destruction facility, the detailed on-site inspection procedures and arrangements for the removal of chemical weapons from the storage facility at the destruction facility, transport from this storage facility to their destruction and the monitoring by on-site instruments, taking into account the specific characteristics of the destruction facility and its mode of operation. The Model Agreement shall include provisions to take into account the need for maintenance and modifications.

"6. International Inspectors will be granted access to each chemical weapons destruction facility [30 days] prior to commencement of active destruction phases for the purpose of carrying out an engineering review of the facility, including the facility's construction and layout, the equipment and instruments for measuring and controlling the destruction process, and the checking and testing of the accuracy of the verification equipment.

"7. Systematic international on-site verification of destruction of chemical weapons

"(a) The Inspectors will be granted access to conduct their activities at the chemical weapons destruction facilities and the chemical weapons storage facilities thereat during the entire active phase of destruction. They will conduct their activities in the presence and with the co-operation of representatives of the facility's management and the National Authority if they wish to be present.

"(b) The inspectors may monitor by either physical observation or devices:

"(i) the chemical weapons storage facility at the destruction facility and the chemical weapons present;

"(ii) the movement of chemical weapons from the storage facility to the destruction facility;

"(iii) the process of destruction (assuring that no chemical weapons are diverted);

"(iv) the material balance; and

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

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

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

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

- have unimpeded access to all parts of the destruction facilities, and the storage facilities thereat, any munitions, devices, bulk containers, or other containers, therein. While conducting their activity, Inspectors shall comply with the safety regulations at these facilities. The items to be inspected will be chosen by the Inspectors in accordance with the verification plan that has been agreed to by the State Party and approved by the Executive Council;
- bring with them and use such agreed instruments as may be necessary for the completion of their tasks;
- monitor the systematic on-site analysis of samples during the destruction process;
- receive, if necessary, samples taken at their request from any devices, bulk containers and other containers at the destruction facility or the storage facility thereat. Such samples will be taken and analysed by representatives of the State Party in the presence of the Inspectors;
- communicate freely with the International Authority;
- if necessary, transfer samples for analysis off-site at a laboratory designated by the International Authority, in accordance with agreed procedures;
- ensure, in accordance with agreed procedures, that samples transported, stored and processed are not tampered with;
- afford the opportunity to the host State Party to be present when samples are analysed.

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

- have the right to accompany the International Inspectors at all times during the inspection and observe all their verification activities at the destruction facility, and the storage facility thereat;
- have the right to retain duplicates of all samples taken at the Inspectors' request and be present when samples are analysed;

- have the right to inspect any agreed standard instrument used or installed by the International Inspectors and to have it tested in the presence of its personnel;
- provide assistance to the International Inspectors, upon their request, for the installation of seals or monitoring devices and the analysis of samples on-site as appropriate to the monitoring of the destruction process;
- receive copies of the reports on inspections of its destruction facility(ies);
- receive copies, at its request, of the information and data gathered about its destruction facility(ies) by the International Authority.

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

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

"8. Chemical weapons storage facilities at chemical weapons destruction facilities

"(a) International Inspectors shall verify any arrival of chemical weapons at a chemical weapons storage facility at a chemical weapons destruction facility, as referred to in paragraph 6 (d) of section II of this Annex, and the storing of these chemical weapons. They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the chemical weapons in this storage facility. They shall install such agreed seals as may be necessary to verify that stocks are removed only for destruction.

"(b) As soon and as long as chemical weapons are stored at chemical weapons storage facilities at chemical weapons destruction facilities, these storage facilities shall be subject to international systematic monitoring, as referred to in relevant provisions of paragraph 5 of section II of the present annex, in conformity with the relevant agreements on subsidiary arrangements or, if no such agreement has been concluded, with the agreed combined plan for destruction and verification.

"(c) The International Inspectors will make any appropriate adjustments in the monitoring system in accordance with the relevant agreement on subsidiary arrangements whenever inventory changes occur.

"(d) At the end of an active destruction phase, International Inspectors will make an inventory of the chemical weapons that have been removed from the storage facility to be destroyed. They shall verify the accuracy of the

inventory of the chemical weapons remaining employing inventory control procedures as referred to above under (a). They shall install such agreed seals as may be necessary to ensure the securing of the storage facility.

"(e) The international systematic monitoring of a chemical weapons storage facility at a chemical weapons destruction facility may be discontinued when the active destruction phase is completed, if no chemical weapons remain. If, in addition, no chemical weapons are planned to be stored at this facility, the international systematic monitoring shall be terminated in accordance with section II, paragraph 5 (g) of this Annex.

"ANNEX TO ARTICLE V

"I. DECLARATIONS AND REPORTS ON CHEMICAL WEAPONS PRODUCTION FACILITIES

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

"The declaration should contain for each facility:

- "1. Name and exact location.
- "2. Ownership, operation, control, who ordered and procured the facility.

"3. Designation of each facility:

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

"(b) Facility for filling chemical weapons.

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

"(a) Chemicals produced.

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

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

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

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

"6. Detailed facility description:

"(a) Layout of the facility.

"(b) Process flow diagram.

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

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

"B. Declarations of former chemical weapons production facilities

"The declaration should contain for each facility:

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

"2. Date chemical weapons production ceased.



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

"F. Declarations of measures to ensure closure of:

- "1. Facilities under the jurisdiction or control of the State Party (data on national measures and the time-frames).
- "2. Facilities on the State Party's territory under the control of others (to be developed).

"G. Annual Reports

"H. Final Certification of Elimination

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

"A. General

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

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

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

"C. Activities related to elimination

- "1. Facilities producing Schedule [I] chemicals.

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

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

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

"2. Facilities producing other categories of chemicals.

"3. Filling facilities.

"D. Activities related to temporary conversion to destruction facility

"E. Activities related to former chemical weapons production facilities

"III. ORDER OF ELIMINATION (to be developed)

"IV. PLANS

"A. General Plans

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

"(a) envisaged time-frame for measures to be taken;

"(b) methods of elimination.

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

"[(a) In relation to dismantling:]

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

"(i) description of the facility after conversion

"(ii) designation of the facility after conversion and names of products to be manufactured.]

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

"(i) envisaged time-frame for conversion into a destruction facility;

"(ii) envisaged time for utilizing the facility as a destruction facility;

"(iii) description of the new facility;

"(iv) method of elimination of special equipment;

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

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

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

"B. Detailed plans

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

"(a) detailed time schedule of elimination process;

"(b) layout of the facility;

"(c) process flow diagram;

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

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

"(f) proposed measures for verification;

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

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

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

"{(a) In relation to dismantling:}

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

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

"(ii) layout of the facility after conversion;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"2. Agreements on subsidiary arrangements 1/

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

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

"3. Measures for closure of chemical weapons production facilities

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

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

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

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

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

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

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

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

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

"5. International systematic monitoring of chemical weapons production facilities

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

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

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

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

"(e) Monitoring with instruments

"(i) For the purpose of the systematic monitoring of a chemical weapons production facility, International Inspectors will install, in the presence of host country personnel and in conformity with the relevant agreement on subsidiary arrangements, a monitoring system consisting of, inter alia, sensors, ancillary equipment and transmission systems. The agreed types of these instruments shall be specified in the Model Agreement. They shall incorporate, inter alia, seals

and other tamper-indicating and tamper-resistant devices as well as data protection and data authentication features.

- "(ii) The monitoring system shall have such abilities and be installed, adjusted or directed in such a way as to correspond strictly and efficiently to the sole purpose of detecting prohibited or unauthorized activities within the chemical weapons production facility as referred to above under (a). The coverage of the monitoring system shall be limited accordingly. The monitoring system will signal the International Authority if any tampering with its components or interference with its functioning occurs. Redundancy shall be built into the monitoring system to ensure that failure of an individual component will not jeopardize the monitoring capability of the system.
  - "(iii) When the monitoring system is activated, International Inspectors will verify the accuracy of the inventory of declared items at each chemical weapons production facility as required.
  - "(iv) Data will be transmitted from each production facility to the International Verification Headquarters by (means to be determined). The transmission system will incorporate frequent transmissions from the production facility and a query and response system between the production facility and the International Verification Headquarters. International Inspectors shall periodically check the proper functioning of the monitoring system.
  - "(v) In the event that the monitoring system indicates any irregularity, the International Inspectors would immediately determine whether this resulted from equipment malfunction or activities at the production facility. If, after this examination the problem remained unresolved, the International Authority would immediately ascertain the actual situation, including through immediate on-site inspection or visit of the production facility if necessary. The International Authority shall report any such problem immediately after its detection to the State Party who should assist in its resolution.
  - "(vi) The State Party shall immediately notify the International Authority if an event at the production facility occurs, or may occur, which may have an impact on the monitoring system. The State Party shall co-ordinate subsequent actions with the International Authority with a view to restoring the operation of the monitoring system and establishing interim measures, if necessary, as soon as possible.
- "(f) Systematic on-site inspections and visits
- "(i) During each inspection, the International Inspectors will verify that the monitoring system is functioning correctly



and verify the declared inventory as required. In addition, visits to service the monitoring system will be required to perform any necessary maintenance or replacement of equipment, or to adjust the coverage of the monitoring system as required.

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

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

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

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

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

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

"(d) The agreed combined plans for elimination and verification, with an appropriate recommendation by the Technical Secretariat, will be forwarded to the members of the Executive Council for review. These plans should allow a State Party to destroy any item agreed to be diverted. The members of the Executive Council shall review the plans with a view to approving them,

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

consistent with verification objectives. This review is designed to determine that the planned disposition of each item is consistent with the obligations under the Convention and the objective of eliminating the facility. It should also confirm that verification schemes for elimination are consistent with verification objectives, and are efficient and workable. This review should be completed [60] days before the planned initiation of elimination.

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

"(f) If there are any difficulties, the Executive Council should enter into consultations with the State Party to reconcile them. If any difficulties remain unresolved they should be referred to the Consultative Committee. The resolution of any differences over methods of elimination should not delay the execution of other parts of the elimination plan that are acceptable.

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

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

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

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

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

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

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

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

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

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

(to be elaborated)

"8. Inspections and visits

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

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

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

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

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

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

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

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

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

"ANNEX TO ARTICLE VI [O.]

"MODALITIES FOR REVISION OF LISTS

"1. The revisions envisaged would consist of additions to, deletions from, or shifts between the lists.

"2. A revision could be proposed by a State Party. [If the Technical Secretariat has information which in its opinion may require a revision of the lists of chemicals, it should provide that information to the [Executive Council] which should communicate it to all States Parties.] A State Party may request the assistance of the Technical Secretariat in the substantiation of its proposal.

"3. A proposal for revision should be submitted to [the International Authority] [the Executive Council] [the Depositary of the Convention].

"4. [The International Authority] [The Executive Council] [The Depositary of the Convention], upon receipt of a proposal for revision, will be responsible for informing States Parties about it.

"5. The proponent should substantiate its proposal with the necessary information. Any State Party and, as requested, the Technical Secretariat, could also provide relevant information for the evaluation of the proposal.

"6. Technical evaluations of a proposal may be made by the International Authority, [the Executive Council], any State Party [and the Technical Secretariat].

"7. The decision on a proposal should be taken by the International Authority [the Consultative Committee] by [a majority vote] [consensus] [tacit approval of all States Parties 60 days after they have been informed of the proposal by the International Authority. If there is no tacit approval, the matter should be reviewed by the [Consultative Committee] at its next meeting.] [If urgent consideration is requested by five or more Parties, a special meeting of the Consultative Committee should be promptly convened.]

"8. The revision procedure should be concluded within [60 days] after the receipt of the proposal. Once a decision is taken, it should enter into force after a period of [30 days].

"9. The Technical Secretariat should provide assistance to any State Party, when requested, in evaluating an unlisted chemical. This assistance should be confidential [unless it is established in the evaluation that the chemical has chemical weapon properties].

"ANNEX TO ARTICLE VI [1]

"GENERAL PROVISIONS

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

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

"TRANSFERS

"2. A State Party may transfer chemicals in Schedule [1] outside its territory only to another State Party and only for research, medical or protective purposes in accordance with paragraph 1.

"3. Chemicals transferred shall not be retransferred to a third State.

"4. Thirty days prior to any transfer to another State Party both States Parties shall notify the Consultative Committee.

"5. Each State Party shall make a detailed annual declaration regarding transfers during the previous calendar year. The declaration shall be submitted within ... months after the end of that year and shall for each chemical in Schedule [1] include the following information:

- "(i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);
- "(ii) the quantity acquired from other States or transferred to other States Parties. For each transfer the quantity, recipient and purpose should be included.

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

"SINGLE SMALL-SCALE PRODUCTION FACILITY

"Each State Party which produces chemicals in Schedule [1] for [permitted] [protective] purposes shall carry out the production at a single small-scale facility, the capacity of which shall not exceed [one] metric tonne per year, as measured by the method established in [ ]. 1/

"I. Declarations

"A. Initial declarations

"Each State Party which plans to operate such a facility shall provide the Consultative Committee with the location and a detailed technical description of the facility, including an inventory of equipment and detailed diagrams. For existing facilities, this information shall be provided not later than 30 days after the Convention enters into force for the State Party. Information on new facilities shall be provided six months before operations are to begin.

"B. Advance notifications

"Each State Party shall give advance notification to the [international authority] of planned changes related to the initial declaration. The notification shall be submitted not later than ... months before the changes are to take place.

"C. Annual declarations

"(a) Each State Party possessing a facility shall make a detailed annual declaration regarding the activities of the facility for the previous calendar year. The declaration shall be submitted within ... months after the end of that year and shall include:

"1. Identification of the facility

"2. For each chemical in Schedule [1] produced, acquired, consumed or stored at the facility, the following information:

"(i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);

"(ii) the methods employed and quantity produced;

"(iii) the name and quantity of precursor chemicals listed in Schedules [1], [2] or [3] used for production of chemicals in Schedule [1];

"(iv) the quantity consumed at the facility and the purpose(s) of the consumption;

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

- "(v) the quantity received from or shipped to other facilities within the State Party. For each shipment the quantity, recipient and purpose should be included;
  - "(vi) the maximum quantity stored at any time during the year;
  - "(vii) the quantity stored at the end of the year.
- "3. Information on any changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

"(b) Each State Party possessing a facility shall make a detailed annual declaration regarding the projected activities and the anticipated production at the facility for the coming calendar year. The declaration shall be submitted not later than ... months before the beginning of that year and shall include:

- "1. Identification of the facility
- "2. For each chemical in Schedule [1] produced, consumed or stored at the facility, the following information:
  - "(i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);
  - "(ii) the quantity anticipated to be produced and the purpose of the production.
- "3. Information on any anticipated changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

## "II. Verification

- "1. The aim of verification activities at the facility shall be to verify that the quantities of Schedule [1] chemicals produced are correctly declared and, in particular, that their aggregate amount does not exceed one metric tonne.
- "2. The single small-scale production facility shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments.
- "3. The number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the objectives of the Convention posed by the relevant chemicals, the characteristics of the facility and the nature of the activities carried out there. The guidelines to be used shall include: (to be developed)
- "4. Each facility shall receive an initial visit from international inspectors promptly after the facility is declared. The purpose of the initial visit shall be to verify information provided concerning the facility,



including verification that the capacity will not permit the production, on an annual basis, of quantities [significantly] above one metric tonne, and to obtain any additional information needed for planning future verification activities at the facility, including inspection visits and use of on-site instruments.

"5. Each State Party possessing or planning to possess a facility shall execute an agreement, based on a model agreement, with the [international authority] before the facility begins operation or is used, covering detailed inspection procedures for the facility. Each agreement shall include: (to be developed) 1/

#### "OTHER FACILITIES

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

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

#### "I. Declarations

##### "A. Initial declarations

"The location of the facilities approved by the State Party shall be provided to the Consultative Committee.

##### "B. Advance notifications

##### "C. Annual declarations

#### "II. Verification

"Facilities shall be monitored through annual data reporting to the Consultative Committee. The following information shall be included: (to be developed)

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

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

"PROVISIONAL LIST 1/

- "1. O-Alkyl alkylphosphonofluoridates
- e.g. Sarin: O-isopropyl methylphosphonofluoridate (107-44-8)  
Soman: O-pinacolyl methylphosphonofluoridate (96-64-0)
- "2. O-Alkyl N,N-dialkylphosphoramidocyanidates
- e.g. Tabun: O-ethyl N,N-dimethylphosphoramidocyanidate (77-81-6)
- "3. O-Alkyl S-2-dialkylaminoethylalkylphosphonothiolates
- e.g. VX: O-ethyl S-2-diisopropylaminoethylmethylphosphonothiolate (50782-69-9)
- "4. Sulphur mustards:
- e.g. Mustard gas (H): bis(2-chloroethyl)sulphide (505-60-2)  
Sesquimustard (Q): 1,2-bis(2-chloroethylthio)ethane (3563-36-8)  
O-Mustard (T): bis(2-chloroethylthioethyl)ether (63918-89-8)
- "5. Lewisites
- Lewisite 1: 2-chlorovinyl dichloroarsine (541-25-3)  
Lewisite 2: bis(2-chlorovinyl)chloroarsine (40334-69-8)  
Lewisite 3: tris(2-chlorovinyl)arsine (40334-70-1)
- "6. Nitrogen mustards
- HN1: bis(2-chloroethyl)ethylamine (538-07-8)  
HN2: bis(2-chloroethyl)methylamine (51-75-2)  
HN3: tris(2-chloroethyl)amine (555-77-1)
- "7. 3-Quinuclidinyl benzilate (BZ) (6581-06-2)
- "8. Alkylphosphonyldifluorides
- e.g. DF (676-99-3)
- "9. Ethyl O-2-diisopropylaminoethyl alkylphosphonites
- e.g. QL (57856-11-8)

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1/ Some of the chemicals on the Schedules exist in more than one stereoisomeric form. It is proposed that, where assigned, the Chemical Abstracts Service Registry Numbers be stated for each of them.

"To be discussed further

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

"ANNEX TO ARTICLE VI [2]

"KEY PRECURSOR CHEMICALS

"DECLARATIONS

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

"1. Aggregate national data on the production, processing and consumption of each chemical listed in Schedule [2], and on the export and import of the chemicals in the previous calendar year with an indication of the countries involved.

"2. The following information for each facility which, during the previous calendar year, produced, processed or consumed more than [ ] tonnes per annum of the chemicals listed in Schedule [2]:

"Key Precursor Chemical(s)

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

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

"Facility 1/ 2/

- "(i) The name of the facility and of the owner, company, or enterprise operating the facility.
- "(ii) The exact location of the facility (including the address, location of the complex, location of the facility within the complex including the specific building and structure number, if any).
- "(iii) Whether the facility is dedicated to producing or processing the listed key precursor or is multi-purpose.
- "(iv) The main orientation (purpose) of the facility.
- "(v) Whether the facility can readily be used to produce a Schedule [1] chemical or another Schedule [2] chemical. Relevant information should be provided, when applicable.
- "(vi) The production capacity 3/ for the declared Schedule [2] chemical(s).
- "(vii) Which of the following activities are performed with regard to the key precursor chemicals:
  - "(a) production
  - "(b) processing with conversion into another chemical
  - "(c) processing without chemical conversion
  - "(d) other - specify.
- "(viii) Whether at any time during the previous calendar year declared key precursors were stored on-site in quantities greater than [ ] [tonnes].

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

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

"2/ The view was expressed that a definition of a chemical production facility was needed and thus should be elaborated.

"3/ How to define production capacity remains to be agreed upon. Some consultations with technical experts have taken place on this issue. A report on these consultations is enclosed in Appendix II to facilitate further work by delegations.

"Advance notifications

"3. (a) Each State Party shall annually notify the (international authority) of facilities which intend, during the coming calendar year, to produce, process or consume more than ... of any chemical listed in Schedule [2]. The notification shall be submitted not later than ... months before the beginning of that year and shall for each facility include the following information:

"(i) The information specified under paragraph 2 above, except for quantitative information relating to the previous calendar year;

"(ii) For each chemical listed in Schedule [2] intended to be produced or processed, the total quantity intended to be produced or processed during the coming calendar year and the time period(s) when the production or processing is anticipated to take place.

"(b) Each State Party shall notify the (international authority) of any production, processing or consumption planned after the submission of the annual notification under paragraph 3 (a), not later than one month before the production or processing is anticipated to begin. The notification shall for each facility include the information specified under paragraph 3 (a).

"Verification 1/

"Aim

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

"(i) Facilities declared under this Annex are not used to produce any chemical listed in Schedule [1]. 2/

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

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

---

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

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

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

"Obligation and Frequency

"5. (i) Each facility notified to the [international authority] under this Annex shall be subject to systematic international on-site verification on a routine basis.

"(ii) The number, intensity, duration, timing and mode of inspections and monitoring with on-site instruments for a particular facility shall be based on the risk to the objectives of the Convention posed by the relevant chemical, the characteristics of the facility and the nature of the activities carried out there. 1/ 2/ The guidelines to be used shall include: (to be developed). 3/

"Selection

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

"Notification

"7. A State Party shall be notified by the [international authority] of the decision to inspect a facility referred to in paragraphs 2 and 3 .... hours prior to the arrival of the inspection team.

"Host State Party

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

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"1/ One delegation suggested that the number of such inspections could be from 1 to 5 per year.

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

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

"Initial Visit

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

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

"Agreement on Inspection Procedures

"11. Each State Party shall execute an agreement, based on a model agreement, with the [international authority], within [6] months after the Convention enters into force for the State, governing the conduct of the inspections of the facilities declared by the State Party. The agreement shall provide for the detailed subsidiary arrangements which shall govern inspections at each facility. 1/

"12. Such agreements shall be based on a Model Agreement and shall specify for each facility the number, intensity, duration of inspections, detailed inspection procedures and the installation, operation and maintenance of on-site instruments by the International Authority. The Model Agreement shall include provisions to take into account future technological developments.

States Parties shall ensure that the systematic international on-site verification can be accomplished by the International Authority at all facilities within the agreed time frames after the convention enters into force. 2/

"Verification Inspections

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

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1/ Several delegations considered that the model agreement should be elaborated as part of the negotiations on the Convention. A draft for such a model agreement is contained in Appendix II.

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

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



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

"14. (a) The International Authority shall notify the State Party of its decision to inspect or visit the facility [48] [12] hours prior to the planned arrival of the inspection team at the facility for systematic inspections or visits. In the event of inspections or visits to resolve urgent problems, this period may be shortened. The International Authority shall specify the purpose(s) of the inspection or visit.

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

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

- have unimpeded access to all areas that have been agreed for inspection. While conducting their activity, Inspectors shall comply with the safety regulations at the facility. The items to be inspected will be chosen by the Inspectors;
- bring with them and use such agreed instruments as may be necessary for the completion of their tasks;
- receive samples taken at their request at the facility. Such samples will be taken by representatives of the State Party in the presence of the Inspectors;
- perform on-site analysis of samples;

- transfer, if necessary, samples for analysis off-site at a laboratory designated by the International Authority, in accordance with agreed procedures; 1/
- afford the opportunity to the Host State Party to be present when samples are analysed; 1/
- ensure, in accordance with procedures (to be developed), that samples transported, stored and processed are not tampered with; 1/
- communicate freely with the International Authority.

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

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

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

#### "Submission of Inspectors' Report

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

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

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1/ The view was expressed that all questions related to analysis off-site required further discussion.

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

"PROVISIONAL LIST

- "1. Chemicals containing one P-methyl, P-ethyl, or P-propyl (normal or iso) bond.
- "2. N,N-Dialkylphosphoramidic dihalides.
- "3. Dialkyl N,N-dialkylphosphoramidates.
- "4. Arsenic trichloride. (7784-34-1)
- "5. 2,2-Diphenyl-2-hydroxyacetic acid. (76-93-7)
- "6. Quinuclidin-3-ol (1619-34-7)
- "7. N,N-Diisopropylaminoethyl-2-chloride. (96-79-7)
- "8. N,N-Diisopropylaminoethan-2-ol. (96-80-0)
- "9. N,N-Diisopropylaminoethane-2-thiol. (5842-07-9)

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"TO BE DISCUSSED FURTHER

"(1) The following compounds:

Bis(2-hydroxyethyl) sulphide (thiodiglycol)

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

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

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

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

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

"ANNEX TO ARTICLE VI [3]

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

"DECLARATIONS

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

- "(i) The chemicals name, common or trade name used by the facility, structural formula and Chemical Abstracts Service Registry Number.
- "(ii) The total amount produced, consumed, imported and exported in the previous calendar year.
- "(iii) The final product or end use of the chemical in accordance with the following categories (to be developed),
- "(iv) for each facility which during the previous calendar year produced, processed, consumed or transferred more than [30] tonnes of a chemical listed in Schedule [3]. 1/
  - "(a) The name of the facility and of the owner, company, or enterprise operating the facility.
  - "(b) The location of the facility.
  - "(c) The capacity (to be defined) 2/ of the facility.
  - "(d) The approximate amount of production and consumption of the chemical in the previous year (ranges to be specified).

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

"2/ Some consultations with technical experts have taken place on this issue. A report on these consultations is enclosed in Appendix II to facilitate further work by delegations.

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

"VERIFICATION

"The verification régime for chemicals listed in Schedule [3] will comprise both the provision of data by a State Party to the [International Authority] and the monitoring of that data by the [International Authority]. 1/

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

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

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

"ANNEX TO ARTICLE VI [...] 1/

"Production of super-toxic lethal chemicals not listed in Schedule [1]

"The provisions of this Annex cover:

- chemicals with an LD<sub>50</sub> equal to or less than 0.5 mg per kg bodyweight 2/ or an LC<sub>50</sub> equal to or less than 2,000 mg-min/m<sup>3</sup>;
- facilities which

"(a) produce or process more than [10] [100] [1 000] kg 3/ per annum 4/ of any such chemical; 5/

"[(b) have a production capacity 6/ for any such chemical exceeding 1 000 kg 7/ per annum. 8/]

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

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

- that chemicals falling within a deviation-range of 10-20 per cent could be considered;
- that chemicals with an LD<sub>50</sub> close to 0.5 mg/kg bodyweight could be included as exceptions;
- that the modalities for revisions of lists could be made use of to take care of possible concerns in this regard.

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

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

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

6/ How to define production capacity remains to be agreed upon. In this context reference was made to the proposal contained in CD/CW/WP.171, as well as the report contained in Appendix II to this document.

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

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

"DECLARATIONS 1/

The Initial and Annual Declarations to be provided by a State Party under Article VI shall include:

"1. Aggregate national data on the production or processing of each chemical [listed in] [covered by] this Annex, 2/ and on the export and import of the chemicals in the previous calendar year with an indication of the countries involved.

"2. The following information for each facility which, during the previous calendar year, produced or processed more than [10] [100] [1 000] kg 3/ of any chemical [listed in] [covered by] this Annex.

"Chemical(s)

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

"(ii) The total amount produced, processed, imported and exported in the previous calendar year. 4/ 5/

"(iii) The purpose(s) for which the chemical(s) are produced or processed:

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

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

"(c) export of a chemical (specify which country)

"Facility

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

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"1/ The information to be reported on chemicals will depend largely on what aims are eventually agreed for verification under paragraph 4 of this Annex.

"2/ A proposal for a list of chemicals, to be included in the Convention under this category, is contained in CD/792.

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

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

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



- "(ii) The exact location of the facility (including the address, location of the complex, location of the facility within the complex including the specific building and structure number, if any).
- "(iii) Whether the facility is dedicated to producing or processing the declared chemical or is multi-purpose.
- "(iv) The main orientation (purpose) of the facility.
- "[(v) Whether the facility can readily be used to produce a Schedule [1] chemical. Relevant information should be provided, when applicable.]
- "(vi) The production capacity for the declared chemical(s) 1/
- "(vii) Which of the following activities are performed with regard to chemicals
  - "(a) production
  - "(b) processing with conversion into another chemical
  - "(c) processing without chemical conversion
  - "(d) other - specify.
- "(viii) Whether at any time during the previous calendar year declared chemicals were stored on-site in quantities greater than [ ] [tonnes].

"Advance notifications

"3. (a) Each State Party shall annually notify the [International Authority] of facilities which anticipate, during the coming calendar year, to produce or process more than ..... of any chemical [listed in] [covered by] this Annex. The notification shall be submitted not later than ... months before the beginning of that year and shall for each facility include the following information:

- "(i) The information specified under paragraph 2 above, except for quantitative information relating to the previous calendar year;
- "(ii) For each chemical, the total quantity anticipated to be produced or processed during the coming calendar year and the time period(s) when the production or processing is anticipated to take place.

"(b) Each State Party shall notify the [International Authority] of any production, processing planned after the submission of the annual notification under paragraph 3 (a), not later than one month before the production or processing is anticipated to begin. The notification shall for each facility include the information specified under paragraph 3 (a).

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

"VERIFICATION 1/

"Aim 2/

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

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

"Obligation and frequency

- "5. (i) Each facility notified to the [International Authority] shall be liable to receive an initial visit from international inspectors, promptly after the State becomes a Party to the Convention.
- "(ii) The purpose of the initial visit shall be to verify information provided concerning the facility to be inspected and to obtain any additional information, [including on the capacity of the facility, needed for planning] [to determine whether systematic on-site verification on a routine basis is necessary, and, if so, to plan] future verification activities at the facility, including inspection visits and use of on-site instruments.
- "(iii) Each facility notified to the [International Authority] under this Annex shall be subject to systematic international on-site verification on a routine basis.
- "(iv) The number, intensity, duration, timing and mode of inspections and monitoring with on-site instruments for a particular facility shall be based on the risk to the objectives of the Convention posed by the relevant chemical, the characteristics of the facility including its capacity and the nature of the activities carried out there. 3/ The guidelines to be used shall include: (to be developed).

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

"2/ This aim requires further consideration. Some delegations have raised in this context the issue of suitability for chemical weapons purposes.

"3/ One delegation suggested that the number of such inspections might be one to three per year.

"Selection

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

"Host State Party

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

"Agreement on Inspection Procedures

"8. Each State Party shall execute an agreement, based on a model agreement, with the [International Authority] within [6] months after the Convention enters into force for the State, governing the conduct of the inspections of [the facilities declared by the State Party] [those facilities which are determined by the Technical Secretariat on the basis of the initial visit of international inspectors to warrant systematic international on-site verification on a routine basis]. The agreement shall provide for the detailed subsidiary arrangements which shall govern inspections at each facility.

"9. Such agreements shall be based on a Model Agreement and shall specify for each facility the number, intensity, duration of inspections, detailed inspection procedures and the installation, operation and maintenance of on-site instruments by the [International Authority]. The Model Agreement shall include provisions to take into account future technological developments.

States Parties shall ensure that the systematic international on-site verification can be accomplished by the [International Authority] at all facilities within the agreed time frames after the Convention enters into force.

"Verification Inspections

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

- "(i) areas where feed chemicals (reactants) are delivered and/or stored;
- "(ii) areas where manipulative processes are performed upon the reactants prior to addition to the reaction vessel;
- "(iii) feed lines as appropriate from subparagraph (i) and/or subparagraph (ii) to the reaction vessel, together with any associated valves, flow meters;
- "(iv) the external aspect of the reaction vessel and its ancillary equipment;

"(v) lines from the reaction vessel leading to long- or short-term storage or for further processing of the designated chemical;

"(vi) control equipment associated with any of the items under subparagraphs (i) to (v);

"(vii) equipment and areas for waste and effluent handling;

"(viii) equipment and areas for disposition of off-specification chemicals.

"11. (a) The [International Authority] shall notify the State Party of its decision to inspect or visit the facility [48] [12] hours prior to the planned arrival of the inspection team at the facility for systematic inspections or visits.

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

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

- have unimpeded access to all areas that have been agreed for inspection. While conducting their activity, Inspectors shall comply with the safety regulations at the facility. The items to be inspected will be chosen by the Inspectors;
- bring with them and use such agreed instruments as may be necessary for the completion of their tasks;
- receive samples taken at their request at the facility. Such samples will be taken by representatives of the State Party in the presence of the Inspectors;
- perform on-site analysis of samples;
- transfer, if necessary, samples for analysis off-site at a laboratory designated by the [International Authority], in accordance with agreed procedures;
- afford the opportunity to the Host State Party to be present when samples are analysed;
- ensure, in accordance with procedures (to be developed), that samples transported, stored and processed are not tampered with;
- communicate freely with the [International Authority].

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

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

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

"Submission of Inspectors' Report

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

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

"OTHER DOCUMENTS

I.

"Preparatory Commission 1/

"1. For the purpose of carrying out the necessary preparations for the effective operation of the provisions of the Convention and for preparing for the first meeting of the Consultative Committee, the Depository of the Convention shall convene a Preparatory Commission not later than [30] days after the Convention has been signed by (to be determined) States.

"2. The Commission shall consist of the representatives designated by the States which have signed the Convention.

"3. The Commission shall be convened at [...] and remain in existence until the Convention comes into force and thereafter until the Consultative Committee has convened.

"4. The expenses of the Commission shall be met by the States signatories to the Convention, participating in the Commission, [in accordance with the United Nations scale of assessment, adjusted to take into account differences between the United Nations membership and the participation of States signatories in the Commission].

"5. All decisions of the Commission shall be made by [consensus] [a two-thirds majority].

"6. The Commission shall

"(a) elect its own officers, adopt its own rules of procedures, meet as often as necessary and establish such committees as it deems useful;

"(b) appoint an executive secretary and establish a provisional technical secretariat with units in charge of preparatory work concerning the main activities to be carried out by the Technical Secretariat created under the Convention: declarations and data; inspectorate; evaluation of accounts and reports; agreements and negotiations; personnel, qualifications and training; development of procedures and instruments; technical support; finance and administration;

"(c) make arrangements for the first session of the Consultative Committee, including the preparation of an agenda and draft rules of procedure;

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<sup>1/</sup> Provisions on the Commission could be contained in a resolution of the United Nations General Assembly commending the convention or in an appropriate document associated with the Convention.

"(d) make studies, reports and recommendations for the first session of the Consultative Committee and the first meeting of the Executive Council on subjects requiring immediate attention after the entry into force of the Convention, including the programme of work and the budget for the first year of activities of the Consultative Committee, the location of the permanent offices of the International Authority, technical problems relevant to activities connected with the implementation of the Convention, establishment of the Technical Secretariat and of its staff and financial regulations.

"7. The Commission shall report on its activities to the first meeting of the Consultative Committee.

"II.

"PROCEDURES FOR TOXICITY DETERMINATIONS 1/

"In March 1982 consultations were held, involving 32 experts from 25 countries, i.a. on toxicity determination.

"As a result of the discussions, the participants in the consultations unanimously agreed to recommend standardized operating procedures for acute subcutaneous toxicity determinations and for acute inhalation toxicity determinations. These unanimously agreed recommendations were submitted as Annexes III and IV to document CD/CW/WP.30.

"It is understood that further work may be needed to take into account technical developments since 1982. In order to facilitate this work Annexes III and IV to CD/CW/WP.30 are reproduced below.

"ANNEX III

"RECOMMENDED STANDARDIZED OPERATING PROCEDURES FOR ACUTE  
SUBCUTANEOUS TOXICITY DETERMINATIONS

"1. Introduction

"Three categories of agents were defined on the basis of their toxicity:

"(i) super-toxic lethal chemicals;

"(ii) other lethal chemicals;

"(iii) other harmful chemicals.

"Lethality limits in terms of LD<sub>50</sub> for subcutaneous administration were established to separate three toxic categories at 0.5 mg/kg and 10 mg/kg.

"2. Principles of the test method

"The test substance is administered to a group of animals in doses corresponding exactly to the category limits (0.5 or 10 mg/kg respectively). If in an actual test the death rate was greater than 50 per cent, then the material would fall into the higher toxicity category; if it was lower than 50 per cent the material would fall into the lower toxicity category.

"3. Description of the test procedure

"3.1 Experimental animal Healthy young adult male albino rats of Wistar strain weighing 200 ± 20 g should be used. The animals should be acclimatized to the laboratory conditions for at least five days prior to the

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"1/ It was understood that these recommended standardized operating procedures for toxicity determinations might be supplemented or modified and/or, if necessary, reviewed.



test. The temperature of the animal room before and during the test should be  $22 \pm 3^{\circ}\text{C}$  and the relative humidity should be 50-70 per cent. With artificial lighting, the sequence should be 12 hours light, 12 hours dark. Conventional laboratory diets may be used for feeding with an unlimited supply of drinking water. The animals should be group-caged but the number of animals per cage should not interfere with proper observation of each animal. Prior to the test, the animals are randomized and divided into groups; 20 animals in each group.

"3.2 Test substance Each test substance should be appropriately identified (chemical composition, origin, batch number, purity, solubility, stability etc.) and stored under conditions ensuring its stability. The stability of the substance under the test conditions should also be known. A solution of the test substance should be prepared just before the test. Solutions with concentrations of 0.5 mg/ml and 10 mg/ml should be prepared. The preferable solvent is 0.85 per cent saline. Where the solubility of the test substance is a problem, a minimum amount of an organic solvent such as ethanol, propylene glycol or polyethylene glycol may be used to achieve solution.

"3.3 Test method Twenty animals receive in the back region 1 ml/kg of the solution containing 0.5 mg/ml of the test substance. The number of dead animals is determined within 48 hours and again after 7 days. If the death rate is lower than 10 animals, another group of 20 animals should be injected by the same way with 1 ml/kg of the solution containing 10 mg/ml of the test substance. The number of dead animals should be determined within 48 hours and again after 7 days. If the result is doubtful (e.g. death rate = 10), the test should be repeated.

"3.4 Evaluation of the results If the death rate in the first group of animals (receiving a solution containing 0.5 mg/ml) is equal to or higher than 50 per cent, the test substance will fall into the 'super-toxic lethal chemical' category. If the death rate in the second group (receiving a solution containing 10 mg/ml) is equal to or higher than 50 per cent, the test substance will fall into the 'other lethal chemical' category; if lower than 50 per cent, the test substance will fall into the 'other harmful chemical'.

#### "4. Data reporting

"A test report should include the following information:

- "(i) test conditions: date and hour of the test, air temperature and humidity;
- "(ii) animal data: strain, weight and origin of the animals;
- "(iii) test substance characterization: chemical composition, origin, batch number and purity (or impurities) of the substance; date of receipt, quantities received and used in the test; conditions of storage, solvent used in the test;
- "(iv) results: the number of dead animals in each group, evaluation of results.

"ANNEX IV

"RECOMMENDED STANDARDIZED OPERATING PROCEDURES FOR ACUTE  
INHALATION TOXICITY CRITERIA

"1. In the assessment and evaluation of the toxic characteristics of chemicals in a vapour or aerosol state determination of acute inhalation toxicity is necessary. In every case, when it is possible, this test should be preceded by subcutaneous toxicity determination. Data from these studies constitute the initial steps in the establishing of a dosage regimen in subchronic and other studies and may provide additional information on the mode of toxic action of a substance.

"Three categories of agents were defined on the basis of their toxicity:

- "(i) super-toxic lethal chemicals
- " (ii) other lethal chemicals;
- "(iii) other harmful chemicals.

"Lethality limits in terms of  $LC_{50}$  for inhalatory application were established to separate three toxic categories at  $2,000 \text{ mg min/m}^3$  and  $20,000 \text{ mg min/m}^3$ .

"2. Principles of the test method

"A group of animals is exposed for a defined period to the test substance in concentration corresponding exactly to the category limits ( $2,000 \text{ mg min/m}^3$  or  $20,000 \text{ mg min/m}^3$ ) respectively. If in an actual test the death rate was greater than 50 per cent, then the material would fall into the higher toxicity category; if it was lower than 50 per cent, the material would fall into the lower toxicity category.

"3. Description of the test procedure

"3.1 Experimental animal Healthy young adult male albino rats of Wistar strain weighing  $200 \pm 20 \text{ g}$  should be used. The animals should be acclimatized to the laboratory conditions for at least five days prior to the test. The temperature of the animal room before and during the test should be  $22 \pm 3^\circ\text{C}$  and the relative humidity should be 50-70 per cent. With artificial lighting, the sequence should be 12 hours light, 12 hours dark. Conventional laboratory diets may be used for feeding with an unlimited supply of drinking water. The animals should be group-caged but the number of animals per cage should not interfere with proper observation of each animal. Prior to the test the animals are randomized and divided into two groups; 20 animals in each group.

"3.2 Test substance Each test substance should be appropriately identified (chemical composition, origin, batch number, purity, solubility, stability, boiling point, flash point, vapour pressure etc.) and stored under conditions ensuring its stability. The stability of the substance under the test conditions should also be known.

"3.3 Equipment A constant vapour concentration may be produced by one of several methods:

- "(i) by means of an automatic syringe which drops the material on to a suitable heating system (e.g. hot plate);
- "(ii) by sending airsteam through a solution containing the material (e.g. bubbling chamber);
- "(iii) by diffusion of the agent through a suitable material (e.g. diffusion chamber).

"A dynamic inhalation system with a suitable analytical concentration control system should be used. The rate of air flow should be adjusted to ensure that conditions throughout the equipment are essentially the same. Both a whole body individual chamber exposure or head only exposure may be used.

"3.4 Physical measurements Measurements or monitoring should be conducted of the following parameters:

- "(i) the rate of air flow (preferably continuously);
- "(ii) the actual concentration of the test substance during the exposed period;
- "(iii) temperature and humidity.

"3.5 Test method Twenty animals are exposed for 10 minutes to the concentration of 200 mg/m<sup>3</sup> and then removed from the chamber. The number of dead animals is determined within 48 hours and again after 7 days. If the death rate is lower than 10 animals, another group of 20 animals should be exposed for 10 minutes to the concentration of 2,000 mg/m<sup>3</sup>. The number of dead animals should be determined within 48 hours and again after 7 days. If the result is doubtful (e.g. death rate = 10), the test should be repeated.

"3.6 Evaluation of results If the death rate in the first group of animals (exposed to the concentration of 200 mg/m<sup>3</sup>) is equal to or higher than 50 per cent, the test substance will fall into the 'super-toxic lethal chemical' category. If the death rate in the second group (exposed to the concentration of 2,000 mg/m<sup>3</sup>) is equal to or higher than 50 per cent, the test substance will fall into the 'other lethal chemical' category; if it is lower than 50 per cent, the test substance will fall into the 'other harmful chemical'.

#### "4. Data reporting

"A test report should include the following information:

- "(i) Test conditions: date and hour of the test, description of exposure chamber (type, dimensions, source of air, system for generating the test substance, method of conditioning air, treatment of exhaust air etc.) and equipment for measuring temperature, humidity, air flow and concentration of the test substance;

- "(ii) Exposure data: air flow rate, temperature and humidity of air, nominal concentration (total amount of test substance fed into the equipment divided by volume of air), actual concentration in test breathing zone;
- "(iii) Animal data: strain, weight and origin of animals;
- "(iv) Test substance characterization: chemical composition, origin, batch number and purity (or impurities) of the substance; boiling point, flash point, vapour pressure; date of receipt, quantities received and used in the test; condition of storage, solvent used in the test;
- "(v) Results: number of dead animals in each group, evaluation of results.

"ADDENDUM TO APPENDIX I

"GUIDELINES ON THE INTERNATIONAL INSPECTORATE 1/ 2/

"Attachment (A) to CD/CW/WP.175

"I. Designation

"1. Verification activities in a State Party to the Convention shall only be performed by inspectors designated to this State in advance.

"2. The Technical Secretariat shall communicate, in writing, to the State concerned the names, nationality and ranks of the inspectors proposed for designation. Furthermore, it shall furnish a certificate of their qualifications and enter into such consultations as the State concerned may request. The latter shall inform the Secretariat, within (30) days after receipt of such a proposal, whether or not it will accept the designation of each inspector proposed. The inspectors accepted by the State Party shall be designated to that State. The Technical Secretariat shall notify the State concerned of such a designation.

"3. Should any State Party object to the designation of inspectors, be it at the time they are proposed or at any time thereafter, it shall inform the Technical Secretariat of its objection. If a State Party raises objections to an inspector already designated, this objection shall come into effect 30 days after receipt by the Technical Secretariat. The Technical Secretariat shall immediately inform the State concerned of the withdrawal of the designation of the inspector. In cases of objections to designation of inspectors the Technical Secretariat shall propose to the State Party in question one or more alternative designations. The Technical Secretariat shall refer to the Executive Council any repeated refusal by a State Party to accept the designation of inspectors if the Secretariat is of the opinion that such refusal impedes inspections to be conducted in the State concerned.

"II. Privileges and immunities of inspectors

"1. To the extent necessary for the effective exercise of their functions, inspectors shall be accorded the following privileges and immunities, which shall also apply to the time spent travelling in connection with their missions:

"(a) immunity from personal arrest or detention and from seizure of their personal baggage;

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"1/ These guidelines relate to the activities international inspectors carry out in connection with routine verification in States Parties.

"2/ Some delegations considered that the texts contained in this document require further consideration.

"(b) immunity from legal process of every kind in regard to what they do, say or write in the performance of their official functions;

"(c) inviolability of all the papers, documents, equipment and samples they carry with them;

"(d) the right to use codes for their communication with the Secretariat and to receive papers or correspondence by courier or in sealed bags from the Secretariat;

"(e) multiple entry/exit and/or transit visas and the same treatment in entry and transit formalities as is given to members of comparable rank of diplomatic missions;

"(f) the same currency and exchange facilities as are accorded to representatives of foreign Governments on temporary official missions;

"(g) the same immunities and facilities in respect to their personal baggage as are accorded to members of comparable rank of diplomatic missions.

"2. Privileges and immunities shall be granted to inspectors for the sake of the Convention and not for the personal benefit of the individuals themselves. The Secretariat shall have the right and the duty to waive the immunity of any inspector whenever it is of the opinion that the immunity would impede the course of justice and can be waived without prejudice to the Convention.

"3. If any State Party to the Convention considers that there has been an abuse of an above-mentioned privilege or immunity, consultations shall be held between that State and the Secretariat to determine whether such an abuse has occurred and, if so, to ensure that it does not repeat itself.

### "III. General rules governing inspections and the conduct of inspectors

"1. Inspectors shall carry out their functions under the Convention on the basis of the inspection mandate issued by the Technical Secretariat. They shall refrain from activities going beyond this mandate.

"2. The activities of inspectors shall be so arranged as to ensure on the one hand the effective discharge of the inspectors' functions and, on the other, the least possible inconvenience to the State concerned and disturbance to the facility or other location inspected. Inspectors shall only request the information and data which are necessary to fulfil their mandate. States Parties shall furnish such information. Inspectors shall not communicate to any State, Organization or person outside the Technical Secretariat any information to which they have access in connection with their activities in a State Party. They shall abide by relevant regulations established within the Technical Secretariat for the protection of confidential information. They shall remain bound by these relevant regulations after they have left their functions as international inspectors.

"3. In the performance of their duties on the territory of a State Party, inspectors shall, if the State Party so requests, be accompanied by representatives of this State, provided inspectors are not thereby delayed or otherwise hindered in the exercise of their functions. If a State Party designates the inspectors' point of entry into, and departure from, the State concerned and their routes and modes of travel within the State, it shall be guided by the principle of minimizing the time of travel and any other inconvenience.

"4. In exercising their functions, inspectors shall avoid unnecessarily hampering or delaying the operation of a facility or affecting its safety. In particular, inspectors shall not operate any facility or direct the staff of the facility to perform any operation. If inspectors consider that, to fulfil their mandate, particular operations should be carried out in a facility, they shall request the designated representative of the management of the facility to perform them.

"5. After the inspection visit, inspectors shall submit to the Technical Secretariat a report on the activities conducted by them and on their findings. The report shall be factual in nature. It shall only contain facts relevant to compliance with the Convention, as provided for under the inspection mandate. Relevant regulations, governing the protection of confidential information, shall be observed. The report shall also provide information as to the manner in which the State Party inspected co-operated with the inspection team. Different views held by inspectors may be attached to the report.

"6. The report shall be kept confidential. The National Authority of the State Party shall be informed of the findings of the report. Any written comments, which the State Party may immediately make on these findings shall be annexed to it. Immediately after receiving the report, the Technical Secretariat shall transmit a copy of it to the State Party concerned.

"7. Should the report contain uncertainties, or should co-operation between the National Authority and the inspectors not measure up to the standard required, the Technical Secretariat shall approach the State Party for clarification.

"8. If the uncertainties cannot be removed or the facts established are of a nature to suggest that obligations undertaken under the Convention have not been met, the Technical Secretariat shall inform the Executive Council without delay.

"APPENDIX II

"This Appendix contains papers reflecting results of work undertaken on issues under the Convention. They are enclosed to serve as a basis for future work.

<u>"Contents</u>	<u>Page</u>
Principles and Order of Destruction of Chemical Weapons .....	140
Guidelines for Schedule [1] .....	142
Possible Factors Identified to Determine the Number, Intensity, Duration, Timing and Mode of Inspections of Facilities Handling Schedule [2] Chemicals .....	144
Report on How to Define 'Production Capacity' .....	145
Models for Agreements	
A. Model for an Agreement Relating to Facilities Producing, Processing or Consuming Chemicals Listed in Schedule [2] .....	148
B. Model for an Agreement Relating to Single Small-Scale Production Facilities .....	152
C. Model for an Agreement Relating to Chemical Weapons Storage Facilities .....	157
On-site Inspection on Challenge .....	162
Article X, Assistance .....	166
Article XI, Economic and Technological Development .....	168
Article XII, Relation to other International Agreements .....	170
Article XIII, Amendments .....	171
Article XIV, Duration, Withdrawal .....	173
Article XV, Signature, Ratification, Accession, Entry into Force ..	174
Article XVI, Languages, Authentic Texts, Registration .....	176
Other provisions which might be included in the Convention .....	177
Chemical Weapons Production Facilities .....	179



"PRINCIPLES AND ORDER OF DESTRUCTION OF CHEMICAL WEAPONS 1/

"1. The elaboration of the Order of Destruction shall build on the undiminished security for all States during the entire destruction stage, confidence-building in the early part of the destruction stage, gradual acquisition of experience in the course of destroying chemical weapons stocks and applicability irrespective of the actual composition or size of the stockpiles and the methods chosen for the destruction of the chemical weapons.

"2. Each State Party possessing chemical weapons shall begin destruction not later than one year after it becomes a Party to the Convention, and all stockpiles must have been destroyed by the end of the tenth year after the entry into force of the Convention. 2/

"3. The entire destruction period is divided into annual periods.

"4. For the purpose of destruction, chemical weapons declared by each State Party are divided into three categories:

Category 1: Chemical weapons on the basis of Schedule [1] chemicals;

Category 2: Chemical weapons on the basis of all other chemicals;

Category 3: Unfilled munitions and devices, and equipment specifically designed for use directly in connection with employment of chemical weapons.

"5. The Order of Destruction shall be based on the principle of levelling out the stockpiles of chemical weapons of State Parties, while observing the principle of [equal] [undiminished] security. (The level of such stockpiles shall be agreed upon.)

"6. Each State Party possessing chemical weapons

- shall start the destruction of Category 1 chemical weapons not later than one year after it becomes a Party to the Convention, and shall complete it not later than 10 years after the entry into force of the Convention; the comparison factor for such weapons shall be agent tons, i.e. the aggregate weight of the chemicals within such Category,

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1/ Some delegations drew attention to another proposal which suggests a specific phased approach, including a special phase for advance destruction by the largest chemical weapons owners until midway of the destruction period. This proposal is contained in CD/822 of 29 March 1988.

2/ The view was expressed that possible additional provisions applicable to States possessing chemical weapons but which ratify the Convention at a later stage would need to be discussed. The view was also expressed that the Convention should include from the beginning all States possessing chemical weapons.

- shall start the destruction of Category 2 chemical weapons not later than one year after it becomes a Party to the Convention and shall complete it not later than five years after the entry into force of the Convention; the comparison factor for such weapons shall be agent tons, i.e. the aggregate weight of the chemicals within such Category,
- shall start the destruction of Category 3 chemical weapons not later than one year after it becomes a Party to the Convention, and shall complete it not later than [four] [five] years after the entry into force of the Convention; the comparison factor(s) for unfilled munitions and devices shall be expressed in fill volume (m<sup>3</sup>) and for equipment in number of items.

"7. Within each Category a State Party shall carry out the destruction in such a way that not more than what is specified in the table below remains at the end of each annual period. A State Party is not precluded from destroying its stocks at a faster pace.

TABLE

<u>Year</u>	<u>Category 1</u>	<u>Category 2</u>	<u>Category 3</u>
2			
3			
4			
5			
6			
7			
8			
9			
10			

(TO BE DEVELOPED)

"8. Within each category a State Party shall determine its detailed plans for each annual period in such a way that not more than what is specified in the Convention will remain by the end of each such period.

These plans shall be submitted to and approved by the Executive Council, in accordance with the relevant provisions in Section V of the Annex to Article IV.

"9. Each State Party shall report annually to the Organization on the implementation of the destruction in each annual period.

"GUIDELINES FOR SCHEDULE [1] 1/

"The following guidelines, singly or in combination, should be taken into account in considering whether a chemical should be included in Schedule [1]:

- "1. Super-toxic lethal chemicals which have been stockpiled as chemical weapons.
- "2. Super-toxic lethal chemicals which pose a particular risk of potential use as chemical weapons.
- "3. Super-toxic lethal chemicals which have little or no use except as chemical weapons.
- "4. Super-toxic lethal chemicals which possess physical and chemical properties enabling them to be used as chemical weapons. 2/
- "5. Super-toxic lethal chemicals with chemical structure related/similar to those super-toxic lethal chemicals already listed in Schedule 1. 3/
- "6. Chemicals whose principal effect is to cause temporary incapacitation and which possess physical and chemical properties enabling them to be used as chemical weapons.
- "7. Any toxic chemical with a chemical structure related/similar to those chemicals already listed in Schedule 1. 3/
- "8. Other chemicals which have been stockpiled as chemical weapons.
- "9. Other chemicals which have little or no use except as chemical weapons.
- "10. Key precursors which participate in a one-stage process of producing toxic chemicals in munitions and devices. 4/
- "11. Key precursors which pose a high risk to the objectives of the Convention by virtue of their high potential for use to produce chemical weapons.

---

"1/ The basis and modalities for the application and revision of the guidelines are to be developed.

"2/ A view was expressed that compounds listed in Schedule [1] should possess the properties of chemical warfare agents.

"3/ The view was expressed that this by itself would not be sufficient to include a chemical in Schedule [1].

"4/ One delegation believes that this provision is not necessary and that it is already covered under point 12.

"12. Key precursors which may possess the following characteristics:

- "(i) it may react with other chemicals to give, within a short time, a high yield of a toxic chemical defined as a chemical weapon;
- "(ii) the reaction may be carried out in such a manner that the toxic product is readily available for military use; and
- "(iii) key precursors which have little or no use except for chemical weapons purposes.

"POSSIBLE FACTORS IDENTIFIED TO DETERMINE THE NUMBER, INTENSITY,  
DURATION, TIMING AND MODE OF INSPECTIONS OF FACILITIES HANDLING  
SCHEDULE [2] CHEMICALS 1/

"1. Factors related to the listed chemical

"(a) Toxicity of the end product.

"2. Factors related to the facility

"(a) Multipurpose or dedicated facility

"(b) Capability and convertibility for initiating production of highly toxic chemicals

"(c) Production capacity

"(d) On-site storage of listed key precursors in quantities exceeding ... tonnes

"(e) Location of the facility and infrastructure for transportation.

"3. Factors related to the activities carried out at the facility

"(a) Production e.g. continuous, batch, types of equipment

"(b) Processing with conversion into another chemical

"(c) Processing without chemical conversion

"(d) Other types of activities, e.g., consumption, import, export, transfer

"(e) Volume produced, processed, consumed, transferred

"(f) Relationship between maximum and utilized capacity for a scheduled chemical

- multipurpose facility

- dedicated facility.

"4. Other factors

"(a) International monitoring by on-site instruments

"(b) Remote monitoring.

---

1/ The order in which these factors are listed does not indicate any priority.

"REPORT ON HOW TO DEFINE 'PRODUCTION CAPACITY'

"During the 1987 session, consultations were held with Lt. Col. Bretfeld (German Democratic Republic), Dr. Cooper (United Kingdom), Prof. Kuzmin (USSR), Dr. Mikulak (United States), Dr. Ooms (Netherlands) and Prof. Pfirschke (Federal Republic of Germany), as well as with Col. Koutepov (USSR) and Col. Lovelace (United States). This report summarized the results of the consultations, as seen by the rapporteur, Dr. Santesson (Sweden).

"Although it was generally felt that it would be desirable to have one definition of 'production capacity' applicable all through the Convention, it was also concluded that this might not be possible.

"A definition could consist of a verbal part and a mathematical formula to be used for the calculation of the numerical value of the production capacity. Such a single definition, as exemplified below, could be utilized in the Annex to Article V, paragraphs I.A.5 (a) and I.B.7 (cf. in this context CD/CW/WP.148), in the Annex to Article VI [2], paragraph 2 in the Annex to Article VI [3], paragraph 1 (iv), and in the case of 'Possible factors identified to determine ... Schedule [2] chemicals', contained in CD/782, Appendix II, p. 12.

"On the basis of CD/CW/WP.171 and proposals presented during the consultations, the following suggestion was worked out.

Verbal part:

Alt. 1 The production capacity is the annual quantitative potential for manufacturing a specific substance on the basis of the technological process used at a facility where the substance in question is actually produced.

Alt. 2 The production capacity is the annual quantitative potential for manufacturing a specific substance on the basis of the technological process actually used or planned to be used at a facility.

Mathematical formulae:

Production capacity per year =

=  $\frac{\text{quantity produced}}{\text{hours of production}}$  x constant x no. of units

or in the case of dedicated units not yet in operation

=  $\frac{\text{nameplate or design capacity}}{\text{hours of planned operation}}$  x constant x no. of units

"The constant is the number of hours of availability per year. In both formulae, the constant will have different values for continuous and batch operations. Furthermore, different values may have to be assigned for 'dedicated batch processes' and 'multipurpose batch processes'. The values of the constant remains to be determined.

"It was noted that the formulae relate to the production step in which the product is actually formed. They might not necessarily be applicable e.g. to subsequent purification steps in the process.

"It was also noted that in the case of multipurpose facilities producing more than one declared chemical, the production capacity of the facility for each of the chemicals should be calculated independently of the other chemicals being produced.

"In the case of the Annex to Article VI [...], it appears that for limited production, the above mathematical formulae might possibly give rise to an overestimate of the actual production capacity. It was suggested that the formulae could be used if the annual production was more than five tonnes.

"In the case of the Annex to Article VI [1] it was felt that the above type of definition would be unsuitable and that other ways of delimiting the 'production capacity' of the single small-scale production facility should be explored.

"Further refinement of the definition of production capacity is required. Also, methods for verification of the declared production capacity will have to be discussed. In this context opinions were expressed on the use of production log books and to which extent inspectors would need access to technical information on the production process.

"As a continuation of the consultations reported in CD/795, further consultations were held with Dr. Boter (Netherlands), Lt. Col. Bretfeld (German Democratic Republic), Dr. Cooper (United Kingdom) Prof. Kuzmin (Union of Soviet Socialist Republics), Prof. Pfirschke (Federal Republic of Germany) and Dr. Schröder (Federal Republic of Germany). This report summarizes the results of the continued consultations, as seen by the rapporteur, Dr. Santesson (Sweden).

"In the view of the technical experts, 'production capacity' could be defined thus:

The production capacity is the annual quantitative potential for manufacturing a specific substance on the basis of the technological process actually used or, in case of processes not yet operational, planned to be used at the facility, as specified in the subsidiary agreements.

"For the purpose of the declaration, an approximate production capacity shall be calculated using the formula:

$$\begin{aligned} &\text{Production capacity (tons/year) =} \\ &= \frac{\text{des. cap.}}{\text{pl. op. hours}} \times \text{op. factor} \times \text{no. of units} \end{aligned}$$

where:

des. cap. = nameplate or design capacity of one unit (tons/year)  
pl. op. hours = hours of planned operation to achieve the design capacity  
op. factor = operational factor (hours)

The operational factor should take into account the various facility-specific and process-specific factors which would affect the actual practical production capacity, and could e.g. be determined during the initial visit. A need might exist for a provisional value of the operational factor to be applied before the initial visit has taken place.



"MODELS FOR AGREEMENTS

"A. MODEL FOR AN AGREEMENT RELATING TO FACILITIES PRODUCING,  
PROCESSING, OR CONSUMING CHEMICALS LISTED IN SCHEDULE [2] 1/

"1. Identification of the facility

"(a) Facility identification code

"(b) Name of the facility

"(c) Owner(s) of the facility

"(d) Name of the company or enterprise operating the facility

"(e) Exact location of the facility

. Location of the complex

. Location of the facility within the complex, including the specific building and structure number, if any

. Location of relevant support facilities within the complex: e.g., research and technical services, laboratories, medical centres, waste treatment plants

"(f) Determination of the area(s) and place(s)/site(s) to which inspectors shall have access.

"2. Information on the facility

"This agreement is based on the design information obtained during the initial visit on [date of visit]. Design information should include:

"(a) Data on the production process (type of process: e.g., continuous or batch; type of equipment; the technology employed; process engineering particulars)

"(b) Data on processing with conversion into another chemical (description of the conversion process, process engineering particulars and end-product)

"(c) Data on processing without chemical conversion (process engineering particulars, description of the process and the end-product, concentration in the end-product)

"(d) Data on waste treatment (disposal and/or storage, waste treatment technology, recycling)

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1/ This paper relates to agreements which have commonly been named 'facility attachments'. Further work is needed on this issue.

"(e) Data on safety and health measures at the facility

"(f) Data on clean-up procedures and general overhauls

"(g) Data on feedstocks used in the production or processing of declared chemicals (type and capacity of storage)

"(h) Maps and plans of the facility, including data on infrastructure for transportation (site maps showing, for example, all buildings and functions, pipework, roads, fences, mains electricity, water and gas points, and diagrams indicating the relevant material flow at the designated facility).

### "2.1. Storage of information

"Designation of information, provided about the facility under paragraph 2, which shall be kept by the International Authority under lock and key at the facility. (In the event of unresolved ambiguities, the International Authority shall have the right to study such information.)

### "3. Number and modalities of inspections

"After the initial visit, the number and modalities of inspections shall be decided by the Technical Secretariat on the basis of guidelines (compare CD/CW/WP.167, page 63, subparagraph 5.ii. and CD/CW/WP.167, Appendix II, page 3).

### "4. Verification measures and identification of the specific area(s) and place(s) of a facility to be inspected

"(a) Identification of the relationship between feedstocks and the quantity of end-products

"(b) Identification of key points for measurement (KMP) and sample-taking (STP)

"(c) Identification of methods for continuous monitoring and surveillance, e.g.

- . key points for the application of monitoring and surveillance measures
- . installed instruments and devices, seals and markers, methods to check the proper functioning of those instruments, servicing of installed instruments
- . activities to be undertaken by the State Party concerned with a view to providing the conditions necessary for the installation and proper functioning of the devices

"(d) Certification of relevant losses within the production process and their implications for key measurement points (KMP).

"5. Inspection activities

"5.1. Mode of routine inspection

"To be developed on the basis of the initial visit.

"5.2. Indication of the scope of the inspection effort in agreed areas under ordinary circumstances

"Access to the area to be inspected, including all key points. Activities may comprise:

"(a) Examination of relevant records

"(b) Identification of relevant plant equipment

"(c) Identification and validation of measuring equipment (examination and calibration of measuring equipment; verification of measuring systems using, as appropriate, independent standards)

"(d) Taking of analytical samples

"(e) Verification of chemical inventory records

. verification of the operator's inventory-taking for completeness and accuracy

. verification of the quantities of feedstocks

"(f) Observation of operations relating to movement of chemical substances in the plant

"(g) Installation, servicing and review of surveillance and monitoring instruments

"(h) .

.

.

"5.3. Specific arrangements for the use of special equipment

"As the need arises, specific arrangements for the use of special equipment, as requested by inspectors.

"6. Provisions governing sample-taking, on-site analyses of samples and on-site analysis equipment

"(a) Sample-taking (e.g., standardized procedures)

"(b) On-site analyses (e.g., provisions concerning on-site/in-house analyses, analytical methods, equipment, precision and accuracy of analyses)

"(c) Duplicates and additional samples.

"7. Records

"7.1. Type of records

"The records to be examined shall be determined after the initial visit and shall include the following:

"(a) Accounting records (for example, discards, retained wastes, shipments of end-products, receipts/shipments)

"(b) Operating records

"Operating records used to establish the quantity, quality and composition of the end-product. These may include:

- . Information on any accident that resulted in a loss/gain of material
- . Information on dissolution, evaporation, etc.

"(c) Calibration records

"Information on the functioning of analytical/monitoring equipment.

"7.2. Location and language of records

"To be determined during the initial visit.

"7.3. Access to records

"To be determined after the initial visit.

"7.4. Retention period of records

"To be determined on the basis of the initial visit.

"8. Services to be provided by the facility

Point of contact for each type of service, e.g.

- . operator assistance
- . medical and health services.

"9. Specific facility health and safety rules and regulations to be observed by inspectors

"10. Changes, revision and updating of advance information to be provided on the facility

(To be announced in reference to the paragraph on the design information obtained during the initial visit)

"11. Interpretation services

"B. MODEL FOR AN AGREEMENT RELATING TO SINGLE  
SMALL-SCALE PRODUCTION FACILITIES 1/

"Proposal by the Co-ordinator of Cluster IV

"1. Information on the single small-scale production facility

"(a) Identification

"(i) Facility identification code

"(ii) Name of the facility

"(iii) Exact location of the facility

If the facility is located within a complex, then also

- . Location of the complex
- . Location of the facility within the complex, including the specific building and structure number, if any
- . Location of relevant support facilities within the complex, e.g. research and technical services, laboratories, medical centres, waste treatment plants
- . Determination of the area(s) and place(s)/site(s) to which inspectors shall have access

"(b) Detailed technical information

- "(i) Maps and plans of the facility, including site maps showing, with functions indicated, for example, all buildings, pipework, roads, fences, mains electricity, water and gas points, diagrams indicating the relevant material flow at the designated facility and data on infrastructure for transportation
- "(ii) Data on each production process (type of process, type of equipment, technology employed, production capacity, process engineering particulars)
- "(iii) Data on the feedstocks used (type of feedstock, storage capacity)
- "(iv) Data on the storage of the chemicals produced (type and capacity of storage)
- "(v) Data on waste treatment (disposal and/or storage, waste treatment technology, recycling)

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1/ Prepared by Lt. Col. Bretfeld, German Democratic Republic;  
Dr. Cooper, United Kingdom; Dr. Lau, Sweden; and Dr. Santesson, Sweden.

"(c) Specific facility health and safety procedures to be observed by inspectors

"(d) Dates

"(i) Date when the initial visit took place

"(ii) Date(s) when additional information was provided

"(e) Storage of information

"Identification of which information, provided about the facility under paragraph 1, shall be kept by the International Organization under lock and key at the facility.

"2. Number and modalities of inspections

"The number and modalities of inspections shall be decided by the Technical Secretariat on the basis of guidelines.

"3. Inspections

"On-site inspection activities may include, but shall not necessarily be restricted to, the following:

"(i) Observation of any and all activities at the facility

"(ii) Examination of any and all equipment at the facility

"(iii) Identification of technological changes in the production process

"(iv) Comparison of process parameters with those ascertained during the initial visit

"(v) Verification of chemical inventory records

"(vi) Verification of equipment inventory records

"(vii) Review, servicing and maintenance of monitoring equipment

"(viii) Identification and validation of measuring equipment (examination and calibration of measuring equipment, verification of measuring systems using, as appropriate, independent standards)

"(ix) Application, examination, removal and renewal of seals

"(x) Investigation of indicated irregularities.

"4. Monitoring system

"(a) Description of items and their location

"(i) Sensors and other instruments

"(ii) Data transmission system

"(iii) Ancillary equipment

"(iv) ...

"(b) Installation of the system

"(i) Time schedule

"(ii) Advance preparations

"(iii) Assistance to be provided by the State Party during installation

"(c) Activation, initial testing and certification

"(d) Operation

"(i) Regular operation

"(ii) Routine tests

"(iii) Service and maintenance

"(iv) Measures in case of malfunctions

"(v) Responsibilities of the State Party

"(e) Replacement, modernization.

"5. Temporary closure

"(a) Notification procedure

"(b) Description of the types of seals to be used

"(c) Description of how and where seals shall be fixed

"(d) Provisions for surveillance and monitoring.

6. Instruments and other equipment to be used during inspections

"(a) Instruments and other equipment installed or brought in by inspectors

"(i) Description

"(ii) Testing, calibration and examination by the State Party

"(iii) Use

"(b) Instruments and other equipment to be provided by the State Party

"(i) Description

"(ii) Testing, calibration and examination by inspectors

"(iii) Use and maintenance.

"7. Sample-taking, on-site analyses of samples and on-site analysis equipment

- "(a) Sample-taking from production
- "(b) Sample-taking from stocks
- "(c) Other sample-taking
- "(d) Duplicates and additional samples
- "(e) On-site analyses (e.g., provisions concerning on-site/in-house analyses, analytical methods, equipment, precision and accuracy of analyses).

"8. Records The records to be examined shall be determined after the initial visit and shall include the following:

- "(a) Accounting records
- "(b) Operating records
- "(c) Calibration records

"The following shall be determined on the basis of the initial visit:

- "(a) Location and language of records
- "(b) Access to records
- "(c) Retention period of records.

"9. Administrative arrangements

- "(a) Preparations for the arrival and departure of inspectors
- "(b) Transport of inspectors
- "(c) Accommodation for inspectors
- "(d) ....

"10. Services to be provided <sup>1/</sup>

"Such services may include, but shall not necessarily be restricted to, the following:

- "(a) Medical and health services
- "(b) Office space for inspectors
- "(c) Laboratory space for inspectors

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<sup>1/</sup> The question of charges for the services needs to be discussed.



"(d) Technical assistance

"(e) Telephone and telex

"(f) Power and cooling water supplies for instruments

"(g) Interpretation services

"For each type of service, the following information shall be included:

"(a) The extent to which that service shall be provided

"(b) Points of contact at the facility for the service.

"11. Other matters

"12. Revisions of the agreement

"C. MODEL FOR AN AGREEMENT RELATING TO CHEMICAL  
WEAPONS STORAGE FACILITIES 1/

"Proposal by the Co-ordinator of Cluster IV

"1. Information on the storage facility

"(a) Identification:

"(i) Storage facility identification code

"(ii) Name of the storage facility

"(iii) Exact location of the storage facility

"(b) Dates:

"(i) Date of the initial verification of the Declaration of the  
facility

"(ii) Date(s) additional information provided

"(c) Layout:

"(i) Maps and plans of the facility, including

- boundary map to show entrances, exits, nature of boundary  
(e.g. fence)
- site maps to include locations of all buildings and other  
structures, bunkers/storage areas, fences with access points  
indicated, mains electricity and water points, and  
infrastructure for transports including loading areas

"(ii) Details of the construction of bunkers/storage areas which  
might be of relevance for verification measures

"(iii) ...

"(d) Detailed inventory of the contents of each bunker/storage area

"(e) Specific facility health and safety procedures to be observed by  
inspectors.

"2. Information relating to the transport of chemical weapons from the  
facility

"(a) Detailed description of loading area(s)

"(b) Detailed description of loading procedures

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1/ Prepared by Lt. Col. Bretfeld, German Democratic Republic;  
Dr. Cooper, United Kingdom; Dr. Lau, Sweden; and Dr. Santesson, Sweden.

"(c) Type of transport to be used, including construction details relevant to verification activities, e.g. where to place seals

"(d) ....

"3. Number and modalities of systematic inspections, etc.

"The number and modalities of systematic inspections will be decided by the Technical Secretariat on the basis of guidelines.

"4. Inspections

"(a) Systematic on-site inspections

Systematic on-site inspection activities may include, but are not necessarily restricted to, the following:

"(i) Application, examination, removal and renewal of seals

"(ii) Review, servicing and maintenance of monitoring equipment

"(iii) Verification of the inventory of randomly selected sealed bunkers/storage areas

- Percentage of bunkers/storage areas to be verified during each systematic on-site inspection

"(b) On-site inspections of transports from the facility

"On-site inspections of transports of chemical weapons from the storage facility may include, but are not necessarily restricted to, the following:

"(i) Application, examination, removal and renewal of any seals relevant to the transportation of chemical weapons

"(ii) Verification of the inventory of bunkers/storage areas from which chemical weapons are to be transported

"(iii) Observation of the loading procedure and verification of items loaded

"(iv) Adjustment/realignment of the coverage of the monitoring system

"(c) Inspections to resolve indicated irregularities (ad hoc inspections)

"Ad hoc inspection activities may include, but are not necessarily restricted to, the following:

"(i) Investigation of indicated irregularities

"(ii) Examination, removal and renewal of seals

"(iii) Verification as required of the inventory of bunkers/storage areas.

"(d) Continuous presence of inspectors

"The activities of continuously present inspectors may include, but are not necessarily restricted to, the following:

- "(i) Application, examination, removal and renewal of seals
- "(ii) Verification of the inventory of any selected sealed bunkers/storage areas
- "(iii) Observation of any and all activities at the storage facility, including any handling of stored chemical weapons for the purpose of transport from the storage facility.

"5. Seals and markers

- "(a) Description of types of seals and markers
- "(b) How and where seals are to be fixed.

"6. Monitoring system

- "(a) Description of items and their locations:
  - "(i) Sensors and other instruments
  - "(ii) Data transmission system
  - "(iii) Ancillary equipment
  - "(iv) ...
- "(b) Installation:
  - "(i) Time schedule
  - "(ii) Advance preparations at the storage facility
  - "(iii) Assistance to be provided by the State Party during installation
- "(c) Activation, initial testing and certification
- "(d) Operation:
  - "(i) Regular operation
  - "(ii) Routine tests
  - "(iii) Service and maintenance
  - "(iv) Measures in case of malfunctions
  - "(v) Responsibilities of the State Party

"(e) Replacements, modernizations

"(f) Dismantling and removal.

"7. Provisions governing instruments and other equipment to be used during inspections

"(a) Instruments and other equipment brought in by inspectors:

"(i) Description

"(ii) Testing, calibration and examination by the State Party

"(iii) Routine use

"(b) Instruments and other equipment to be provided by the State Party:

"(i) Description

"(ii) Testing, calibration and examination by inspectors

"(iii) Routine use and maintenance.

"8. Provisions governing sample-taking, on-site analyses of samples and on-site analysis equipment

"(a) Sample-taking from munitions, notably the standardization of methods for each different type of munition present at the facility

"(b) Sample-taking from bulk stocks

"(c) Other sample-taking

"(d) Duplicates and additional samples

"(e) On-site analyses (e.g., provisions concerning on-site/in-house analyses, analytical methods, equipment, precision and accuracy of analyses).

"9. Administrative arrangements

"(a) Preparations for arrival of inspectors

"(b) Transport for inspectors

"(c) Accommodation for inspectors

"(d) ....

"10. Services to be provided 1/

"Such services should include, but are not necessarily restricted to, the following:

- medical and health services
- office space for inspectors
- laboratory space for inspectors
- technical assistance
- telephone and telex
- power and cooling water supplies for instruments
- interpretation services

"For each type of service, the following information should be included:

- the extent to which that service is to be provided
- point of contact at the facility for the service.

"11. Amendments and revisions of the agreement

"(e.g. changes in loading procedures, types of transport, analytical methods).

"12. Other matters

---

"1/ The question of charges for the services needs to be discussed.

"ON-SITE INSPECTION ON CHALLENGE

"This paper represents the state of affairs of work done on the issue of On-Site Inspection on Challenge, as seen by the Chairman of the Ad Hoc Committee for the 1987 session. Nothing contained therein constitutes any agreement and therefore does not bind any delegation. The paper is presented with the aim of facilitating for delegations to analyse the situation and to arrive at common positions in the future work of the Committee.

"Under Part I, (paragraphs 1-13) material is found on the initial process for an on-site inspection on challenge, up until the submission of the report by the inspectors. The material under Part II refers to the process after the submission of the report and has been subject to less thorough consultations by the Chairman. However a number of points and questions have been raised. They are summarized in Part II, as seen by the Chairman.

"PART I

"1. Each State Party has the right at any time to request an on-site inspection of any site under the jurisdiction or control 1/ of a State Party, anywhere, in order to clarify doubts about compliance with the provisions of the Convention. A requesting State is under the obligation to keep the request within the objectives of the Convention.

"2. Throughout the inspection the requested State has the right and is under the obligation to demonstrate its compliance with the Convention.

"3. The on-site inspection on challenge shall be carried out in accordance with the request.

"(The initiation of a challenge inspection)

"4. The request shall be submitted to the Head of the Technical Secretariat. 2/ It shall as precisely as possible specify the site to be inspected and the matters on which reassurance is required, including the circumstances and nature of the suspected non-compliance, as well as indicate the relevant provision(s) of the Convention, about which doubts of compliance have arisen.

"5. The Head of the Technical Secretariat shall immediately notify the State Party to be inspected, and inform the members of the Executive Council about the request.

---

"1/ The question of 'jurisdiction or control' spans over many parts of the Convention. It is under continuous discussion and the exact formulations remain to be agreed upon.

"2/ It has been pointed out that there is a need to discuss ways and means to prevent misuse of such requests. One suggested approach is to transmit the request through a Fact Finding Panel.

"6. A team of inspectors shall be dispatched as soon as possible and arrive at the site to be inspected not later than ... hours 1/ after the request.

"7. The requested State is obliged to admit the team of inspectors and representative(s) of the requesting State into the country and assist them so that they can arrive at the site on time. 2/

"8. The inspectors shall at the arrival be permitted to secure the site in a way they deem necessary to ensure that no material of relevance for the inspection is removed from the site.

"9. Access to the site for the inspection team shall be provided not later than ... hours after the request.

"(The conduct of challenge inspection)

"10. The team of inspectors shall conduct the requested on-site inspection with the purpose of establishing relevant facts.

"11. The inspectors shall have the access to the site they deem necessary for the conduct of their mission, within the limits of the request. They shall conduct the inspection in the least intrusive manner possible to accomplish their task. The requested State shall facilitate the task of the inspectors.

The inspectors shall consult with the requested State which in keeping with its right and obligation may propose ways and means for the actual conduct of the inspection. The requested State may also make proposals for the protection of sensitive equipment or information, not related to chemical weapons. The inspectors shall consider the proposals made to the extent they deem them adequate for the conduct of their mission.

The inspectors shall conclude the inspection as soon as possible and not later than ... after the commencement of the inspection, and return to the Headquarter.

"12. In the exceptional case the requested State proposes arrangements to demonstrate compliance, alternative to a full and comprehensive access, it shall make every effort through consultations with the requesting State to reach agreement on the modalities for establishing the facts and thereby clarifying the doubts.

If agreement is reached within ... hours after the request, the inspection team shall carry out its task in accordance with the agreement. If no agreement is reached within ... hours after the request [the inspection shall be carried out in accordance with points 10 and 11 above.] [the inspection team shall report on the matter to the Executive Council which, within ... hours, shall ...].

---

"1/ A time span of 24-48 hours from the request to the arrival has been discussed.

"2/ Situations could be envisaged, i.a. when the site to be inspected is not on the territory of the requested State Party. Such cases could however be considered in the context of questions related to jurisdiction.



"The report)

"13. The team of inspectors shall submit a report to the Head of the Technical Secretariat as soon as possible and not later than ... days after the conclusion of the inspection.

The report shall be strictly factual and only contain relevant information, and may within these parameters, include information as to the manner in which the State Party inspected co-operated with the inspection team. Different views held by inspectors shall be attached to the report.

The Head of the Technical Secretariat shall promptly transmit the report to the requesting State, the requested State and to the Executive Council.

"The process after the submission of the report)

(To be elaborated)

"PART II

"Consideration of the Report

- Whether the Executive Council should meet as soon as possible to consider the Report?

"1. The character of the evaluation

"(a) The role of the requesting State and the significance of whether that State Party, is satisfied or not,

"(b) Should the Executive Council establish formally (i) whether it considers a violation of the Convention has taken place?, (ii) whether an abuse of the rights under Article IX has taken place?

"(c) If a violation has been established as a consequence of the evaluation of the report, what further steps?

"(i) measures with a bearing on the violating State Party, such as suspension of rights and privileges, export control arrangements etc.,

"(ii) a request that the violator remedy the situation,

"(iii) assistance to States Parties threatened as a consequence of violations (Art. X),

"(iv) convening of a special meeting of the Consultative Committee/ General Conference,

"(v) other measures,

"(d) If no formal establishment of violation is called for, could the steps mentioned under (c) above anyhow be undertaken?

"(e) Measures of two types:

- "(i) directives to the Secretariat to undertake certain actions,
- "(ii) recommendations to the States Parties to undertake certain action.

"2. The process of the evaluation

"(a) How should the Executive Council arrive at its positions

- "(i) unanimously
- "(ii) qualified majority
- "(iii) simple majority
- "(iv) other.

"(b) In which form should the Executive Council express itself

- "(i) decisions
- "(ii) opinions
- "(iii) other.

"(c) The role of the requesting and the requested State in the process of evaluation of the Executive Council

- "(i) participation in the deliberation of the Council
- "(ii) non-participation.

"3. The role of Consultative Committee/General Conference in the evaluation

- "(a) establish a violation,
- "(b) make decision,
- "(c) make recommendations,
- "(d) endorse positions taken by the EC.

"Concerning the process of evaluation of the Consultative Committee/General Conference, compare alternatives under Executive Council above.

"4. In the event of an abuse of the rights under Article IX, what measures to be considered,

- "(a) notification of States Parties
- "(b) compensation to the requested party
- "(c) other.

"Article X: Assistance

"PART I: Multilateral assistance

"1. Each State Party has the right to request assistance through the Executive Council:

"(a) in case it considers that chemical weapons have been used against it;

"(b) in case it has serious reasons to believe that there is a threat of use of chemical weapons against it.

"[(c) in case it feels that its security has been, or is likely to be, threatened as a result of any other violation of the Convention by another State Party or of the actions or activities of any State not party to the Convention which pose a threat to the objectives of the Convention or impede the attainment of these objectives.]

"2. Such a request shall be substantiated by relevant information supporting its validity [including, if appropriate, information derived from challenge inspection.] [and treated as a request for a challenge inspection if possible and necessary.]

"3. The Technical Secretariat shall promptly inform all States Parties about the request.

"4. The Executive Council shall: 1/

"(a) meet [immediately] to evaluate the request in the light of the information provided; 2/

"(b) if so deemed necessary, instruct the Technical Secretariat, within ... hours, to initiate an investigation of the facts related to the alleged use or threat of use and, when applicable, to establish an inventory of the specific assistance needed; [in appropriate cases, the Executive Council may direct that the investigation should include on-site inspection;] [each State Party to the Convention undertakes to co-operate in the carrying out of the investigation, including on-site inspection;] if an on-site inspection takes place, its conduct shall be governed by the principles and rules established in Article IX of the Convention;

"(c) on the basis of the results of the investigation carried out by the Technical Secretariat, decide on whether to request the provision of assistance; the decision to request assistance shall require a two-thirds majority;

"(d) inform all States Parties of its decision.

---

1/ A view was expressed that assistance should be provided automatically in case of actual use of chemical weapons. Another view was expressed that assistance should be provided on a voluntary basis.

2/ Some reservations have been expressed about the ability of the Executive Council to assess 'threat of use'.

"5. The Technical Secretariat, in close co-operation, as appropriate, with the relevant international agencies in the humanitarian field, will co-ordinate the actions undertaken in providing the necessary assistance. 1/ 2/

"PART II: Bilateral assistance

"1. Nothing in this Convention shall be interpreted as affecting the right of all the Parties to the Convention [, among themselves,] to conduct research with, develop, produce, acquire and use means of protection against chemical weapons, for purposes not prohibited by the Convention.

"[2. All the parties to the Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information for protection against chemical weapons.]

---

"1/ A view was expressed that States Parties should conclude subsidiary arrangements with the Technical Secretariat whereby they indicate ways and means by which they can provide assistance. Another view was expressed that the conclusion of such arrangements was not needed.

"2/ The question of how to meet the costs needs to be discussed.

"Article XI: Economic and technological development 1/

"1. Alt. 1

"This Convention does not limit the right of all States Parties to conduct research with, to develop, to produce, to transfer and to use chemicals for purposes not prohibited by the Convention subject to such other international agreements as States Parties may adhere to or establish [without discrimination].

"Alt. 2

"All States Parties to the Convention have the right to conduct research with, to develop, to produce, to transfer and to use chemicals for peaceful purposes without discrimination.

"2. [To the extent possible under their national law or other instruments of international law] States Parties should undertake to facilitate and have the right to participate in the fullest possible exchange of chemicals, equipment and scientific and technological information relating to development and application of chemistry for peaceful purposes.

"3. [To the extent possible under their national law or other instruments of international law] States Parties should promote and facilitate fullest possible international scientific and technological co-operation and transfer of non-proprietary technology. States Parties or Governments should not impose any restrictions on discriminatory basis which would impede development and promotion of scientific and technological knowledge in the field of chemistry.

"4. This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international co-operation in the field of chemistry for peaceful purposes.

---

"1/ The view was expressed that this article remains at an early stage of elaboration, and needs to be discussed further. In particular, there exists no common understanding as to the definition of key terms in the wording proposed for this article, and therefore no clear picture of the extent of the obligations to be undertaken by States Parties.

"Articles XII, XIII, XIV, XV and XVI

"During the first part of the 1988 session, the Chairman of the Ad Hoc Committee initiated open-ended consultations, as well as private consultations with interested delegations, on final provisions of the Convention (Articles XII to XVI).

"This discussion paper constitutes an attempt by the Chairman to summarize the views expressed during these consultations. The paper is presented with the aim of facilitating further consideration. Nothing contained therein constitutes any agreement and therefore does not in any way bind any delegation.

"Together with existing as well as future proposals and documents on these Articles, the discussion paper will be used for further work on these Articles.

---

"PART ONE

"Article XII: Relation to other international agreements

"Commentary

"(a) The relationship between the CW Convention and the Geneva Protocol of 1925 should be reflected in this Convention with due attention paid to reservations made to the Geneva Protocol;

"(b) The relation to the BW Convention might also be referred to in the CW Convention;

"(c) It has also been suggested that a general reference to other international instruments might be included.

"Possible wording for Article XII 1/

"1. Nothing in this Convention shall be interpreted as in any way [impairing] [limiting or detracting from] the obligations assumed under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

- or alternatively -

Nothing in this Convention shall be interpreted as in any way [impairing] [limiting or detracting from] the rights and obligations of any State Party with regard to the Geneva Protocol.

"2. Nothing in this Convention will be interpreted as in any way limiting or detracting from the obligations assumed by any State Party under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at London, Moscow and Washington on 10 April 1972.

"3. Nothing in this Convention will be interpreted as in any way impairing the rights and obligations of States Parties to this Convention which arise from other agreements [compatible with this Convention].

"4. Each Party to this Convention that is also a Party to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, affirms that the obligation set forth in paragraph 3 of Article I supplements its obligations under the Protocol.

---

"1/ Views were expressed that the final wording as regards the relationship between the CW Convention and the Geneva Protocol of 1925 will depend on the solution of the question of reservations made to the latter.

"Article XIII: Amendments

"Commentary

"(a) A differentiated amendment mechanism is required to meet the special needs of different parts of the Convention;

"(b) It is understood that specific modification procedures (i.e. for lists) will be provided for in relevant parts of the Convention;

"(c) The view was expressed that regardless of the type of procedure to be followed for the adoption of amendments, they shall enter into force at the same time for all States Parties;

"(d) Another view was expressed that each amendment shall only enter into force for those States Parties ratifying or accepting it.

"Possible wording for Article XIII

"1. Any State Party may propose amendments to this Convention. 1/

"2. The text of any proposed amendment shall be communicated to the [Depositary] [Director-General of the Technical Secretariat] not less than ... days prior to the meeting of the [Consultative Committee] [General Conference] [Review Conference], at which such amendment is to be considered, and shall be communicated promptly by him to all States Parties to this Convention. 2/

"3. Amendments to this Convention shall be adopted by the [Consultative Committee] [General Conference] [Review Conference] by a two-thirds majority of the members present and voting, and come into force for all Parties, following acceptance by all original States Parties, in accordance with their respective constitutional processes, and the deposit of their instruments of acceptance with the Depositary.

"4. Acceptance, as provided in paragraph 3, is not required in the case of any amendment modifying the provisions in ... (to be discussed).

---

"1/ It is to be discussed whether amendments to certain basic provisions of the Convention would not be permitted. If this is the case, these basic provisions should be enumerated.

"2/ It is to be discussed whether the Review Conference or meetings of the Consultative Committee are appropriate forums in which to consider amendments to the Convention.



"5. The provisions of this Article do not affect the special amendment procedures provided for in other parts of the Convention.

- or, as an alternative to paragraphs 1-5 above -

Any Party may propose amendments to this Convention. Amendments shall enter into force for Parties ratifying or acceding to them on the thirtieth day following the deposit of instruments of ratification or accession by a majority of the Parties to the Convention and thereafter for each remaining Party on the thirtieth day following the deposit of its instrument of ratification or accession.

"Article XIV: Duration, withdrawal

"Commentary

"(a) The duration of the Convention should be unlimited;

"(b) States Parties should, under conditions to be determined later on, have the right to withdraw from the Convention. 1/

"Possible wording for Article XIV

"1. This Convention should be of unlimited duration.

"2. (a) Each State Party to the Convention shall, in exercising its national sovereignty, have the right to withdraw from this Convention if [it decided that extraordinary events related to the subject matter of this Convention have jeopardized its supreme interests] [in the opinion of the withdrawing State there have arisen extraordinary circumstances connected with the content of this Convention which affect its supreme interests]. It shall give notice of such withdrawal to [the Depositary who will inform promptly all other States Parties to the Convention] [the Depositary and the Security Council of the United Nations]. Such notice shall include a statement of the reasons for the decision to withdraw.

"(b) The withdrawal shall take effect ... months after the deposit of the notification by the State Party concerned.

"3. (a) The withdrawal of a State Party from this Convention shall in no way affect the duty of [States Parties] [this State Party] to continue fulfilling the obligations assumed under any relevant rule of international law, particularly the Geneva Protocol of 17 June 1925. 2/

"(b) A State Party shall not, by reason of its withdrawal from this Convention, be discharged from its financial [and] [or such] other obligations (being not incompatible with the supreme interests which inclined it to withdraw) which accrued while it was a Party to the Convention.

- or, as an alternative to paragraphs 2 and 3 above -

"2. Every Party to this Convention shall, in exercising its national sovereignty, have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject-matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Convention, to the Depositary, and to the Security Council of the United Nations three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

---

1/ Views were expressed that the right of withdrawal should not be exercised during the period of destruction of chemical weapons. The view was also expressed that in case of violation, withdrawal could take place immediately.

2/ Views were expressed that this provision would not be necessary.

"Article XV: Signature, ratification, accession, entry into force

"Commentary

"(a) The Convention shall be open for signature to all States;

"(b) The Convention shall be ratified by signatories;

"(c) Non-signatory States shall be entitled to accede to the Convention;

"(d) Provisions on the entry into force shall ensure the widest possible adherence of States to the Convention.

"Possible wording for Article XV

"1. Signature

"(a) This Convention shall be open for signature to all States.

"(b) This Convention shall remain open for signature until [date] [its entry into force] at (venue).

"2. Ratification

"This Convention is subject to ratification by signatories according to their constitutional processes.

"3. Accession

"Any State which does not sign the Convention [until the expiry of the period indicated in paragraph 1 (b) of this Article] may accede to it at any time.

"4. Deposit of instruments of ratification or accession

"Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations, hereby designated as the Depositary.

- or, as an alternative to paragraphs 2 and 4 above -

"2. This Convention and its Annexes, which form an integral part thereof, shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations, hereby designated as the Depositary.

"5. Entry into force

"(a) This Convention shall enter into force [... days after the date of] [upon] the deposit of the [40th] [60th] instrument of ratification [or accession].

"(b) For each State Party ratifying or acceding to this Convention after the deposit of the [40th] [60th] instrument of ratification or accession, the Convention shall enter into force on the [...th day following the] day of the deposit of its instrument of ratification of accession, subject to (a) above. 1/

"6. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices. The Depositary shall immediately upon receipt transmit any notices required by this Convention to every State Party.

"7. This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations. 2/

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"1/ It is to be discussed further how to ensure that all 'chemical weapons capable States' could be included in those States whose ratification would be required for the Convention to enter into force.

"2/ The text of paragraphs 6 and 7 above, is an alternative to certain provisions that appear in page 174, paragraphs 1 and 2; page 177, Part Two; and page 176, paragraphs 1 and 2.

"Article XVI: Languages, authentic texts, registration

"Commentary

"None.

"Possible wording for Article XVI 1/

"1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Governments of all signatory and acceding States.

"2. This Convention shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

"Done at .....

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"1/ The view was expressed that the portion of this text dealing with the duties of the Depositary should be combined with the provisions of Article XV.

"PART TWO

"OTHER PROVISIONS WHICH MIGHT BE INCLUDED IN THE CONVENTION

"Views were expressed on the inclusion in the Convention of the following final provisions:

"1. Reservations

"Commentary

"Views were expressed that in the case of this Convention, the right to reservation should not be permitted. According to other views, the right to reservation should be exercised only to provisions in respect of which such a right is expressly permitted. A view was also expressed that further discussion should take place before a decision is made to recommend a provision limiting States Parties' rights to express reservations.

"Possible wording for a provision on reservations

'This Convention shall not be subject to reservations [unless expressly permitted, and to the extent as permitted, by any other provisions of this Convention].'

- or -

['No reservations or exceptions may be made to this Convention unless expressly permitted by other Articles of this Convention.']

['This Convention shall not be subject to reservations. Any declaration or statement made by a State when signing, ratifying or acceding to this Convention which purports to exclude or to modify the legal effects of the provisions of this Convention in their application to that State shall be of no effect.']

"2. Status of Annexes

"Commentary

"There is an understanding that the Annexes of this Convention should constitute integral parts of the Convention.

"Possible wording for a provision on the status of Annexes 1/

'Annexes Nos. .... form an integral part of this Convention.'

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<sup>1/</sup> The view was expressed that this provision should be combined with the provisions of Article XV.

"3. Depositary

"Commentary

"There is an understanding that:

"(a) The Depositary of this Convention should be the Secretary-General of the United Nations;

"(b) The Depositary should perform the standard functions of a Depositary under International Law.

"It is to be discussed what other functions might be entrusted to the Depositary with regard to the special needs of the Convention.

"Possible wording for the provision on the Depositary 1/

'1. The Secretary-General of the United Nations is hereby designated as Depositary of this Convention.

2. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of entry into force of the Convention and of any amendments thereto.'

---

"The questions of the settlement of disputes not related to compliance issues, as well as of the placement of the provision for review conferences, were also raised but have not yet been discussed.

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"1/ The view was expressed that the material in this Section should be combined with the provisions of Article XV.

"CHEMICAL WEAPONS PRODUCTION FACILITIES

"1. Definition

The term 'chemical weapons production facility':

"(a) means any equipment, as well as any building housing such equipment, that was designed, constructed or used since 1 January 1946:

"(i) as part of the stage in the production of chemicals ('final technological stage') where the material flows would contain, when the equipment is in operation, any Schedule [1] chemical, or any other chemical that has no use for permitted purposes above ... kilograms per year but can be used for chemical weapons purposes; 1/ or

"(ii) for filling chemical weapons. 2/

"(b) does not include any facility with an annual capacity for synthesis of chemicals specified in subparagraph 1(a)(i) above that is less than [1,000-2,000] kilograms. 3/ 4/

"(c) does not include the single small-scale production facility provided under the Annex to Article VI [1] of the Convention.

"2. Measures for destruction, including verification

"(a) General

- Chemical weapons production facilities should be destroyed.

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"1/ Any such chemical should be included in a relevant schedule of chemicals in the convention.

"2/ The filling of chemical weapons includes, inter alia:

- the filling of Schedule 1 chemicals into munitions, devices, or bulk storage containers;
- the filling of chemicals into containers which form part of assembled binary munitions and devices and into chemical submunitions which form part of assembled unitary munitions and devices;
- the loading of the containers and chemical submunitions into the respective munitions and devices.

"3/ The disposition of such facilities should be decided in the context of Articles III and VI of the Convention.

"4/ This threshold should be decided once an agreed definition for the term 'capacity' has been developed.



- Destruction and its verification should be conducted according to agreed guidelines.
- The detailed plans for destruction, as well as corresponding verification measures, should be agreed upon between the Executive Council and the State Party to ensure that the agreed guidelines are met.
- The destruction process should be verified by systematic international on-site inspection.

"(b) Destruction of equipment covered by the definition of a 'chemical weapons production facility'

- All specialized equipment should be physically destroyed.
- 'Specialized equipment' is:
  - . the main production train, including any reactor or equipment for product synthesis, separation or purification, any equipment used directly for heat transfer in the final technological stage (for example, in reactors or in product separation), as well as any other equipment which has been in contact with any Schedule 1 chemical, or any other chemical that has no use for permitted purposes above ... kilograms per year but can be used for chemical weapons purposes, or would be if the facility were operated.
  - . any chemical weapon filling machines.
  - . any other equipment specially designed, built or installed for the operation of the facility as a chemical weapons production facility, as distinct from a facility constructed according to prevailing commercial industry standards for facilities not producing super-toxic lethal or corrosive chemicals. (Examples include equipment made of high-nickel alloys or other special corrosion-resistant material; special equipment for waste control, waste treatment, air filtering, or solvent recovery; special containment enclosures and safety shields; non-standard laboratory equipment used to analyse toxic chemicals for chemical weapons purposes; custom-designed process control panels; dedicated spares for specialized equipment.)
- All 'standard equipment' should be physically destroyed.
- 'Standard equipment' includes:
  - . production equipment which is generally used in the chemical industry and is not included in the types of 'specialized equipment';
  - . other equipment commonly used in the chemical industry, such as firefighting equipment, guard and security/safety surveillance equipment, medical facilities, laboratory facilities, communications equipment.

"(c) Destruction of buildings covered by the definition of a 'chemical weapons production facility'

- The word 'building' should include underground structures.
- Specialized buildings should be physically destroyed.
- 'Specialized building' is:
  - . any building containing specialized equipment in a production or filling configuration;
  - . any building which has distinctive features which distinguish it from buildings normally used for chemical production or filling activities not banned by the convention.
- All 'standard buildings' should be physically destroyed.
- 'Standard buildings' means buildings constructed to prevailing industry standards for facilities not producing super-toxic lethal or corrosive chemicals.

"3. Related Measures

"(a) Facilities for production of key precursors

- Any facility used since ... to produce for chemical weapons purposes a key precursor for which the need for permitted purposes exceeds ... kilograms per year should be declared as such and monitored by on-site inspection and other measures provided under Article VI and the Annex to Article VI [2].

"(b) Facilities for producing chemical munitions and specialized equipment for chemical weapons employment

- Facilities used exclusively for production of: (a) non-chemical parts for chemical munitions or (b) specialized equipment for chemical weapons employment, should be declared and eliminated. The elimination process and its verification should be conducted according to the provisions of Article V that govern elimination of chemical weapons production facilities.
- All equipment designed or used exclusively for producing non-chemical parts for chemical munitions should be destroyed. Such equipment, which includes specially-designed moulds and metal-forming dies, may be brought to a special location for destruction. International inspectors should be present during the destruction process.
- All buildings and standard equipment used for such production activities should be converted to permitted purposes, with confirmation as necessary through consultations or challenge inspection.
- Permitted activities may continue while destruction or conversion proceeds.

"(c) Facilities for producing common commercial chemicals

- Facilities used since ... to produce a chemical in Schedule [3] for chemical weapons purposes should be declared and monitored under Article VI and the Annex to Article VI [3].
- Plants producing other common commercial chemicals that are not listed on one of the schedules of the convention need not be declared or monitored, even if they produced these chemicals for use in production of chemical weapons."

E. Prevention of an arms race in outer space

88. The item on the agenda entitled "Prevention of an arms race in outer space" was considered until the end of the 1984 session at plenary and informal meetings of the Conference. Proposals for the establishment of a subsidiary body under the agenda item were also considered at contact groups chaired by the President of the Conference. Since early 1985 work has been mainly proceeding in an ad hoc committee of the Conference.

89. At its 462nd plenary meeting on 29 April 1988, the Conference adopted the report of the Ad Hoc Committee, re-established by the Conference under the agenda item at its 446th plenary meeting. That report (CD/833), which was submitted in view of the third special session of the General Assembly devoted to disarmament, is an integral part of this special report and reads as follows:

"I. INTRODUCTION

"1. The Ad Hoc Committee on the Prevention of an Arms Race in Outer Space was first established at the 1985 session pursuant to the following decision of the Conference on Disarmament:

'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 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 examine, as a first step at this stage, through substantive and general consideration, issues relevant to the prevention of an arms race in outer space.

'The Ad Hoc Committee will take into account all existing agreements, existing proposals and future initiatives and report on the progress of its work to the Conference on Disarmament before the end of its 1985 session.'

"At the 1986 session, the Conference re-established the Committee and requested it '... to continue to examine, and to identify, through substantive and general consideration, issues relevant to the prevention of an arms race in outer space [... taking] 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 ...'. At the 1987 and 1988 sessions the Committee was re-established with the same mandate as in 1986. In that connection, at both sessions, the President of the Conference and various delegations made statements regarding the scope of the mandate. All of those statements made possible the adoption of the mandate.

## "II. ORGANIZATION OF WORK AND DOCUMENTS

"2. In 1985 the Ad Hoc Committee was chaired by Ambassador Saad Alfararqi (Egypt), in 1986 by Ambassador Luvsandorjiin Bayart (Mongolia), in 1987 by Ambassador Aldo Puqliese (Italy) and in 1988 by Ambassador Adolfo Raúl Taylhardat (Venezuela). Miss Aida Luisa Levin, Senior Political Affairs Officer, United Nations Department of Disarmament Affairs, served as the Committee's Secretary.

"3. During the period covered by this report, the Ad Hoc Committee held a total of 62 meetings.

"4. At various stages of the work, representatives of the following States not members of the Conference participated in the meetings of the Ad Hoc Committee: Austria, Denmark, Finland, Greece, Ireland, New Zealand, Norway, Portugal, Spain, Switzerland, Turkey and Zimbabwe.

"5. In addition to the documents of the 1985, 1986 and 1987 sessions, 1/ the following documents were before the Ad Hoc Committee at the 1988 session:

- CD/807 Letter dated 15 February 1988 addressed to the President of the Conference on Disarmament by the Permanent Representatives of Argentina, India, Mexico and Sweden transmitting the Stockholm Declaration, adopted in Stockholm on 21 January 1988 by the Heads of State or Government of Argentina, Greece, India, Mexico and Sweden and the First President of Tanzania;
- CD/816 Mandate for an Ad Hoc Committee under item 5 of the agenda of the Conference on Disarmament entitled 'Prevention of an arms race in outer space';
- CD/817 Letter dated 17 March 1988 from the Representative of the Union of Soviet Socialist Republics addressed to the President of the Conference on Disarmament, transmitting the text of a document entitled 'Establishment of an international system of verification of the non-deployment of weapons of any kind in outer space' (also issued as CD/OS/WP.19);

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1/ The list of documents of these sessions may be found in the respective reports of the Ad Hoc Committee, which are an integral part of the annual reports of the Conference on Disarmament to the General Assembly (CD/642, CD/732 and CD/787).

"In addition, the Committee had before it the following working papers:

- CD/OS/WP.19 Letter dated 17 March 1988 from the Representative of the Union of Soviet Socialist Republics addressed to the President of the Conference on Disarmament, transmitting the text of a document entitled 'Establishment of an international system of verification of the non-deployment of weapons of any kind in outer space' (also issued as CD/817);
- CD/OS/WP.20 1988 Programme of Work;
- CD/OS/WP.21 Statement by the Chairman of the Ad Hoc Committee at the 3rd meeting, on 22 March 1988;
- CD/OS/WP.22 Proposed Programme of Work for 1988, submitted by the Group of 21.

"III. SUBSTANTIVE WORK DURING 1985-1988

"6. In discharging the tasks set forth in its mandate, the Ad Hoc Committee at the beginning of each session adopted a programme of work covering the following subjects: issues relevant to the prevention of an arms race in outer space; existing agreements and existing proposals and future initiatives. Since 1986 the Committee has worked under the following programme of work:

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

'2. Existing agreements relevant to the prevention of an arms race in outer space.

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

'In carrying out its work, the Ad Hoc Committee will take into account developments which have taken place since the establishment of the Committee in 1985.'

The work of the Committee was governed by the mandate only.

"A. Issues relevant to the prevention of an arms race in outer space

"7. In the course of the work, various delegations drew attention to a number of issues relevant to the prevention of an arms race in outer space, such as: the status of outer space as the common heritage of mankind which should be used exclusively for peaceful purposes, the need to prevent an arms race in outer space, the absence at present of weapons in space, the identification of threats to which space objects are confronted, the relationship between the prevention of an arms race in outer space and arms limitation and disarmament measures in other areas, the relationship between bilateral and multilateral efforts to prevent an arms race in outer space and questions relating to verification and compliance.

"8. There was general recognition of the importance of the bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America. Some delegations, while stressing that there was clear need for the Conference on Disarmament to play a role with respect to problems relating to the prevention of an arms race in outer space, held that nothing should be done that would hinder the success of the bilateral negotiations. Furthermore, they believed that multilateral disarmament measures in this area could not be considered independently of developments at the bilateral level. Other delegations, emphasized that ongoing bilateral negotiations in no way diminished the urgency of multilateral negotiations and reaffirmed that, as provided for in the resolutions adopted by the General Assembly on the subject, the Conference on Disarmament, as the single multilateral disarmament negotiating forum, had the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects.

"9. Many delegations reiterated that outer space is the common heritage of mankind and should be reserved exclusively for peaceful uses to promote the scientific, economic and social development of all nations. Stressing the overriding importance and urgency of preventing an arms race in outer space, they expressed concern that the military competition between the two major powers was being extended into outer space. In their view, the introduction of weapons into space would result in an irreversible competition in the field of space weaponry which would have dangerous consequences for international peace and security, give the arms race a qualitatively new dimension, undermine existing agreements and jeopardize the disarmament process as a whole. They, therefore, believed that the priority task of the Ad Hoc Committee should be the immediate prohibition of the testing, production and deployment of weapons systems and their components adaptable for use in, towards, or from space. To that end, in their opinion, attention should focus on the question of the measures that should be adopted. These delegations also pointed to the military uses of space that were already taking place as an extension of weapons systems on Earth. In that connection, it was noted that information gathered by reconnaissance and surveillance satellites had been used in support of military operations against developing countries. The view was expressed that to guard against such uses, satellite reconnaissance and surveillance activities should be entrusted to an international agency. The view was also expressed that, in the interim, space powers should give assurances to non-aligned and neutral States against the discriminatory and inequitable use of satellites.

"10. Delegations of a group of socialist countries shared the view that outer space is the common heritage of mankind and that, consequently, its exploration and use should be preserved exclusively for peaceful purposes in order to promote the scientific, economic and social development of all countries. They also stressed the overriding importance and urgency of preventing an arms race in outer space. They were concerned about the danger of the extension of the arms race into outer space which would, in their view, accelerate the arms race in other areas and make reductions in strategic nuclear arsenals impossible. These delegations were of the view that the stage of exploring the problem of preventing an arms race in outer space had been passed and that the Ad Hoc Committee should proceed to more practical and concrete work on the elaboration of measures aimed at the prevention of an arms race in outer space. They believed that the most important aspect of the

problem of preventing an arms race in outer space was preventing the introduction of weapons in space through the prohibition of space-strike weapons. Their understanding of the term was that it included: first, space-based ABM systems of any principle of action, second, space-based systems of any principle of action designed to strike from space targets in the atmosphere or on the surface of the Earth and, third, systems of any principle of action and however based designed to strike space objects. They underlined the importance of assuring that the non-deployment of weapons in space would be effectively verified and to that end supported the establishment of an international inspectorate, as discussed below in paragraph 33. These delegations also noted that, although satellites were being used in a variety of support missions and were playing an important role in the strategic relationship, there had been no weapons permanently deployed in outer space up to the present time. They further observed that ballistic missiles having their launching sites and targets situated on Earth, were not space strike weapons either.

"11. Some delegations, while attaching utmost importance to the objective of preventing an arms race in outer space, stated that for thirty years space had appeared as an appropriate environment for national security activities like the Earth and the atmosphere. They also noted that military systems deployed in space accomplished a variety of support missions and that they played a vital role in the strategic relationship of the two major powers. They believed that it was necessary to give thorough consideration to the role that the military uses of space played in the maintenance of international peace and security. Beyond that, they noted that outer space was not immune from utilization by existing weapons systems such as ballistic missiles. These delegations rejected selective approaches to the prevention of an arms race in outer space, as represented by the concept of 'space strike weapons' which did not give an accurate picture of the threats faced by space objects and of the military and strategic situation relevant to outer space. They also criticized attempts to define categories of 'space strike weapons' which were at the same time too broad, because they placed in the same category systems with different functions and implications, and too narrow because they excluded weapons and other means which have the capability to disrupt the normal functioning of space objects. They were of the view that, while the Ad Hoc Committee had had very substantial discussions, fundamental divergencies persisted and the work was still in an exploratory phase. They considered that issues relevant to the prevention of an arms race in outer space could not be examined in isolation, but should be approached in the wider context of developments in other fields of arms limitation and disarmament, in particular the reduction of nuclear weapons. These delegations emphasised the need for a more thorough examination of questions relating to verification of, and compliance with, existing and future agreements. They also called for detailed information on national space programmes of military significance.

"12. One delegation stated that outer space should be explored and used in the service of peace and economic, scientific and cultural development for the benefit of the entire human race. It reiterated that it opposed the qualitative escalation of the arms race to outer space. It considered that the two major space powers, which at present were the only ones that possessed and were continuing the development of space weapons, should assume special responsibility for halting the arms race in outer space. It believed that

they should adopt practical measures in undertaking not to develop, test and deploy space weapons, and an international agreement on the complete prohibition of space weapons should be concluded through negotiations as soon as possible. It was of the view that at the present stage, work in the Conference on Disarmament should centre on the solution of the problems that were most directly related to preventing the 'weaponization' of outer space.

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

"13. There was general recognition that, as provided for in the 1967 Outer Space Treaty, activities in the exploration and use of outer space should be carried out in accordance with international law, including the Charter of the United Nations. Delegations generally also recognised the relevance of the Charter provisions concerning the non-use of force.

"14. Some delegations emphasized that the Charter of the United Nations played a central role in the legal régime applicable to outer space and, in that context, highlighted the special importance of the Charter provisions on the non-use of force - Articles 2(4) and 51 - which, taken together, prohibit any act of aggression in outer space. Accordingly, they believed that these provisions, together with other agreements, afforded a substantial degree of protection to space objects. Various other delegations, while acknowledging the importance of the Charter, considered that its provisions on the non-use of force were not, and by their nature could not be, sufficient to prevent an arms race in outer space since they did not address the problem of the development, testing, production and deployment of weapons in space. For example, these delegations recalled that the legal provisions of those Articles had not prevented the arms race on Earth, nor did they diminish the universally recognized need to negotiate disarmament agreements and even to ban specific types or whole classes of weapons. Some delegations also maintained that Article 51 of the Charter could not be interpreted as justifying the use of space weapons for any purpose or the possession of any type of space weapons. They further stressed that Article 51 could not be invoked to legitimize the use or threat of use of force in or from outer space.

"15. In the course of the work, various multilateral and bilateral instruments were examined, inter alia: the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (1963), the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967), the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (1968), the Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War Between the United States of America and the Union of Soviet Socialist Republics (1971), the Convention on International Liability for Damage Caused by Space Objects (1972), the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (1972), the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Prevention of Nuclear War (1973), the Convention on Registration of Objects Launched into Outer Space (1975), the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (1977) and the Agreement Governing the Activities of States on the Moon and other Celestial Bodies (1979). In this connection, reference was made to documents CD/OS/WP.6 and 7.



"16. It was noted that under the multilateral agreements in force: (1) it is prohibited to place in orbit around the Earth any objects carrying nuclear weapons or any other weapons of mass destruction and to install such weapons on celestial bodies or station them in outer space in any other manner; (2) the Moon and other celestial bodies are to be used exclusively for peaceful purposes and the establishment of military bases, installations and fortifications, the testing of any type of weapons and the conducting of military manoeuvres on celestial bodies are forbidden; (3) the testing of nuclear weapons or any other nuclear explosions in outer space is prohibited.

"17. Many delegations recognized that the outer space legal régime played and continues to play a significant role for the prevention of an arms race in outer space. It is for this reason that many delegations stressed the need to consolidate and reinforce that régime and enhance its effectiveness and the importance of strict compliance with existing agreements, both bilateral and multilateral.

"18. Many delegations noted the USSR/US statement at the December 1987 summit that their bilateral delegations in Geneva be instructed 'to work out an agreement that would commit the sides to observe the ABM Treaty, as signed in 1972, while conducting their research, development and testing as required, which are permitted by the ABM Treaty, and not to withdraw from the ABM Treaty for a specified period of time'.

"19. Various delegations, while recognizing that the existing legal régime placed some barriers to the arms race in outer space, through limitations on certain weapons and military activities in that environment, stressed that in some areas there were loopholes and some provisions of this legal régime lent themselves to different interpretations. They noted that the 1967 Outer Space Treaty, because of its limited scope, left open the possibility of the introduction of weapons in space, other than nuclear weapons or other weapons of mass destruction, in particular anti-satellite weapons and space-based anti-ballistic missile systems. They also noted that some of the Treaty's basic terms lent themselves to different interpretations. Furthermore, in their opinion, current developments in space science and technology, coupled with ongoing military space programmes, underscored the inadequacy of existing legal instruments to prevent an arms race in outer space. They, therefore, held that there was an urgent need to strengthen, supplement and amplify the existing legal régime applicable to outer space with a view to the effective prevention of an arms race in outer space in all its aspects.

"20. Some delegations considered that there already exists a considerable body of international law applicable to outer space and that the arms control régime in that environment is much more comprehensive than that on Earth. These delegations also believed that broader participation in existing multilateral agreements and strict observance of both multilateral and bilateral agreements would strengthen the legal régime applicable to outer space. They believed that in order to identify lacunae that might exist in the legal régime governing outer space it was first necessary to establish common ground on what were permitted and prohibited uses of outer space. They noted that the examination of existing agreements in the Ad Hoc Committee had revealed differences of view concerning the meaning of a number of basic terms - such as 'peaceful uses', 'militarization' - which remain to be defined in a satisfactory and generally acceptable fashion. Consequently, in their

view, there was still a need to arrive at a common understanding of what is forbidden and what is permitted under the legal régime applicable to outer space. In particular, these delegations were of the opinion that it was necessary to give in-depth consideration to the question of terminology with a view to reaching greater precision in the use of terms and referred to document CD/OS/WP.15 as a good basis for work. One of these delegations circulated a two-volume dictionary of terms relating to space science and technology, which was generally welcomed.

"21. One delegation, in addition to sharing the views reflected in the above paragraph, considered that the existing legal régime for arms control in outer space was equitable, balanced and extensive and that it could be said that it had been far more successful in preventing an arms race than any comparable legal régime on Earth. In the view of this delegation, since the advent of the space age thirty years ago, recurring predictions of an impending so-called arms race in outer space have not been borne out. The existing legal régime can be seen to be wide-ranging and logical. Moreover, the existing régime did not contain gaps and holes; instead, it placed strict legal controls on virtually any possible type of weapon in outer space and had several significant accomplishments to its credit. This delegation further noted that, for example, outer space is a zone free of nuclear weapons and not one known act in violation of Article 2, paragraph 4 of the United Nations Charter has occurred in space. In addition, it pointed out that in several cases there are even redundant and mutually-reinforcing legal constraints. It further believed that what was needed now was more participation in, better compliance with, and a fuller understanding of the existing legal régime. It maintained that if all nations were to comply fully with all existing agreements, there would be no doubt that outer space would be used only for peaceful purposes.

"22. Many delegations were of the view that all States, in particular the space powers, should become parties to the multilateral treaties in force that contain provisions relevant to the prevention of an arms race in outer space, in particular the 1963 Partial Test Ban Treaty and the 1967 Outer Space Treaty.

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

"23. Proposals and views were put forward by various delegations for consideration in the course of the work.

"24. Many delegations reiterated that the overall objective of the Conference on Disarmament should be the complete prohibition of the development, testing, production and deployment of space weapons. Pending the realization of that comprehensive objective, they considered that efforts should be concurrently directed towards the adoption of partial measures. Some delegations considered one of the most urgent problems to be a ban on anti-satellite weapons. Some other delegations maintained that the strengthening of the Registration Convention, inter alia, through effective verification provisions; prohibition of the introduction of new weapon systems into outer space; and ensuring that existing treaties safeguarding the peaceful uses of outer space, as well as the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems are fully complied with, strengthened and extended as necessary in the light of recent technological

advances, were also urgent. In this context, mention was also made of other measures called for in the Harare Declaration adopted at the Eighth Conference of Heads of State or Governments of Non-aligned Countries. These delegations recalled that individually or collectively they had presented the following proposals for consideration by the Ad Hoc Committee under point 3 of the programme of work:

- Amendment to Article IV of the 1967 Outer Space Treaty or additional protocol thereto;
- Definitions of space weapons;
- Declarations on the non-deployment of weapons in space;
- General treaty on the prohibition of anti-satellite weapons with specific protocols applicable to different categories of satellites;
- Prohibition of dedicated ASAT weapons;
- ASAT moratorium;
- Multilateral instrument to supplement the 1972 ABM Treaty;
- Strengthening of the 1975 Registration Convention;
- Establishment of a group of governmental experts.

"25. Delegations of socialist countries submitted the following proposals for measures aimed at the prevention of an arms race in outer space: draft treaty on the prohibition of the stationing of weapons of any kind in outer space (CD/274), draft treaty prohibiting the use of force in outer space, or from space against the Earth (CD/476), main provisions of a treaty on the prohibition of ASAT weapons and ways to ensure the immunity of space objects (CD/777), establishment of an international system of verification of the non-deployment of weapons of any kind in outer space, based on the international space inspectorate (CD/817) and the proposal for a structured discussion on item 3 of the programme of work (CD/OS/WP.18).

"26. Some delegations stated that proposals for measures relating to the prevention of an arms race in outer space should be judged in terms of their effectiveness, their contribution to international peace and security and their verifiability. Some of those delegations were also not in favour of proposals which have been made by delegations calling for an immediate ASAT ban, immunity for all satellites, a ban on so-called space weapons, a comprehensive ban on the use of force in space, an international inspectorate for the verification of the non-deployment of weapons in outer space and other similar approaches.

"27. Various delegations considered that existing proposals for the definition of space weapons (CD/OS/WP.13/Rev.1 and CD/OS/WP.14/Rev.1 and Add.1) shared common elements and thus provided a good basis for further work towards the objective of prohibiting the emergence of space weapons. Other delegations were not in favour of this approach since, in their view, it did

not give an accurate picture of all the threats confronting space objects and also overlooked other significant factors of the military and strategic situation relevant to outer space.

"28. Various delegations discussed proposals concerning the prohibition of anti-satellite weapons and the protection of satellites. It was suggested that one possible structure for an instrument on the subject would be in the form of a general treaty with specific protocols applicable to different categories of satellites. Reference was made to the suggestion that, in order to assure the verifiability of treaty commitments, untested anti-satellite systems could be prohibited, i.e., those capable of attacking satellites in high orbit. Another suggestion was that for purposes of an ASAT prohibition, a distinction might be made between dedicated anti-satellite systems, designed and tested for a flexible attack capacity, and ancillary systems with a limited and not clearly identifiable anti-satellite capacity. Still another view was that a treaty on the subject should: ban the use of force against any space object; prohibit the deliberate destruction, damage or interference with the normal functioning of space objects; proscribe the development, production or deployment of ASAT weapons; and provide for the destruction under international control of any existing ASAT weapons and to prevent the utilization and modification of any space object as well as manned spacecraft for anti-satellite purposes. Some delegations which supported a ban on ASAT weapons, emphasized that such a ban on ASAT weapons should give protection only to satellites performing peaceful functions and not to those engaged in activities which threatened the security of other States. An ASAT ban, therefore, presupposed an agreed definition of peaceful functions and a verification system aimed at determining whether objects launched into space fulfilled this criterion. Some other delegations were of the view that the issue of defining peaceful functions would have to be resolved in the context of negotiations on an ASAT ban. Commenting on proposals for the protection of satellites, one delegation noted that it would first be necessary to establish as clearly as possible within the context of existing international law and established international practice, which satellites perform functions that are in the common interest, what these common interests are and how these satellites contribute to them, following which, it would be necessary to identify how these satellites could be protected. In this regard one delegation also recalled that a proposal had been made that active discussion be entered into on measures to protect from attack all satellites - and their associated ground stations - that contribute to strategic stability and to verification of arms control arrangements. Some delegations commented in detail on a wide range of means that were available to interfere with the functioning of satellites which, in their view, demonstrated that in the examination of proposals to prohibit ASAT systems it was clearly necessary to take into account that the concept involved much more than weapons systems specifically designed and intended to destroy satellites. They pointed out the limitations, both of the notion of 'intention' for the classification of a device as an ASAT weapon, and of any distinction between so-called 'dedicated ASAT systems' and 'ancillary ASAT systems'. In addition, they also stated that the diversity and the characteristics of the potential threat against space objects could, in their view, make a treaty on the prohibition of ASAT systems difficult to verify and easy to circumvent.

"29. Commenting on proposals for the adoption of measures for the protection of space objects, some delegations noted that the majority of satellites perform military missions and held that to grant them immunity would be tantamount to legitimizing the military uses of space. In their opinion, the adoption of measures to protect space objects should be accompanied by a strengthening of the 1975 Registration Convention to assure that the functions and purposes of protected space objects are clear. It was suggested that the Convention should include provisions to verify the accuracy of the information provided thereunder and that the verification of the nature of space objects could be carried out at the launching sites.

"30. Delegations of socialist countries noted that scope and procedure for broadening the international exchange of information on the space activities of States were included in the proposal on the establishment of an international space inspectorate.

"31. Some delegations mentioned as worthy of study, such ideas and suggestions as the possibility of multilateralizing the provisions of existing bilateral agreements relating to the immunity of satellites; the role that the international monitoring of satellites might play; the possibility of placing constraints on some elements of anti-satellite activity, consistent with the security interests of all States; and a 'rules-of-the-road' agreement for space. Some delegations suggested several possible measures relevant to the security of satellites and to confidence-building and transparency for consideration by the Conference on Disarmament in its exploration of the prevention of an arms race in outer space: the reaffirmation and the development of the principle of non-interference with peaceful space activities; the elaboration of a code of conduct in outer space to prevent the risks and fears that could arise from certain manoeuvres of space objects; the reinforcement for greater transparency of the system of notification established by the 1975 Convention on the Registration of Space Objects; and international co-operation for the use of earth monitoring satellites for the verification of arms control and disarmament agreements.

"32. Referring to proposals for banning the use of force in outer space, immunizing satellites from attack, immunizing satellite ground stations from attack and banning anti-satellite weapons, one delegation held that such proposals were either redundant or perhaps even prejudicial to the legal controls that were already in place. In its view, all uses of force except in self-defence were currently prohibited by law; all satellites and the ground stations associated with such satellites were already protected from attack except in cases of self-defence; the existing legal régime placed many restraints on the nature, deployment and uses of ASATs; and a comprehensive ASAT ban would raise many complex problems. Regarding proposals and views to amend the Registration Convention, this delegation stated that consideration of the Registration Convention falls properly within the venue of the United Nations Committee for the Peaceful Uses of Outer Space (COPUOS), and not the Conference on Disarmament's Ad Hoc Committee on Outer Space.

"33. Various delegations noted that existing legal restraints were not comprehensive enough to prevent the emergence of non-nuclear ASAT weapons in outer space and should, therefore, be supplemented by agreements which would preclude the introduction of such weapons in that environment.

"34. Some delegations, noting that limits on offensive nuclear weapons would be possible only if strict constraints were placed on BMD systems, emphasized the need to supplement the bilateral ABM Treaty through the conclusion of a multilateral agreement of unlimited duration banning or placing stringent limits on such systems. In this connection, they recalled the proposal to this effect made by one delegation in 1986 (CD/OS/WP.12).

"35. Various delegations supported the proposal that members of the Conference on Disarmament should declare that none of them has deployed weapons in outer space on a permanent basis. Other delegations questioned its usefulness because, in their view, such a declaration was not verifiable and might interfere with the bilateral negotiations.

"36. Delegations generally recognized the importance of verification in the context of measures to prevent an arms race in outer space. Beyond that, some delegations considered that verification did not raise insurmountable obstacles to the conclusion of agreements to prevent an arms race in outer space since, in their view, it should be possible to assure verification of compliance through a combination of national technical means and international procedures. A number of delegations were of the view that verification functions should be entrusted to an international body to provide the international community with an independent capability to verify compliance. In this connection reference was made to the proposed international satellite monitoring agency. Mention was also made of the possibilities offered by the PAXSAT concept - a research programme on the feasibility of the application of remote-sensing techniques to the verification of multilateral arms limitation and disarmament agreements and covering both space-to-space and space-to-ground remote-sensing.

"37. Sharing these views, socialist delegations underlined that the non-deployment of weapons in space should be effectively verified. They supported the creation of a world space organization which would, inter alia, perform verification functions. They also suggested that, pending the conclusion of an appropriate agreement on space, a start should be made on establishing a system for international verification of the non-deployment of weapons of any kind in outer space. The main purpose of such a system would be to determine that objects to be launched into and stationed in space were not weapons and were not equipped with weapons of any kind. In the opinion of the group of socialist countries, the central place in such a system of verification might be taken by an international space inspectorate upon which the States parties to the agreement would confer the right of access, for inspection purposes, to any objects intended to be launched into and stationed in outer space. In order to ensure a complete ban on space weapons, measures of verification with the aid of the international space inspectorate should include, inter alia: advance submission by the receiving State to the representatives of the international space inspectorate of information on every forthcoming launch, including the date and time of launch, the type of launch vehicle, the parameters of the orbit and general information on the space object to be launched; the permanent presence of inspection teams at all sites for launching space objects in order to check all such objects irrespective of the vector; and the verification of undeclared launches from undeclared launching pads by means of extraordinary on-site inspections without right of refusal.

"38. Some delegations maintained that issues relating to verification and compliance needed to be considered in greater depth. They noted that many elements of the existing legal régime applicable to outer space were relatively simple and stated that the more complicated any arms control agreement for outer space was, the more difficult it would be to verify compliance with it. They believed that verification and compliance issues were particularly sensitive and complex in this area because, on the one hand, vital national security interests were at stake and, on the other hand, the vastness of space and the possibilities of concealment on Earth posed special problems. With respect to the proposal for the establishment of a world space organization, some delegations were of the opinion that its consideration was beyond the competence of the Conference on Disarmament. They also foresaw substantial technical, political and organizational difficulties associated with an international verification inspectorate. In this regard, they believed that one had to keep in mind that virtually any space object, if controlled and manipulated properly, is capable of serving as a weapon. They stated that this basic fact plus many technical, definitional, organizational and political obstacles bar the way to a successful international verification inspectorate.

"39. Some delegations, expressing concern at restrictions being placed on the transfer of space technology, stated that in the consideration of proposals it was necessary to contemplate ways and means of strengthening international co-operation in the peaceful uses of outer space so that all States would have access without discrimination to space technology to promote their economic and social development according to their needs, interests and priorities. In that connection, these delegations underlined the need to further the objectives of Article I of the Outer Space Treaty.

"40. Delegations of socialist countries drew attention to the proposal for the establishment of a world space organization and to the proposal that the leading space powers establish an international centre for conducting joint research and development of space technology prototypes ordered by developing countries.

"41. Many delegations emphasized that all aspects of the arms race in outer space should be dealt with in order to achieve a comprehensive régime to prevent an arms race in outer space. Three possibilities were suggested to achieve a complete prohibition of all activities that could directly or indirectly contribute to an arms race in outer space: amending Article IV of the 1967 Outer Space Treaty, an additional protocol thereto, or the elaboration of a new comprehensive treaty or partial agreements aimed at the prevention of an arms race in outer space, as appropriate.

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"42. Some delegations supported the idea of establishing a group of governmental experts to provide technical expertise and guidance in the consideration of issues relating to the prevention of an arms race in outer space. The view was expressed that such a group could assist the Ad Hoc Committee with respect to problems of definition and verifiability of space assets. Another idea advanced by some delegations was that the group could be entrusted with the task of defining the nature of the information that should be provided pursuant to the 1975 Registration Convention in order

to permit that a distinction be made between military and non-military space objects. Other delegations believed that a governmental expert group was not the only alternative and that other appropriate arrangements could be considered to provide scientific and technical expertise to the Committee. Some delegations shared the view that the participation of experts made a valuable contribution to the work of the Committee and believed that it would be useful for experts to be included in delegations. In their opinion, however, at this stage of the work, the Committee was not yet in a position to establish a group of experts with a specific mandate. Some delegations suggested that, with a view to reaching a common approach to the objective of preventing an arms race in outer space, it would be desirable that the Committee draw up an open-ended list of questions and, at an appropriate stage, identify those that needed further elaboration by experts under a clearly-defined mandate.

"43. Some delegations were of the view that the Ad Hoc Committee had completed the exploratory phase of its work and that it should concentrate on the consideration of measures to prevent an arms race in outer space in all its aspects. They believed that the ideas and suggestions that had been put forward in the course of the work provided sufficient areas of consensus for the initiation of multilateral negotiations on such measures. Other delegations considered that, while the work accomplished had contributed to a broader and deeper understanding of the subject, it was still necessary to continue the examination and identification of issues relevant to the prevention of an arms race in outer space in order to reach a level of common understanding that would permit the Committee to arrive at a common definition of the scope and specific objectives of multilateral efforts for the prevention of an arms race in outer space.

#### "IV. CONCLUSION

"44. There was 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 carried out by the Committee since its establishment contributed to the accomplishment of its task. The Committee advanced and developed further the examination and identification of various issues relevant to the prevention of an arms race in outer space. The discussions held contributed to a better understanding of a number of problems and to a clearer perception of the various positions. It was recognized that the legal régime applicable to outer space by itself does not guarantee the prevention of an arms race in outer space. There was recognition of the significant role that the legal régime applicable to outer space plays in the prevention of an arms race in that environment and of the need to consolidate and reinforce that régime and enhance its effectiveness and of the importance of strict compliance with existing agreements, both bilateral and multilateral. 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 states that 'in order to prevent an arms race in outer space, further measures should be taken and appropriate international negotiations held in accordance with the spirit of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies'. A



preliminary consideration was given to a number of proposals and initiatives aimed at preventing an arms race in outer space and ensuring that its exploration and use will be carried out exclusively for peaceful purposes in the common interest and for the benefit of all mankind."

F. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

90. The item on the agenda entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" has been considered since 1982 mainly in a subsidiary body of the Conference. The report of the Ad Hoc Committee referred to in the following paragraph contains a description of the work of that subsidiary body.

91. At its 460th plenary meeting on 26 April 1988, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 436th plenary meeting. That report (CD/825), which was submitted in view of the third special session of the General Assembly devoted to disarmament, is an integral part of this special report and reads as follows:

"I. INTRODUCTION

"1. At its 436th plenary meeting on 2 February 1988 the Conference on Disarmament decided to re-establish for the duration of its 1988 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 first part of the 1988 session in view of the forthcoming third special session of the General Assembly devoted to disarmament (CD/801). Pursuant to that request, the Ad Hoc Committee submits its report to the Conference regarding the present state of negotiations on the subject, taking into account negotiations conducted since August 1982.

"2. In 1982 and 1983 Ambassador Mansur Ahmad of Pakistan was Chairman of the Ad Hoc Working Group on the agenda item. After that, the following Ambassadors were appointed Chairman of the Ad Hoc Committee on the agenda item: Ambassador Borislav Konstantinov of Bulgaria in 1984; Ambassador Mansur Ahmad of Pakistan in 1985; Ambassador Paul von Stülpnagel of the Federal Republic of Germany in 1987; Ambassador Dimitar Kostov of Bulgaria in 1988 and, in his absence, Ambassador Konstantin Tellalov. In 1986, the Ad Hoc Committee was not re-established. In the course of the second part of the 1982 session, as well as the sessions from 1983 to 1985 and 1987 to 1988, the Ad Hoc Working Group and Ad Hoc Committee held 41 meetings.

"3. At their request, representatives of the following States not members of the Conference on Disarmament were invited to participate in the various sessions of the subsidiary body since August 1982: Austria, Bangladesh, Cameroon, Colombia, Democratic Yemen, Finland, Greece, Ireland, New Zealand, Norway, Portugal, Senegal, Spain and Zimbabwe.

"II. SUBSTANTIVE NEGOTIATIONS DURING THE SECOND PART OF THE  
1982 SESSION AND THE SESSIONS FROM 1983 THROUGH 1987

"4. At the beginning of the second part of the 1982 session, one delegation recalled in a statement before the plenary that in document CD/280 the Group of 21 had urged the nuclear-weapon States concerned to review their policies and to present revised positions on the subject to the second special session. That delegation then stated that at the special session there had been no response at all to these concerns of the Group of 21 from two of the nuclear-weapon States concerned, and that the work on this item had reached an impasse. Having taken note of the above-mentioned assessment of the state of negotiations, it was generally understood that the Working Group would not hold any meetings during the second half of 1982. One delegation disagreed with the assessment of the state of negotiations expressed in CD/280 and with the views expressed by the delegation referring to the Group of 21 statement and stated it had been prepared to resume work on the issue.

"5. During the course of the meetings of the Ad Hoc Working Group in 1983 the prospects for further progress on the issue were debated. The Chairman of the Ad Hoc Working Group suggested three mutually non-exclusive approaches for possible adoption by the Working Group in its consideration of the subject, namely, (1) to continue negotiations towards an agreement on a common formula which could be included in an international instrument of a legally binding character; (2) to examine the relevance and the direct implications of the non-first-use of nuclear weapons to the so-called negative security assurances; and (3) to adopt any other approach which might help in the resolution of some of the problems. Negotiations on a 'common formula' did not result in substantive progress but the importance of effective security assurances to non-nuclear-weapon States was reaffirmed. It was widely held that there was an urgent need to reach agreement on a 'common formula' which could be included in an international instrument of a legally binding character. There was also no objection, in principle, to the idea of an international convention; however, the difficulties involved were also pointed out. The relevance of the non-first-use of nuclear weapons to negative security assurances was debated, but divergent views remained on the subject. One nuclear-weapon State reiterated that it undertook unconditionally not to use or threaten to use nuclear weapons against non-nuclear States and nuclear-free zones. One nuclear-weapon State stressed the importance of its unilateral obligation not to be the first to use nuclear weapons, assumed during the second special session of the General Assembly devoted to disarmament. Another approach was proposed that the question of security assurances be examined according to the categories of non-nuclear-weapon States contained in the five unilateral declarations of the nuclear-weapon Powers. The discussions on this approach remained inconclusive. In addition, during the course of the meetings, the five nuclear-weapon States reiterated their unilateral assurances. One nuclear-weapon State recalled the substantial expansion of its position presented during the second special session on disarmament (CD/321). Different views were expressed in connection with those statements. Furthermore, the Group of 21 presented document CD/407 to the Committee on Disarmament containing a statement that further negotiations in the Committee were unlikely to be fruitful so long as nuclear-weapon States did not exhibit a genuine political will to reach a satisfactory agreement.

"6. During the 1984 session of the Conference, the Ad Hoc Committee held consultations and discussions with a view to overcoming those difficulties. The importance of effective security assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons was reaffirmed. Discussions were held to attempt to reach agreement on a 'common formula' of a legally binding character. The question of how to harmonize different views and find such a formula was considered. A number of delegations expressed the view that the 'common formula' should be based on a non-use or non-first-use clause and stressed the importance of the non-stationing criterion. Other delegations, including three nuclear-weapon States, challenged that approach and maintained that the common ground should embody two elements - the status of non-nuclear-weapon States and a non-attack provision. Those States maintained that no provision of the United Nations Charter limits the right of States to make use of the means they deem the most appropriate, subject to existing international agreements, in the exercise of their inherent right of individual or collective self-defence as recognized in Article 51. It was stressed that the 'common formula' should first of all meet the wishes of the non-nuclear-weapon States and be conducive to the strengthening of their security. Many delegations felt that the very term 'non-nuclear-weapon States' was unambiguous and self-explanatory and it ruled out, by definition, any further need to elaborate on the status of such States. These delegations also maintained that Article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons. The question of form was also discussed. Again, there was no objection in principle to the idea of an international convention; however, the difficulties involved were also pointed out. Some delegations suggested that pending agreement on those matters elements of interim arrangements should be explored. Some delegations considered that a resolution of the Security Council containing a common denominator could be an acceptable interim solution but not a substitute to a final solution. Many delegations expressed the view that a common denominator should be an unconditional guarantee similar to that given by one nuclear-weapon State. They stated that a 'common formula' was politically, legally and technically possible if four of the five nuclear-weapon States were to review their policies and formulate revised positions so as to respond positively to the legitimate concerns of the neutral and non-aligned States. Other aspects as to the form and substance of such arrangements were also analysed. The question of the relevance of the non-first-use of nuclear weapons commitment to the issue was re-examined as well as the relevance of a mutual non-use of force commitment. Divergent views remained on these subjects. In addition, the importance of the establishment of nuclear-weapon-free zones to the question was raised. A possible way out of the impasse was suggested again to the effect that security assurances could be provided only to those non-nuclear-weapon States which were outside the two major alliance systems. Discussion of this proposal remained inconclusive.

"7. At the 1985 session, owing to the late establishment of the Ad Hoc Committee, the Chairman held informal consultations with a view to determining the most efficacious manner to address the item during the remaining part of the session. As a result of those consultations, the Chairman concluded that positions espoused by the nuclear-weapon States during previous years had not changed. During the course of consultations different views were expressed regarding possibilities for making progress.

"8. In the course of the 1986 session of the Conference, consultations were held on the agenda item under the guidance of successive Presidents of the Conference to explore ways and means to overcome the difficulties encountered in its work in carrying out negotiations on the question. These consultations, which were particularly focused on the re-establishment of the Ad Hoc Committee and the appointment of the Chairman, were inconclusive and it was generally agreed that this question would be taken up at the beginning of the 1987 session. Some delegations expressed their disappointment at the lack of progress on the question and reiterated their appeal to the nuclear Powers to re-examine their unilaterally declared policies and positions relating to arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Some of them noted that security assurances to non-nuclear-weapon States was the least nuclear-weapon States could expect to give in exchange for the commitment by other States under the Treaty on the Non-Proliferation of Nuclear Weapons. Some delegations were of the view that security assurances to non-nuclear-weapon States should be without qualification and pre-conditions, not subject to divergent interpretations and unlimited in scope, application and duration. In statements before the plenary, one delegation pointed out that there were three categories of non-nuclear-weapon States and expressed the belief that there were feasible treaty formulations for each category, which would be realistic, discourage the geographical spread of nuclear weapons and satisfy the security considerations of all parties. This delegation also held that finding a consensus formulation required effective negotiations and stated that it was not helpful for delegations to prejudge their outcome. Some delegations strongly favoured conclusion of an international legally binding instrument to assure non-nuclear-weapon States having no nuclear weapons on their territories against the use or threat of use of such weapons and they pointed out that the unilateral declaration made by the nuclear-weapon State belonging to those delegations, was a credible and unconditional assurance which met the security concerns of the non-nuclear-weapon States. Some other delegations drew attention to the unilateral declarations made by three nuclear-weapon States, which they regard as credible and reliable and which amount to firm declarations of policy and they expressed their readiness to continue discussion of the question, though acknowledging that previous experience had shown the difficulties involved in elaborating an international convention on the subject. One delegation, not belonging to any group, held that, pending the complete prohibition and thorough destruction of nuclear weapons, all nuclear-weapon States should undertake not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-free zones and reiterated that it unconditionally assumed such an obligation. It also supported all efforts conducive to reaching an agreement on effective international arrangements in this regard.

"9. At the start of the work of the Ad Hoc Committee in 1987, the Chairman put forward as topics for discussion in the Ad Hoc Committee a review of positions and consideration of new proposals in the light of recent developments in arms control and international relations; and a consideration of conclusions that the Ad Hoc Committee could draw, including, inter alia, the possibilities for interim measures and alternatives for action. During consideration of the first item in the Ad Hoc Committee, delegations pointed to various aspects of recent developments in the field of disarmament and international relations and different views were expressed on their relevance to the question of security assurances.

"10. In connection with the second item, one delegation put forward a proposal categorizing the non-nuclear-weapon States according to the diversity of their military situations (document CD/768), namely: (a) non-members of military alliances with a nuclear-weapon State; (b) members of military alliances with a nuclear-weapon State but having no nuclear weapons on their territories; and (c) members of military alliances that have other States' nuclear weapons on their territories. That delegation proposed undertakings to be assumed by the nuclear and the non-nuclear-weapon States in respect of the various categories, and further proposed that nuclear-weapon States undertake to commence without delay, and conscientiously, negotiations with a view to concluding agreements to remove their nuclear weapons stationed on the territories of other States, prohibit the use of nuclear weapons, and reduce and eliminate existing stocks. An exchange of views was held on the proposal and it was generally agreed that it contained elements that required further study by the Committee.

"11. In connection with the concept of 'common formula', one delegation resubmitted a proposal of 1982 on the form in which the common elements of such a formula could be embodied. That delegation proposed again, as an interim measure, that the views of the nuclear-weapon States, which need not be identical, be integrated into a Security Council resolution. That delegation further suggested that the Conference on Disarmament agree to put a paragraph in its annual report with regard to elements for a 'common formula', that is, in the view of that delegation, that States that had made an internationally binding commitment not to acquire nuclear weapons and were not a military ally of a nuclear-weapon State had received solemn assurances by all nuclear-weapon States against the use or threat of use of nuclear weapons, as well as with regard to the idea of a Security Council resolution as an interim measure. Other delegations reiterated their view that a resolution of the Security Council embodying disparate declarations of the nuclear-weapon States could not serve as the effective arrangement sought by the non-nuclear-weapon States and emphasized that, in view of the limitations, conditions and exceptions contained in the declarations made by some nuclear-weapon States, these delegations could not agree with the above statement that all States that had made an internationally binding commitment not to acquire nuclear weapons and were not a military ally of a nuclear-weapon State had received solemn assurances from all nuclear-weapon States against the use or threat of use of nuclear weapons.

### "III. PRESENT STATE OF NEGOTIATIONS

"12. At the beginning of the 1988 session, the Chairman of the Ad Hoc Committee, after appropriate consultations, proposed a list of topics for discussion during the first part of the session based on the experience of the 1987 session. In addition to consideration of the present report, the Chairman suggested the following topics: a general exchange of views; a review of positions and consideration of existing proposals and future initiatives in the light of recent developments in the field of disarmament and international relations; and conclusions including consideration, inter alia, of the possibilities for interim measures and alternatives for action.

"13. The importance attached to reaching an agreement on effective international arrangements not to use or threaten to use nuclear weapons was reaffirmed once again. As in the previous years, the Ad Hoc Committee concentrated primarily on the scope and the nature of the arrangements on the understanding that an agreement on the substance of the arrangements could facilitate the agreement on the form. Within this context, the proposal made by one delegation at the 1987 session (CD/768) categorizing non-nuclear-weapon States according to the diversity of their military situations was further discussed. The delegation that had sponsored the preceding proposal put forward an alternative option to the effect that nuclear-weapon States set aside their various unilateral declarations to facilitate effective negotiations and the adoption of a convention on the basis of a common approach or formula. According to that alternative option, any nuclear-weapon State would have the right to make reservations reflecting its unilateral declarations while ratifying such a convention. The proposals were widely recognized as a good basis for discussion and negotiation. This view was not shared by a number of delegations which maintained that these proposals were not likely to facilitate agreement on a 'common formula' which could be included in an international instrument of a legally binding character. However, the in-depth discussion on the proposals raised some questions and it was widely felt that more time was needed for reflection. All delegations expressed their readiness to seek agreement on a 'common formula' acceptable to all to be included in an international instrument of a legally binding character.

"14. Some delegations reiterated their long-standing belief that the most effective guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the prohibition of nuclear weapons. They held that pending the achievement of that goal, negative security assurances were an indispensable measure to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. In their view, nuclear-weapon States had an obligation to guarantee, in clear and categorical terms and in an internationally binding form, that non-nuclear-weapon States would not be attacked or threatened with nuclear weapons. They remained convinced that the existing assurances and unilateral declarations fell far short of the credible assurances sought by non-nuclear-weapon States. They continued to assert their belief that, in order to be effective, those assurances must be unconditional, without qualification, not subject to divergent interpretation and unlimited in scope, application and duration. In the view of these delegations, the declarations of four of the five nuclear-weapon States were based solely on their own strategic considerations and did not respond to the legitimate security concerns of the non-nuclear-weapon States, which had voluntarily renounced the nuclear weapon option in the larger interest of promoting nuclear disarmament. These delegations held that the positions of those four nuclear-weapon States confirmed the opinion that the question of negative security assurances continued to be approached by nuclear-weapon States from the narrow point of view of their security perceptions vis-à-vis each other and was not aimed at providing effective and credible guarantees to assure the security of non-nuclear-weapon States. Those delegations maintained that Article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons, since nuclear war would threaten the very survival of mankind. They once again expressed the apprehension that a situation whereby

some nuclear-weapon States claimed the right to use nuclear weapons against non-nuclear-weapon States would weaken the non-proliferation régime. They also continued to maintain that assurances sought by non-nuclear-weapon States could best be provided by an international instrument with binding legal effect. They stressed again that the need for assurances had not lessened but rather increased with the passage of time. They called upon the concerned nuclear-weapon States to demonstrate a genuine will to reach a satisfactory agreement and review their positions so as to remove the limitations, conditions and exceptions contained in their unilateral declarations. Several delegations also held that insistence on unilateral declarations by nuclear-weapon States introduced a new element in multilateral disarmament negotiations which undermined the sovereignty of States. Similarly, these delegations felt that insistence on the part of the non-nuclear-weapon States on unconditional assurances without due regard to the security concerns of the nuclear-weapon States would be unfruitful, unrealistic and unattainable. These delegations felt that security assurances must be effectively negotiated taking into full consideration the realities of the security situation of the present day. They drew attention to the fact that the majority of States represented at the Conference on Disarmament and of States Members of the United Nations have renounced, in legally binding international instruments, their sovereign right to manufacture nuclear weapons and appealed for greater flexibility and understanding on the question of negative security assurances from both nuclear and non-nuclear-weapon States.

"15. A number of delegations, including a nuclear-weapon State, restated that they shared the belief that the most effective and reliable guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the complete elimination of nuclear weapons. They held the view that pending the achievement of that objective, various interim measures should be taken to strengthen the security of non-nuclear-weapon States. These delegations referred to proposals, such as the prohibition of the use of nuclear weapons by an appropriate international convention, the assumption of a policy of non-first-use of such weapons by all nuclear-weapon States which would actually preclude the use of nuclear weapons against all States, including the non-nuclear-weapon States, the establishment of nuclear-weapon-free zones as an effective means to ensure the necessary prerequisites for all nuclear-weapon States to assume obligations not to use or threaten to use nuclear weapons against the zonal non-nuclear-weapon States. They maintained their support for the conclusion of an international legally binding instrument to assure effectively, uniformly and unconditionally the non-nuclear-weapon States having no nuclear weapons on their territories against the use or threat of use of such weapons. The nuclear-weapon State belonging to that group of delegations reaffirmed the continuing validity of its guarantee of non-use of nuclear weapons with respect to such non-nuclear-weapon States, as well as of its obligation not to be the first to use nuclear weapons. That nuclear-weapon State pointed to the fact that it had provided relevant guarantees to the States parties to the Tlatelolco Treaty and had ratified Protocols 2 and 3 to the Treaty of Rarotonga without any reservations. It also stated that, in the event of a nuclear-weapon-free zone being created in the Balkans, it would be ready to provide all necessary guarantees to the States parties to the zone. These delegations reaffirmed their readiness to participate in the search for a solution to the 'negative security assurances' problem, which would arrive at a 'common formula' to be included in an international legally binding document. They were of the view

that the military doctrines of military alliances, particularly of the nuclear-weapon States parties to those alliances, had a most direct bearing on the security assurances to non-nuclear-weapon States. These delegations rejected the doctrine of nuclear deterrence and pointed to the need for a fresh political and military approach to urgent security issues, many of which relate to the security of non-nuclear-weapon States as well. They supported the view that Article 51 of the United Nations Charter could not be invoked to justify the use or threat of use of nuclear weapons in the exercise of the right of self-defence in the case of armed attack not involving the use of nuclear weapons, since nuclear war would threaten the very survival of mankind. In a broad perspective, these delegations strongly favoured the adoption of a comprehensive system of international peace and security, which they believed would lead to a world free of nuclear weapons and a non-violent world. They again drew attention to the proposal in the Berlin document of 29 May 1987, entitled 'On the Military Doctrine of the States Parties to the Warsaw Treaty' (CD/755) calling for consultations at expert level between the WTO and NATO 'in order to compare the military doctrines of the two alliances, analyse their nature and jointly discuss the patterns of their future development'. These delegations reaffirmed the position of their States, as expressed in that document, that (i) they will never under any circumstances initiate military action against any State or alliance of States unless they are themselves the target of an armed attack, and that (ii) they will never be the first to employ nuclear weapons, which, together with other provisions of the document, underlined, in their view, the defensive character of their military doctrine.

"16. A number of delegations, including three nuclear-weapon States, while reasserting the importance they attached to the question, underlined that for the discussions on the subject to be successful they needed to be placed squarely in the framework of the agreed mandate and should be marked by a spirit of realism. These delegations continued to believe in the fundamental importance of adherence by member States to the commitment contained in Article 2 of the Charter to refrain from the use or threat of use of force against the territorial integrity or political independence of any State. They also stressed again that Article 51 of the United Nations Charter states that nothing shall impair the inherent right of individual or collective self-defence if an armed attack occurred against a member. They reaffirmed the position of their States as expressed in the Bonn Declaration of June 1982 that none of their weapons would ever be used except in response to attack. These delegations stressed, at the same time, that it was justified that the States renouncing the possession of nuclear weapons should receive in return the assurance that these weapons would not be used against them. They held that such an assurance, however, should remain qualified by a provision of non-attack in alliance or in association with a nuclear-weapon State. These delegations underlined the fact that the assurances given by the three nuclear-weapon States among them took this point into account and were valid for all non-nuclear-weapon States, irrespective of their formal adherence to an alliance or of their non-aligned status. They stated that the condition that the guarantee lapses in the event of an attack covers all contingencies and indeed strengthens the credibility of the assurances. They asserted that the unilateral assurances given by the three Western nuclear-weapon States were firm, credible and reliable commitments and that they constituted effective security measures for non-nuclear-weapon States. These delegations stated that the insistence of some States on referring to non-first-use of



nuclear weapons was not relevant to the topic addressed by the Committee, viz., assurances to non-nuclear-weapon States. These delegations reaffirmed their readiness to continue to participate in the search for a 'common formula' acceptable to all, but pointed again to the difficulty in reaching this goal, given the diversity of positions and interests. They suggested that the existing unilateral assurances reflected different concerns linked to specific security policies and that a 'common formula' should probably allow for the expression of these concerns. They reaffirmed the validity of proposals for General Assembly or Security Council resolutions taking stock of the declarations of the nuclear-weapon States.

"17. A number of delegations drew attention to the Second Protocol of the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) which contains negative security assurances and expressed the hope that all nuclear-weapon States would adhere to it without reservation.

"18. One nuclear-weapon State reasserted its long-held view that it was entirely reasonable and legitimate for non-nuclear-weapon States to demand that nuclear-weapon States undertake not to use or threaten to use nuclear weapons against them. It was of the view that the most effective assurances for the security of non-nuclear-weapon States was the complete prohibition and thorough destruction of nuclear weapons and pending the achievement of that goal, in order to prevent nuclear war and reduce the threat to non-nuclear-weapon States, all nuclear-weapon States should assume obligations not to be the first to use nuclear weapons under any circumstances and undertake unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. This was their minimum obligation. It restated that on this basis, an international treaty on the prohibition of the use of nuclear weapons should be concluded, with the participation of all nuclear-weapon States. The same State reiterated its unilateral declaration made in 1964 when it had its first nuclear explosion that at no time and under no circumstances would it be the first to use nuclear weapons and its unconditional guarantee not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. It stated that it was based on this position that it signed the relevant protocols to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the South Pacific Nuclear Free Zone Treaty. At the same time, it hoped that the major nuclear-weapon States would adjust their positions towards the question of assuring the security of non-nuclear-weapon States so as to make it possible for the Ad Hoc Committee to move forward in its work. It expressed its support for the conclusion, through negotiations, of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons and its readiness to make further efforts to seek a 'common formula' in consonance with the demands of non-nuclear-weapon States. It also welcomed any ideas or specific suggestions aimed at achieving this objective. The same State regretted that difficulties still prevented the Committee from reaching agreement on a 'common formula' and hoped that, in light of the favourable climate in the international situation, joint efforts be made to break the deadlock and make progress in the work on this item so as to meet the reasonable demands of the non-nuclear-weapon States.

"19. In connection with the topic concerning recent developments, many delegations pointed to the significance of the signature of the INF Treaty of December 1987 and were of the view that it enhanced security on an overall level, and therefore was particularly relevant to the question. Other States, while welcoming the Treaty, questioned its relevance to the subject of negative security assurances.

"20. Deliberations on the conclusions that could be drawn from the negotiations during the first part of the 1988 session, including a consideration of the possibilities for interim measures and alternatives for action, once again proved inconclusive. Many delegations expressed again their shared view that the nuclear-weapon States held special responsibility to break the deadlock in which the item has found itself since before the second special session on disarmament.

#### "IV. CONCLUSIONS AND RECOMMENDATIONS

"21. The Ad hoc Committee once again 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. Since August 1982, a number of proposals and specific ideas on both the form and on the substance of such effective international arrangements were put forward. Considerable efforts were made to arrive at a common approach on the subject. Work on the substance of the arrangements, however, revealed that specific difficulties relating to differing perceptions of security interests of nuclear-weapon States and non-nuclear-weapon States persisted and that the complex nature of the issues involved continued to prevent agreement on a 'common formula'. At the same time, the discussion underlined the wide support for continuing the search for such a 'common formula' which could be included in an international legally binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons."

##### G. New types of weapons of mass destruction and new systems of such weapons; radiological weapons

92. The question of radiological weapons has been considered since 1982 mainly in a subsidiary body of the Conference. The report of the Ad Hoc Committee referred to in the following paragraph contains a description of the work of that subsidiary body.

93. At its 460th plenary meeting on 26 April 1988, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference to deal with the question of radiological weapons at its 436th plenary meeting. That report (CD/820), which was submitted in view of the third special session of the General Assembly devoted to disarmament, is an integral part of this special report and reads as follows:

#### "I. INTRODUCTION

"1. Taking into consideration paragraph 76 of the Final Document of the first special session of the United Nations General Assembly devoted to disarmament, the relevant recommendations of the United Nations Disarmament Commission, in

particular those adopted in connection with the Second Disarmament Decade in 1980, as well as successive resolutions adopted by the General Assembly on the subject, the Conference on Disarmament continued to consider the question of radiological weapons during the second part of its 1982 session as well as during its sessions in 1983, 1984, 1985, 1986 and 1987.

"2. To that end, the Conference successively re-established the Ad Hoc Committee on Radiological Weapons \*/ with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons. It was chaired by Ambassador H. Wegener (Federal Republic of Germany) in 1982, Ambassador C. Lidgard (Sweden) in 1983, Ambassador M. Vejvoda (Czechoslovakia) in 1984, Ambassador R. Butler (Australia) in 1985, Ambassador C. Lechuqa Hevia (Cuba) in 1986 and Ambassador D. Meiszter (Hungary) in 1987. During the course of the second part of its 1982 session and of its 1983 to 1987 sessions, the Ad Hoc Committee held a total of 69 meetings. At various stages of its work, the following States not members of the Conference on Disarmament participated in the meetings of the subsidiary body: Austria, Burundi, Denmark, Finland, Greece, Ireland, New Zealand, Norway, Portugal, Senegal, Spain, Switzerland, Turkey and Zimbabwe.

"3. During the above-mentioned period, the Ad Hoc Committee continued to consider the prohibition of radiological weapons in the 'traditional' sense and the prohibition of attacks against nuclear facilities, \*\*/ without prejudice to the final positions of delegations on a treaty or treaties as such, the 'link' between the above two issues, delegations' positions on the appropriate manner of dealing with them and to any other approaches and questions which might be presented. At some stages of its work the Ad Hoc Committee considered those two issues on the basis of the so-called 'unitary' approach; at other stages it considered them in two contact groups.

"4. It was recognized throughout the period that both the subjects before the Ad Hoc Committee were important and needed solution, and it was agreed that the Conference on Disarmament continue to deal with them.

"5. The activities of the Ad Hoc Committee showed, however, that, while further intensive efforts were made to overcome the persistent difficulties, including a number of new proposals and initiatives submitted by various delegations to that end, different approaches continued to exist with regard to both the subjects under consideration, in particular on the scope of prohibition, criteria and definitions, peaceful uses, the relationship of the proposed agreement or agreements with other international measures in the field of disarmament, including nuclear disarmament, as well as on the procedures for verification and compliance and other main elements.

"6. During the 1987 session, the various approaches to the above questions were considered in a structured and systematic manner. The result of that work was contained in the annexes to the Ad Hoc Committee report to the Conference on Disarmament (CD/779).

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\*/ Ad Hoc Working Group in 1982 and 1983.

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

"II. PRESENT STATE OF WORK

"A. Organization of work and documentation

"7. In accordance with the decision taken by the Conference on Disarmament at its 436th plenary meeting held on 2 February 1988, as contained in document CD/804, the Ad Hoc Committee on Radiological Weapons was re-established, for the duration of the 1988 session, with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons. The Conference further decided that the Ad Hoc Committee would report to it on the progress of its work before the conclusion of the first part of the 1988 session, in view of the forthcoming third special session of the United Nations General Assembly devoted to disarmament.

"8. At its 439th plenary meeting on 11 February 1988, the Conference on Disarmament appointed Ambassador Tessa Solesby of the United Kingdom as Chairman of the Ad Hoc Committee. Mr. Victor Slipchenko, United Nations Department for Disarmament Affairs, continued to serve as Secretary of the Ad Hoc Committee.

"9. The Ad Hoc Committee held four meetings from 29 February to 28 March 1988. In addition, the Chairman held a number of informal consultations with delegations.

"10. At their request, the representatives of the following States not members of the Conference on Disarmament participated in the work of the Ad Hoc Committee: Austria, Denmark, Finland, Greece, Ireland, New Zealand, Norway, Portugal, Spain, Switzerland, Turkey and Zimbabwe.

"11. In addition to various resolutions adopted by the General Assembly on the subject at its previous sessions, the Ad Hoc Committee had before it resolutions 42/38 B and F adopted by the General Assembly at its forty-second session entrusting specific responsibilities to the Conference on Disarmament on this subject.

"12. In addition to the documents of previous sessions, 1/ the Ad Hoc Committee had before it the following new documents for consideration:

- CD/RW/WP.77, dated 29 February 1988, entitled 'Programme of work for the first part of the 1988 session'
- CD/RW/WP.78, dated 21 March 1988, entitled 'Report of Contact Group A'
- CD/RW/WP.79, dated 21 March 1988, entitled 'Report of Contact Group B'.

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1/ The list of documents of the previous sessions may be found in the 1982-1987 reports of the Ad Hoc Committee, which are an integral part of the reports of the Conference on Disarmament (CD/335, CD/421, CD/540, CD/642, CD/732 and CD/787).

"B. Work during the first part of the 1988 session

"13. At its 1st meeting on 29 February 1988, the Ad Hoc Committee decided to re-establish two contact groups: contact group A to consider issues relevant to the prohibition of radiological weapons in the 'traditional' sense and contact group B to consider issues relevant to the prohibition of attacks against nuclear facilities, each to be chaired by a co-ordinator.

"14. Following the above decision of the Committee, Mr. Hadi Wayarabi of Indonesia and Mr. Csaba Györfly of Hungary agreed to assist the Chair by serving as co-ordinators of the contact groups A and B, respectively.

"15. At its 2nd meeting on 4 March 1988, the Ad Hoc Committee after conducting a general exchange of views on the subjects before it, decided on certain guidelines to be given to the two co-ordinators in the conduct of their work during the first part of the 1988 session, in particular on the issues to be considered in their respective groups and on a possible order of such a consideration. Specifically, the contact groups were directed to concentrate their attention during the time allocated to them to the consideration of issues pertaining to verification and compliance as well as other main elements. The two contact groups continued the formulation of the various approaches in a structured and systematic manner.

"16. Following the work conducted within the contact groups, both formally and informally, the two co-ordinators presented to the Ad Hoc Committee, at its 3rd meeting on 25 March 1988, their respective reports (CD/RW/WP.78 and 79) which are reproduced in Annexes I and II to this report, reflecting the current state of consideration of the issues before the Ad Hoc Committee. It was understood that the Annexes would be used as a basis for future work of the Ad Hoc Committee and that the Committee would also give consideration to other proposals submitted to it. It was further understood that the contents of the Annexes were not binding on any delegation.

"ANNEX I

"Report of Contact Group A

- "1. In accordance with the decision taken by the Ad Hoc Committee on Radiological Weapons (CD/RW/WP.77), Contact Group A was re-established on 29 February 1988 to continue its consideration of the issues relevant to the prohibition of radiological weapons.
- "2. Contact Group A held three meetings from 11 to 21 March 1988. In addition, the Co-ordinator held a number of informal consultations with delegations.
- "3. Following the guidelines approved by the Ad Hoc Committee at its 2nd meeting on 4 March 1988, the Contact Group concentrated its work on the consideration of elements relating to verification and compliance.
- "4. For the purpose of facilitating the work of the Contact Group, the Co-ordinator presented a discussion paper based on documents CD/779, CD/414, CD/31 and CD/32. Consideration was of a strictly preliminary nature. The result of that consideration was recorded by the Co-ordinator in an integrated manner and its main purpose is to facilitate future consideration. The Co-ordinator's record is not binding upon any delegation and does not preclude any delegation from introducing proposals or alternatives to the text as a whole or the elements thereof, at a later stage.
- "5. The Co-ordinator's record on the issues of verification and compliance, together with the record contained in Annex I to the Report of the Ad Hoc Committee on its work in 1987 (CD/779), are attached in combined form. It is recommended that the combined record be appended to the Ad Hoc Committee's special report to the third special session of the United Nations General Assembly devoted to disarmament, as a basis for future work.

"Attachment

"POSSIBLE ELEMENTS FOR A CONVENTION ON THE  
PROHIBITION OF RADIOLOGICAL WEAPONS \*/

"SCOPE

"1. Each State Party to this Treaty undertakes never under any circumstances to develop, produce, stockpile, otherwise acquire or possess, transfer or use radiological weapons. 1/

"2. Each State Party to this Treaty also undertakes never under any circumstances to employ deliberately, by its dissemination, any radioactive material, not defined as a radiological weapon in ... of this Treaty to cause destruction, damage, or injury by means of the radiation produced by the decay of such material. 2/

"3. Each State Party to this Treaty also undertakes not in any way to assist, encourage, or induce any person, State, group of States, or international organization to engage in any of the activities which the States Parties to the Treaty have undertaken not to engage in under the provisions of paragraphs 1 and 2 of this Article.

"4. Each State Party to this Treaty undertakes, in accordance with its constitutional procedures, to take any measures which it considers necessary anywhere under its jurisdiction or control:

"(a) to prohibit and prevent any of the activities which for a State Party would constitute a violation of the obligations undertaken by the State Parties under this Treaty;

"(b) to prohibit and prevent diversion to radiological weapons, or to the employment prohibited by paragraph 2 of this Article, of radioactive materials that might be used for such weapons or employment;

"(c) to prevent loss of radioactive materials that might be used for such weapons or employment.

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"/ These elements are not intended to prejudice the eventual positions of delegations regarding the question of 'linkage'.

1/ A view was expressed that the focus should be on the prohibition of the use of radiological weapons in warfare and that it was necessary to simplify the formulation in this paragraph.

2/ A view was expressed concerning the need to focus on the prohibition of the use of radiological weapons in warfare.

"5.\* / Nothing in paragraph 4 above shall be interpreted as requiring or permitting a State Party to take measures which could affect the programmes of other States for the use 1 / of nuclear energy or technology for their economic or social development. 2 /

#### "DEFINITIONS

"For the purposes of this Treaty:

"The term 'radiological weapon' means \*\* /, \*\*\* /, \*\*\*\* /, \*\*\*\*\* /:

##### "First alternative

"(i) Any device, including any weapon or equipment, specifically designed to employ radioactive material by disseminating it to cause destruction, damage, or injury by means of the radiation produced by the decay of such material;

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\*\* / Some delegations expressed the view that consideration should be given to whether the concerns reflected in this paragraph should be addressed under the draft element 'Peaceful Uses'.

\*\* / A view was expressed that, for the purposes of this Treaty, it might be necessary to clarify what is meant by 'radioactive materials'.

\*\*\* / A view was expressed that the term 'radiological weapons' might include the so-called particle beam weapons which give ionizing radiation in other ways than through radioactive decay.

\*\*\*\* / Some delegations expressed the view that 'particle beam weapons' should not be treated as radiological weapons, that the definition of radiological weapons as contained in CD/31 and CD/32 is based on the decay of nuclear material, whereas directed energy devices produce particle beams without nuclear involvement, that known concepts of directed energy devices do not employ the radiation spectrum of radiological weapons but make use of protons and electrons while radiological weapons would exploit mainly gamma- and neutron-radiation as well as beta- and short ranging alpha-radiation, and that therefore, the development, production, stockpiling, acquisition or possession, transfer or use of directed energy devices is compatible with this Treaty.

\*\*\*\*\* / Some delegations expressed the view that nothing in this Treaty shall be interpreted as in any way legitimizing the development, production, stockpiling, acquisition or possession, transfer or use of directed energy weapons.

1 / Some delegations suggested that the word 'peaceful' be inserted before the word 'use'.

2 / One delegation suggested the addition at the end of the paragraph of 'in conformity with their priorities, interests and needs'.



"(ii) Any radioactive material specifically configured 1/ for employment, by its dissemination, to cause destruction, damage, or injury by means of the radiation produced by the decay of such material.

"Second alternative

"Any device, including any weapon or equipment, specifically designed to employ radioactive material to cause destruction, damage, or injury by means of the radiation produced by the decay of such material.

"PEACEFUL USES

"1. First alternative

"Nothing in this Treaty should be interpreted 2/ as affecting in any way the full exercise of the inalienable rights of all States Parties to apply and develop their programmes for the peaceful 3/ uses of nuclear energy for economic and social development in conformity with their priorities, interests and needs. 4/

"Second alternative

"Nothing in this Treaty should be interpreted as affecting the inalienable rights of the States Parties to this Treaty to develop and apply their programmes for the peaceful uses of nuclear energy for economic and social development, consistent with the need to prevent the proliferation of nuclear weapons, 5/ in conformity with their priorities, interests and needs.

"2. First alternative

"Each State Party undertakes to contribute 6/ to the strengthening of international co-operation in the peaceful uses of nuclear energy in conformity with 7/ the needs of developing countries. 4/

"Second alternative

"Each State Party undertakes to promote co-operation in the peaceful uses of nuclear energy in conformity with 7/ the needs of developing countries.

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"1/ Some delegations preferred 'prepared' or 'designed' to 'configured'.

"2/ A suggestion was made to insert 'or implemented' after 'interpreted'.

"3/ Some delegations suggested the deletion of 'peaceful'.

"4/ A view was expressed that, in order to strike an inner balance conducive to consensus, there should be an addition reflecting the last sentence of paragraph 68 of the Final Document of SSOD I.

"5/ Some delegations suggested 'under international agreements' instead of ', consistent with the need to prevent the proliferation of nuclear weapons'.

"6/ Some delegations suggested the insertion of 'to the fullest possible extent' after 'contribute'.

"7/ A preference was expressed for 'taking into account' instead of 'in conformity with'.

"3. Each State Party undertakes to contribute to the fullest possible extent 1/ to the development of adequate measures of protection for all States against the harmful effects of radiation.

"CESSATION OF THE NUCLEAR ARMS RACE  
AND NUCLEAR DISARMAMENT

"1. The State Parties to this Treaty undertake to pursue urgently negotiations for the cessation of the nuclear arms race, the conclusion of effective measures to prevent the use or threat of use of nuclear weapons, and the achievement of nuclear disarmament. 2/

"2. The implementation of these obligations should be periodically reviewed as provided for in Article ... 3/

"OTHER MAIN ELEMENTS

"1. The provisions of this Treaty shall not apply to nuclear explosive devices or to radioactive material produced by them. 4/

"2. Nothing in this Treaty shall be interpreted as in any way legitimizing the use of nuclear weapons or detracting from the obligation of States to refrain from the use or threat of use of such weapons. 4/

"3. First alternative

"Nothing in this Treaty shall be interpreted as in any way limiting or detracting from existing rules of international law applicable in armed conflict or limiting or detracting from obligations assumed by the States Parties under any other international agreement.

"Second alternative

"Nothing in this Treaty shall be interpreted as in any way limiting or detracting from existing rules of international law applicable in armed conflict or limiting or detracting from obligations assumed by the States Parties under any other international agreement, consistent with the need to prevent the proliferation 5/ of nuclear weapons and the need to achieve urgent measures of nuclear disarmament.

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"1/ Some delegations suggested the insertion of 'and in accordance with international undertakings' after 'contribute to the fullest possible extent'.

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

"3/ Questions were raised concerning the need for this paragraph.

"4/ Objections were raised concerning this paragraph.

"5/ Some delegations preferred 'vertical, horizontal and geographic proliferation' to 'proliferation'.

"VERIFICATION AND COMPLIANCE \*/ \*\*/"

"First Element

"1. The States Parties to this Treaty undertake to consult one another and to co-operate in solving any problems which may be raised in relation to the objectives of, or in the application of the provisions of, the Treaty.

"2. Consultation and co-operation pursuant to this article 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 consultative committee and a fact-finding panel as provided for in article ... of this Treaty.

"3. The States Parties to this Treaty shall exchange to the fullest possible extent, bilaterally or multilaterally, information deemed necessary to provide assurance of fulfilment of their obligations under the Treaty.

"Second Element

"1. For the purpose of effective fulfilment of paragraph 2 of the previous article of this Treaty, a consultative committee and a standing fact-finding panel shall be established. Their functions and rules of procedure are established in Annexes I and II, respectively, which constitute integral parts of the Treaty.

"2. Any State Party to this Treaty which has reasons to believe that any other State Party may not be in compliance with the provisions of the Treaty, or which has concerns about a related situation which may be considered ambiguous, and is not satisfied with the results of the consultations provided for under the previous article of the Treaty, may request the Depositary to initiate an inquiry to ascertain the facts. Such a request should include all relevant information, as well as all possible evidence supporting its validity.

"3. For the purposes set forth in paragraph 2 of this article, the Depositary shall convene as soon as possible, and in any case within 10 days of the receipt of a request from any State Party, the standing fact-finding panel established pursuant to paragraph 1 of this article.

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"/ As is reflected in the report of the Ad Hoc Committee on Radiological Weapons (CD/779, Annex I), a view was expressed that the focus should be on the prohibition of the use of radiological weapons in warfare. In accordance with this view, verification should concentrate on the use of radiological weapons.

"/ Some delegations were of the view that the subject needs further consideration and reserved their right to express their view at a later stage.

"4. If the possibilities for fact-finding pursuant to paragraphs 2 and 3 of this article have been exhausted without resolution of the problem, [five or more States Parties] [any State Party] may request the Depositary to convene a meeting of the consultative committee of States Parties to consider the matter.

"5. Each State Party to this Treaty undertakes to co-operate to the fullest possible extent with the consultative committee and with the fact-finding panel with a view to facilitating their work.

"[6. Each State Party to this Treaty undertakes to provide assistance, in accordance with the provisions of the Charter of the United Nations, to any State Party to the Treaty which has been harmed or is likely to be harmed as a result of violation of the Treaty.]

"[7. The provisions of this article shall not be interpreted as affecting the rights and duties of States Parties under the Charter of the United Nations, including bringing to the attention of the Security Council concerns about compliance with this Treaty.]

"Annex I to Second Element

" [Consultative Committee]

"1. The consultative committee of States Parties [, in addition to establishing the fact-finding panel as provided for in Annex II,] shall undertake to resolve any problem which may be raised by the [States Parties] [State Party] requesting a meeting of the committee. For this purpose, the assembled States Parties shall be entitled to request and receive any information which a State Party is in a position to communicate.

"2. The work of the consultative committee shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this Annex. The committee shall [decide procedural questions relative to the organization of its work] [take decisions], where possible by consensus, but otherwise by a majority of those present and voting. [There shall be no voting on matters of substance.] The chairman shall have no vote.

"3. Any State Party may participate in the work of the consultative committee. Each representative on the committee may be assisted at meetings by advisers.

"4. The Depositary or his representative shall serve as chairman of the committee.

"5. The consultative committee shall be convened by its chairman[:

"(a) within 30 days after entry into force of this Treaty for the purpose of establishing the standing fact-finding panel;

"(b) as soon as possible and in any case within 30 days after a request for a meeting pursuant to paragraph 4 of the second element.

"6. Each State Party shall have the right, through the chairman, to request from States and from international organizations such information and assistance as the State Party considers desirable for the accomplishment of the committee's work.

"7. A summary of any [problem-solving] meeting, incorporating all views and information presented during the meeting, shall be prepared. The chairman shall distribute the summary to all States Parties.

"Annex II to Second Element

"[Fact-Finding Panel]

"1. The standing fact-finding panel shall undertake to make appropriate findings of fact and provide expert views relevant to any problem referred to it by the Depositary pursuant to paragraph 3 of the second element. [Pursuant to paragraph 5 of the second element, the fact-finding panel may carry out on-site investigations when necessary.]

"[2. The fact-finding panel shall be composed of not more than 15 members representing States Parties:

"(a) Ten members shall be appointed by the [chairman] [consultative committee] after consultation with States Parties. In selecting these members due regard shall be given to ensuring an appropriate geographical balance. Members shall be named for a two-year period, with five members being replaced each year;

"(b) In addition, those permanent members of the United Nations Security Council who are parties to the Treaty shall also be represented on the fact-finding panel.]

"[2. The fact-finding panel shall be composed of not more than (blank) members representing States Parties. Members of the initial panel shall be appointed by the [chairman, after consultation with States Parties,] [consultative committee] at its first meeting, one-third being named for one year, one-third for two years, and one-third for three years. Thereafter all members shall be named for a three-year period by the chairman [of the consultative committee, following principles decided by the committee during its first meeting and] after consultation with States Parties. In selecting the members, due regard shall be given to ensuring an appropriate geographical balance.]

"3. Each member may be assisted by one or more advisers.

"4. The Depositary or his representative shall serve as chairman of the panel [, unless the panel decides otherwise under the procedures established in paragraph 5 of this annex].

"5. The work of the fact-finding panel shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this annex. [At the first meeting of the panel, to be held not later than 60 days after its establishment [by the consultative committee], the Depositary shall submit recommendations, based on consultations with States Parties and signatories, as to the organization of the work of the panel, including any necessary resources.] [The panel shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.] [The panel shall take decisions, where possible by consensus, but otherwise by a majority of those present and voting.] The chairman shall have no vote.

"6. Each member shall have the right, through the chairman, to request from States and from international organizations such information and assistance as the member considers desirable for the accomplishment of the work of the panel.

"7. The State Party requesting the inquiry and any State Party against which the inquiry is directed shall have the right to [participate in the work of the panel] [be represented at meetings but may not take part in decisions], whether or not they are members of the panel.

"8. The fact-finding panel shall, without delay, transmit to [the Depositary] [all States Parties] a report on its work, including its findings of fact and incorporating all views and information presented to the panel during its proceedings[.] [, together with such recommendations as it may deem appropriate. If the panel is unable to secure sufficient data for factual findings, it shall state the reasons for that inability.] [The Depositary shall distribute the report to all States Parties.]

"ANNEX II

"Report of Contact Group B

"1. In accordance with the decision taken by the Ad Hoc Committee on Radiological Weapons (CD/RW/WP.77), Contact Group B was re-established on 29 February 1988 to continue its consideration of the issues relevant to the prohibition of attacks against nuclear facilities.

"2. Contact Group B held three meetings from 7 to 21 March 1988. In addition, the Co-ordinator held a number of informal consultations with delegations.

"3. Following the guidelines approved by the Ad Hoc Committee at its 2nd meeting on 4 March 1988, the Contact Group concentrated its attention during the time allocated to it to the consideration of issues pertaining to verification and compliance as well as other main elements. On the basis of proposals presented by the Co-ordinator, the views of delegations were recorded in an integrated manner.

"4. In addition, the Contact Group reviewed the 1987 Co-ordinator's record as contained in the Attachment to Annex II to the Report of the Ad Hoc Committee on its work in 1987 (CD/779). Some new proposals were made in connection with the Attachment.

"5. The new material concerning verification and compliance as well as other main elements, together with the amended record of the 1987 work, is attached to the report to reflect the current stage of the Contact Group's consideration.

"6. The Co-ordinator'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 special report to the third special session of the United Nations General Assembly devoted to disarmament, as a basis for future work.



"Attachment

"POSSIBLE ELEMENTS RELEVANT TO THE PROHIBITION  
OF ATTACKS AGAINST NUCLEAR FACILITIES \*/ \*\*/

"SCOPE (Purpose)

"Paragraph 1 \*\*\*/

"First alternative

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

"Second alternative

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

"Third alternative \*\*\*\*/ \*\*\*\*\*/

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

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\*\*/ This record does not prejudice the eventual positions of delegations relating to the question of 'linkage', or the positions of delegations on the question of the need of having additional legal protection for nuclear facilities. As to the latter, a view was expressed that additional discussion on existing international agreements pertaining to the question is needed.

\*\*/ The placement of the various alternatives in the text should not be regarded as indication of priority or the degree of their acceptability to the Committee.

\*\*\*/ Some delegations suggested that the Scope should also cover an undertaking not to threaten to attack nuclear facilities.

\*\*\*\*/ Some delegations stated that the third alternative of Scope based on the criterion of mass destruction read in conjunction with the first alternative of paragraph 2 (Definitions), the first alternative of Criteria, the first alternative of paragraphs 1 to 8 (Register) as well as the first alternative of paragraph 1 and the second alternative of paragraph 2 (Special Marking) constitute one complete and consistent set of elements to be included in a draft Treaty.

\*\*\*\*\*/ Other delegations pointed out that the criterion of 'mass destruction', on which the third alternative of Scope was based, was irrelevant to the purpose of the proposed Treaty. They also stated that besides other flaws, it would amount to legitimizing attacks on nuclear facilities which did not fulfil the arbitrarily defined specifications proposed by the authors of this criterion for such facilities to qualify for protection. A Treaty based on elements mentioned in the previous footnote would, therefore, be discriminatory against developing countries as their

"Fourth alternative

"Each State Party undertakes never under any circumstances to attack nuclear facilities subject to the specifications of this Treaty.

"Paragraph 2

"First alternative

"Each State Party undertakes not in any way to assist, encourage or induce any person, State, group of States, or international organization to engage in any activity which the State Parties to the Treaty have undertaken not to engage in.

"Second alternative

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

"DEFINITIONS

"Paragraph 1 \*/ \*\*/

"For the purposes of this Treaty, the term 'attack' means any act which causes, directly or indirectly:

- "(i) any damage to, or the destruction of, a nuclear facility; or
- "(ii) any interference, interruption, impediment, stoppage or breakdown in the operation of a nuclear facility; or
- "(iii) any injury to, or the death of, any of the personnel of a nuclear facility.

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nuclear facilities, in many cases, did not come up to the proposed 'threshold'. Furthermore, such a Treaty would weaken the protection afforded to nuclear facilities under present international law which was not conditional upon their meeting any quantitative specifications. Consequently, such a Treaty would defeat the main purpose of concluding a new international agreement on this subject, which is to strengthen the present legal régime in this regard and to remove existing loopholes.

\*/ Some delegations did not see the need for any definition of the word 'attack'. In their view, the definition is clearly linked to the unlimited scope of paragraph 1 of Scope.

\*\*/ Other delegations were of the view that it would be necessary to define the word 'attack' whichever alternative on Scope was eventually adopted.

"Paragraph 2

"First alternative

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

- "(i) Nuclear reactors;
- "(ii) Intermediate spent fuel storages;
- "(iii) Reprocessing plants;
- "(iv) Waste deposits; \*/ \*\*/

which are included in a Register maintained by the Depositary. \*\*\*/

"Second alternative

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

- "(i) Nuclear reactors;
- "(ii) Enrichment plants;
- "(iii) Reprocessing plants;
- "(iv) Other nuclear fuel cycle facilities;
- "(v) Radioactive waste management facilities; and
- "(vi) Facilities for the storage of nuclear fuels or radioactive wastes.

"Third alternative

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

- "(i) Nuclear reactors;
- "(ii) Intermediate spent fuel storages;
- "(iii) Reprocessing plants;

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\*/ Some delegations were of the view that this covers only intermediate waste deposits above ground.

\*\*/ Some delegations suggested that since waste deposits generally mean those buried deep underground, only interim waste deposits above ground should be included.

\*\*\*/ Some delegations opposed the idea of limiting the scope of the Treaty to nuclear facilities included in a Register.

- "(iv) Waste deposits;
- "(v) Temporary waste storages; and
- "(vi) Installations for production of intensive sources of radiation.

"Fourth alternative

"A nuclear facility means a nuclear reactor or any other facility for the production, handling, treatment, processing or storage of nuclear fuel or other nuclear material.

"CRITERIA \*/ \*\*/

"First alternative

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

- "(i) They shall be stationary on land; \*\*\*/ \*\*\*\*/
- "(ii) Nuclear reactors shall be designed for a thermal power which could exceed 1 [10] Megawatt, shall have reached their first criticality and shall not have been decommissioned; \*\*\*\*\*/
- "(iii) Intermediate spent fuel storages shall be designed for storing radioactive material exceeding  $10^{17}$  [ $10^{18}$ ] Bq;
- "(iv) Reprocessing plants shall be designed for containing radioactive material exceeding  $10^{17}$  [ $10^{18}$ ] Bq;
- "(v) Waste deposits shall contain radioactive material exceeding  $10^{17}$  [ $10^{18}$ ] Bq.

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\*\*/ A view was expressed that should the second alternative of paragraph 1 of the Scope be agreed upon, the consideration of 'criteria' was needed only to specify exceptions.

\*\*\*/ Reservations were expressed as to the applicability of specifying power threshold for nuclear reactors and level of quality and quantity of radioactive materials for other facilities as mentioned in sub-paragraphs (iii), (iv), (v) and (vi) of first and second alternatives.

\*\*\*\*/ Regarding (i) in first and second alternatives, a view was expressed that nuclear facilities other than those stationary on land should also be covered.

\*\*\*\*\*/ A view was expressed that such nuclear facilities should not belong to weapons systems.

\*\*\*\*\*/ A view was expressed that the aspect of decommissioning has to be studied further.

"Second alternative

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

- "(i) They shall be stationary on land;
- "(ii) They shall be used for peaceful purposes and subject to IAEA safeguards;
- "(iii) Nuclear reactors shall be designed for a thermal power which could exceed 1 [10] Megawatt, shall have reached their first criticality and shall not have been decommissioned;
- "(iv) Intermediate spent fuel storages shall be designed for storing radioactive material exceeding  $10^{17}$  [ $10^{18}$ ] Bq;
- "(v) Reprocessing plants shall be designed for containing radioactive material exceeding  $10^{17}$  [ $10^{18}$ ] Bq;
- "(vi) Waste deposits shall contain radioactive material exceeding  $10^{17}$  [ $10^{18}$ ] Bq.

"Third alternative

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

- "(i) Nuclear reactors designed for a thermal effect which could exceed 10 MW;
- "(ii) Intermediate spent fuel storages designed for storing radioactive material which emit gamma radiation exceeding  $10^5$  watt; \*/ \*\*/
- "(iii) Installations for reprocessing of nuclear spent fuel;
- "(iv) Installations for production of intensive sources of radiation designed to contain radioactive material emitting gamma radiation exceeding  $10^5$  watt; or
- "(v) Waste deposits containing radioactive material which emit gamma radiation exceeding  $10^5$  watt. \*/ \*\*/

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\*/ Some delegations pointed out that the internationally adopted way of measuring radiation fall-out after a nuclear accident was in decay per second, that is 'Bq'.

\*\*/ Some delegations suggested that 'Bq' should be used as the standard of measurement for radioactive intensity which was formally adopted by the General Conference on Weights and Measures in 1975.

"Fourth alternative

"The provisions of paragraph 1 of Scope shall not apply to:

- "(i) Nuclear reactors other than those which are stationary on land;
- "(ii) Military nuclear facilities of nuclear weapon States.

"Additional specification suggested to the above specifications \*/

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

"DEPOSITARY

"The Depositary shall be ...

"REGISTER \*\*/ \*\*\*/

"First alternative

"1. The Depositary shall maintain a Register of nuclear facilities covered by the provisions of this Treaty and shall transmit certified copies thereof to each State Party to the Treaty.

"Second alternative

"1. The Depositary shall maintain a Register of nuclear facilities subject to the specifications of this Treaty and shall transmit certified copies thereof to each State Party to the Treaty.

"First alternative

"2. State Parties requesting that nuclear facilities under their jurisdiction be included in the Register shall for each such facility communicate to the Depositary the following written information:

"(a) Details on the exact geographical location of the nuclear facility;

"(b) Identification of the type of nuclear facility, i.e. if it is a reactor, intermediate spent fuel storage, reprocessing plant or waste deposit;

"(c) Detailed specifications as applicable in accordance with Paragraph ... (Definition) and Paragraph ... (Criteria) of this Treaty.

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"/ This refers either to the first, second or third alternative of Criteria. A view was expressed that the first, second or third alternative should become paragraph 1 of Criteria and this additional specification should become paragraph 2.

"/ Some delegations opposed the idea of limiting the scope of the Treaty to nuclear facilities included in a Register.

"/ Other delegations maintained that nuclear facilities covered by the provisions of this Treaty should be included in a Register.

"Second alternative

"2. State Parties requesting that nuclear facilities under their jurisdiction be included in the Register shall for each such facility communicate to the Depository the following written information:

"(a) Details on the exact geographical location of the nuclear facility;

"(b) Identification of the type of nuclear facility, i.e. if it is a reactor, intermediate spent fuel storage, reprocessing plant or waste deposit.

"Third alternative

"2. State Parties requesting that nuclear facilities under their jurisdiction be included in the Register shall for each such facility communicate to the Depository the following written information:

"(a) Details on the exact geographical location of the nuclear facility;

"(b) Identification of the type of nuclear facility, i.e. if it is a nuclear reactor, enrichment plant, reprocessing plant, other nuclear fuel cycle facility, radioactive waste management facility or facility for the storage of nuclear fuels or radioactive wastes.

"First alternative

"3. Upon receipt of a request for an inclusion in the Register, the Depository shall without delay initiate procedures to confirm that the information contained in the request is correct:

"(a) Through, to the extent possible, documentation from the IAEA; and/or

"(b) Through other means, including mission to the facility, when necessary.

"4. For the purpose of carrying out the procedures in paragraph 3 (a) above the Depository may, as it deems necessary, enter into agreement with the IAEA.

"5. For the purpose of carrying out the procedures in paragraph 3 (b) above the Depository shall, with the co-operation of State Parties to the Treaty, compile and maintain a list of qualified experts, whose services could be made available to undertake such missions.

"6. The Depository shall include the facility in the Register as well as relevant details about the facility concerned, as soon as the information given in the request has been substantiated, and shall immediately notify State Parties to the Treaty of any new inclusion in the Register.

"7. State Parties having nuclear facilities under their jurisdiction included in the Register shall immediately inform the Depository of any change that may occur concerning the information given in the request.

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

"Second alternative

"3. Upon receipt of a request for an inclusion in the Register, the Depository shall communicate it to all State Parties.

"4. The Depository shall include the facility in the Register as well as relevant details about the facility concerned, as soon as the information given in the request has been substantiated, and shall immediately notify State Parties to the Treaty of any new inclusion in the Register.

"5. State Parties having nuclear facilities under their jurisdiction included in the Register shall immediately inform the Depository of any change that may occur concerning the information given in the request.

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

"SPECIAL MARKING \*/ \*\*/

"Paragraph 1

"First alternative

"Nuclear facilities which are included in the Register should bear Special Marking.

"Second alternative

"Any nuclear facility covered under Paragraph ... (Definition) and Paragraph ... (Criteria) of this Treaty should bear Special Marking.

"Paragraph 2

"First alternative

"A State Party may request the Depository to mark its nuclear facilities referred to in paragraph 1 with the Special Marking.

"Second alternative

"A State Party may mark its nuclear facilities referred to in paragraph 1 with the Special Marking upon the consent of the Depository.

"Third alternative

"A State Party may mark its nuclear facilities referred to in paragraph 1 with the Special Marking upon the consent of other State Parties.

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\*\*/ Some delegations opposed the idea of limiting the scope of the Treaty to nuclear facilities having Special Marking.

\*\*\*/ Other delegations maintained that nuclear facilities covered by the provisions of this Treaty should be included in a Register and might bear Special Marking.



"Fourth alternative

"A State Party may mark its nuclear facilities referred to in paragraph 1 with the Special Marking.

"VERIFICATION AND COMPLIANCE AND OTHER MAIN ELEMENTS

"Paragraph 1

"First alternative

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

"Second alternative

"A State Party may lodge a complaint with the Depositary in case it believes that any of its nuclear facilities subject to the specifications of this Treaty was attacked by another State Party.

"Third alternative

"A State Party may lodge a complaint with the Depositary in case it believes that an attack has been carried out on any nuclear facility on its territory by any other State Party in breach of obligations deriving from the provisions of the Treaty. Such a complaint shall be accompanied by all possible evidence and other relevant information supporting the validity of the complaint.

"Paragraph 2

"First alternative

"Within ... days of the receipt of a complaint from any State Party the Depositary may initiate an investigation of the alleged attack including arrangements for a fact-finding mission on or at the site, if possible, to ascertain the facts \*\*\*/ relevant to the complaint. The fact-finding panel shall transmit to the Depositary the summary of its findings of fact. \*\*\*\*/

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\*/ A view was expressed that procedures other than the one through the Depositary should also be considered.

\*\*/ It was suggested to add after 'Treaty' the words 'related to its scope'.

\*\*\*/ A view was expressed that the task of the fact-finding mission would rather be to evaluate the damage caused to the facility.

\*\*\*\*/ A view was expressed that a fact-finding mission will have to be carried out not on a routine basis but only if requested by the State Party concerned.

"Second alternative

"Immediately upon receipt of the complaint, 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 at the earliest possible date.

"Paragraph 3

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

"Paragraph 4

"States Parties undertake to co-operate in carrying out the investigation which the Depositary may initiate on a complaint received from any State Party. The Depositary shall inform the State Parties of the results of the investigation.

"Paragraph 5

"First alternative

"The Depositary shall convene the Conference of States Parties to consider the report on the results of the investigation. \*/

"Second alternative

"The Depositary shall submit to States Parties a report on the results of the investigation carried out by him, including the findings of the fact-finding mission, and shall convene a conference of States Parties to consider the report and adopt such measures as may be appropriate.

"Paragraph 6

"Relationship of IAEA safeguards to verification and compliance

"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. \*\*/ \*\*\*/

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\*/ A view was expressed that the Conference of States Parties should consider taking concrete measures on the basis of the report.

\*\*/ 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.

\*/ 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.

"Second 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 under this Treaty.

"Third 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. \*/ \*\*/

"Paragraph 7

"Assistance

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

"Paragraph 8

"Relationship to other treaties

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

94. After the second special session of the General Assembly devoted to disarmament, the Conference continued to deal with the question of new types of weapons of mass destruction and new systems of such weapons, in its plenary and informal meetings. In particular, during the second part of its 1982 session, the Conference held two informal meetings, under the agenda item, with the participation of experts from some Member States, with a view to examining proposals and suggestions pertaining to that issue.

95. At various stages of its work the Conference has received a number of proposals from members of the Socialist Group regarding the agenda item, which included the establishment of an ad hoc group of qualified governmental experts to elaborate a draft general agreement on the issue as well as separate agreements banning particular weapons of mass destruction; declarations by the permanent members of the Security Council and other

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\*\*/ 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.

\*\*\*/ 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.

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

militarily significant States containing pledges not to develop any such weapons; pledges by all States members of the Conference on Disarmament, either in a joint declaration or in unilateral declarations, to start negotiations immediately on the prohibition of any new type of weapon of mass destruction once it has been identified, accompanied by a simultaneous moratorium on practical development of such a weapon, and the setting up within or outside the framework of the Conference of a group of qualified experts entrusted with the task of detecting and identifying new types of weapons of mass destruction; and a ban on development of non-nuclear-weapons based on new physical principles whose destructive capacity is close to that of nuclear weapons and other means of mass destruction. Some of these proposals have been supported by members of the Group of 21.

96. It has been generally recognized that it would be a most serious development and a great danger to international peace and security if any new kind of weapon of mass destruction were invented or deployed. Western delegations stated that, as no new types of such weapons had been identified since existing types of weapons of mass destruction had been categorized in 1948 as nuclear, lethal chemical, biological and radiological, nor was their existence imminent, the practice followed in the past of holding informal meetings of the Conference from time to time, with the participation of experts as appropriate, would be the most practical way of enabling the Conference to deal with this question. These delegations also did not believe that it would be appropriate to negotiate a comprehensive agreement on a hypothetical subject. Such an agreement could be neither specific in scope nor susceptible of verification and therefore could not command international confidence.

#### H. Comprehensive programme of disarmament

97. The item on the agenda entitled "Comprehensive programme of disarmament" has been considered since 1982 mainly in a subsidiary body of the Conference. The report of the Ad Hoc Committee referred to in the following paragraph contains a description of the work of that subsidiary body.

98. At its 462nd plenary meeting on 20 April 1988, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 436th plenary meeting. That report (CD/832), which was prepared for its submission to the third special session of the General Assembly devoted to disarmament, is an integral part of this special report and reads as follows:

#### "I. INTRODUCTION

"1. Following the second special session of the General Assembly devoted to disarmament, the Ad Hoc Working Group on the Comprehensive Programme of Disarmament was re-established to continue negotiations on the subject with a view to submitting a revised draft of the Programme to the General Assembly at its thirty-eighth session, taking into account the views expressed and the progress achieved on the subject at the second special session of the General Assembly devoted to disarmament. The subsidiary body was again re-established at the 1984 session, and renamed 'Ad Hoc Committee', to renew, as soon as the circumstances were propitious for that purpose, the work on the elaboration of the Comprehensive Programme of Disarmament with a view to the

submission to the General Assembly of a complete draft of such a Programme, not later than at its forty-first session. In accordance with the Committee's mandate, the results of its work, as contained in the annex to its 1987 report (CD/783), were submitted to the General Assembly at its forty-first session. In that report, the Committee, noting that areas of disagreement remained with respect to various aspects of the Programme and, bearing in mind that the Preparatory Committee for the Third Special Session of the General Assembly Devoted to Disarmament had recommended the inclusion in the agenda of the third special session of an item entitled 'Consideration and adoption of the Comprehensive Programme of Disarmament', recommended to the Conference on Disarmament that the Committee be re-established at the outset of the 1988 session with a view to resolving outstanding issues and concluding negotiations on the Programme in time for its submission to the third special session of the General Assembly devoted to disarmament. The Conference agreed to that recommendation (CD/787, para. 91) and re-established the Ad Hoc Committee at its 436th plenary meeting, on 2 February 1988, with a view to resolving outstanding issues and concluding negotiations on the Programme in time for its submission to the General Assembly at its third special session devoted to disarmament.

#### "II. ORGANIZATION OF WORK AND DOCUMENTATION

"2. During the period covered by this report, Ambassador Alfonso García Robles (Mexico), was Chairman of the Ad Hoc Committee. Ms. Aida Luisa Levin, Senior Political Affairs Officer, United Nations Department of Disarmament Affairs, served as the Committee's Secretary.

"3. During this period, the Ad Hoc Committee held a total of 100 meetings.

"4. At various stages of the work, representatives of the following States not members of the Conference participated in the meetings of the Ad Hoc Committee: Austria, Bangladesh, Burundi, Cameroon, Colombia, Democratic Yemen, Denmark, Finland, Greece, Ireland, Malaysia, New Zealand, Norway, Portugal, Senegal, Spain, Tunisia, Turkey and Zimbabwe.

"5. In addition to the documents submitted by member States in the course of the 1983, 1984, 1985, 1986 and 1987 sessions, 1/ the Ad Hoc Committee had before it at the 1988 session a proposal submitted by the United Kingdom for inclusion in the Section 'Other Measures' of chapter V of the draft Comprehensive Programme of Disarmament (CD/CPD/WP.90).

#### "III. SUBSTANTIVE WORK DURING 1983-1988

"6. In 1983, the Ad Hoc Working Group, in accordance with its mandate, took as the basis of its work the texts that resulted from the negotiations on the Comprehensive Programme on Disarmament at the second special session of the General Assembly devoted to disarmament (A/S-12/32, Annex I). Contact groups

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1/ The list of documents may be found in the relevant reports of the Ad Hoc Working Group and of the Ad Hoc Committee, which are an integral part of the annual reports of the Committee on Disarmament and of the Conference on Disarmament to the United Nations General Assembly (CD/335, CD/421, CD/540, CD/642 and CD/732 and Add.1).

were established to deal with the various chapters of the Programme. The results of the work were reflected in the annex to the 1983 report, with the understanding that delegations could not take final positions until agreement was reached on outstanding points of difficulty and until the document was complete. As indicated in the annex, the text of some paragraphs remained pending and there were differences of view regarding the appropriateness of including certain paragraphs and the desire to add further paragraphs. In addition, in the time available to it, the Working Group was not able to consider certain questions.

"7. As noted above (para. 1), under the terms of its mandate in 1984, the Ad Hoc Committee was called upon to renew the work on the elaboration of the Comprehensive Programme of Disarmament as soon as the circumstances were propitious for that purpose. At the 1984 session, it was agreed that the circumstances were not conducive to making progress towards the resolution of outstanding issues and that, therefore, it would not be fruitful to pursue the elaboration of the programme at that session.

"8. In 1985, the Ad Hoc Committee resumed the task of the elaboration of the Comprehensive Programme of Disarmament, taking as the basis of its work the text annexed to the 1983 report of the previous Ad Hoc Working Group. At that and subsequent sessions, the Committee concentrated its work on the resolution of various outstanding issues. At each session, contact groups were established and consultations were held among interested delegations with a view to resolving existing differences. In addition, at various stages, consultations and informal meetings were held under the guidance of the Chairman. In the course of the work new proposals were submitted. Additional points of disagreement also arose with respect to existing texts.

"9. Intensive efforts were made with a view to completing the elaboration of the Programme and submitting a draft thereof to the General Assembly at its third special session devoted to disarmament. In some cases it was possible to reach agreement on the text of the relevant paragraphs and in others considerable progress was made towards harmonizing positions. However, as reflected in the annex to this report, points of difference remained on a number of issues.

#### "IV. CONCLUSION

"10. In accordance with its mandate, the Ad Hoc Committee agreed to submit to the Conference on Disarmament the results of its work on the elaboration of the Comprehensive Programme of Disarmament, as contained in the annex to this report, for submission to the General Assembly at its third special session devoted to disarmament. It was understood that delegations could not take final positions until agreement was reached on outstanding points of difficulty and until the document was complete.

"Annex

"[Draft Comprehensive Programme of Disarmament]

"[Texts for the Comprehensive Programme of Disarmament]

"I. Introduction

"1. The States Members of the United Nations reaffirm that the ultimate goal of a comprehensive programme of disarmament is general and complete disarmament under effective international control. Progress towards this goal requires the implementation of measures to halt and reverse the arms race and clear the path towards lasting peace. Negotiations on the entire range of those issues should be based on the strict observance of the purposes and principles enshrined in the Charter of the United Nations, with full recognition of the role of the United Nations in the field of disarmament and reflecting the vital interest of all peoples of the world in this sphere.

"2. In paragraph 109 of the Final Document of the first special session of the General Assembly devoted to disarmament, the Committee on Disarmament - now the Conference on Disarmament - was requested to ['] undertake the elaboration of a comprehensive programme of disarmament encompassing all measures thought to be advisable in order to ensure that the goal of general and complete disarmament under effective international control becomes a reality in a world in which international peace and security prevail [and in which the new international economic order is strengthened and consolidated']. In the same paragraph of the Final Document it was also stated that: 'The comprehensive programme should contain appropriate procedures for ensuring that the General Assembly is kept fully informed of the progress of the negotiations including an appraisal of the situation when appropriate and, in particular, a continuing review of the implementation of the programme'.

"3. The Conference on Disarmament has elaborated and adopted by consensus this draft comprehensive programme of disarmament for its presentation to the ... session of the United Nations General Assembly. In addition to the present introduction, the programme comprises five chapters, the titles of which are the following: 'Objectives', 'Principles', 'Priorities', 'Measures and stages of implementation', and 'Machinery and procedures'. \*/

"4. The Programme is adopted by consensus by the United Nations General Assembly. Through the adoption of the Programme all Member States of the United Nations express their willingness to make every effort possible toward the realization as soon as possible of general and complete disarmament under effective international control.

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\*/ The final text of this paragraph will be determined when the Conference on Disarmament adopts the Programme.

## "II. Objectives

"1. The immediate objectives of the Comprehensive Programme of Disarmament should be to eliminate the danger of war, [in particular nuclear war, the prevention of which remains the most acute and urgent task of the present day,] [inter alia, nuclear war,] to implement measures to halt and reverse the arms race, [in particular the nuclear arms race,] and to clear the path towards lasting peace. To this end the programme will also aim:

- To maintain and further the momentum generated by the first special session of the General Assembly devoted to disarmament;
- To initiate or engage in further negotiations, to expedite the halting of the arms race in all its aspects, [in particular the nuclear arms race;]
- To consolidate and develop the results reflected in agreements and treaties achieved so far, relevant to the problems of disarmament;
- To open and accelerate the process of genuine disarmament on an internationally agreed basis.

"2. The ultimate objective of the Comprehensive Programme is to ensure that general and complete disarmament under effective international control becomes a reality in a world in which international peace and security prevail [and in which the New International Economic Order is fully achieved].

"3. Throughout the implementation of the Programme towards the progressive reduction and final elimination of armaments and armed forces, the following objectives should be pursued:

- To strengthen international peace and security, as well as the security of individual States, in accordance with the Charter of the United Nations;
- To contribute to the safeguarding of the sovereignty and independence of all States;
- To make, through the implementation of the programme, an effective contribution to the establishment of conditions favourable to the economic and social development of States, in particular developing States;
- To increase international confidence and relaxation of international tension;
- To establish international relations based on peaceful coexistence and trust between all States, and to develop broad international co-operation and understanding with a view to promoting conditions favourable to the implementation of the Programme;
- To promote further public understanding and support for the efforts to halt the arms race and achieve disarmament, through accurate, balanced, factual and objective information and education in all regions of the world.



### "III. Principles

"1. [The United Nations Charter together with the Final Document of the First Special Session of the General Assembly on Disarmament embodies the basic philosophy for achieving general and complete disarmament.]

"2. [The objective of security, which is an inseparable element of peace, has always been one of the most profound aspirations of humanity. Yet today the accumulation of weapons, particularly nuclear weapons which alone are sufficient to destroy all life on earth, constitutes much more a threat than a protection for the future of mankind and, far from helping to strengthen international security, on the contrary weakens it. Therefore, it is essential to halt and reverse the nuclear arms race in all its aspects in order to avert the danger of war involving nuclear weapons.]

"3. All States Members of the United Nations reaffirm their full commitment to the purposes of the Charter of the United Nations and their obligation strictly to observe its principles as well as other relevant and generally accepted principles of international law relating to the maintenance of international peace and security. [They stress the special importance of refraining from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or against peoples under colonial or foreign domination seeking to exercise their right to self-determination and to achieve independence, non-acquisition and non-annexation of territories by force and non-recognition of such acquisition or annexation, non-intervention and non-interference in the internal affairs of other States; the inviolability of international frontiers; and the peaceful settlement of disputes, having regard to the inherent right of States to individual and collective self-defence in accordance with the Charter.]

"4. In order to create favourable conditions for success in the disarmament process, all States should strictly abide by the provisions of the Charter of the United Nations, refrain from actions which might adversely affect efforts in the field of disarmament, and display a constructive approach to negotiations and the political will to reach agreements.

"5. [Enduring international peace and security cannot be built on the accumulation of weaponry by military alliances or be sustained by a precarious balance of deterrence or doctrines of strategic superiority. Genuine and lasting peace can only be created through the effective implementation of the security system provided for in the Charter of the United Nations and the speedy and substantial reduction of arms and armed forces, by international agreement and mutual example, leading ultimately to general and complete disarmament under effective international control. At the same time, the causes of the arms race and threats to peace must be reduced and to this end effective action should be taken to eliminate tensions and settle disputes by peaceful means.]

"6. [The arms race, particularly in its nuclear aspect, runs counter to efforts to achieve further relaxation of international tension, to establish international relations based on peaceful coexistence and trust between all States, and to develop broad international co-operation and understanding. The arms race impedes the realization of the purposes, and is incompatible with the principles, of the Charter of the United Nations, especially respect

for sovereignty, refraining from the threat or use of force against the territorial integrity or political independence of any State, the peaceful settlement of disputes and non-intervention and non-interference in the internal affairs of States. On the other hand, progress on détente and progress on disarmament mutually complement and strengthen each other.]

"7. Disarmament, relaxation of international tension, respect for the right to self-determination and national independence, the peaceful settlement of disputes in accordance with the Charter of the United Nations and the strengthening of international peace and security are directly related to each other. Progress in any of these spheres has a beneficial effect on all of them; in turn, failure in one sphere has negative effects on others.

"8. Progress in disarmament should be accompanied by measures to strengthen institutions for maintaining peace and the settlement of international disputes by peaceful means.

"9. [The Members of the United Nations are fully aware of the conviction of their peoples that the question of general and complete disarmament is of utmost importance and that peace, security and economic and social development are indivisible, and they have therefore recognized that the corresponding obligations and responsibilities are universal.]

"10. All the peoples of the world have a vital interest in the success of disarmament negotiations. Consequently, all States have the duty to contribute to efforts in the field of disarmament. All States have the right to participate in disarmament negotiations. They have the right to participate on an equal footing in those multilateral disarmament negotiations which have a direct bearing on their national security.

"11. [In a world of finite resources, there is a close relationship between expenditure on armaments and economic and social development. The continuation of the arms race is detrimental to and incompatible with the implementation of the new international economic order based on justice, equity and co-operation. Consequently, there is a close relationship between disarmament and development. Progress in the former would help greatly in the realization of the latter and resources released as a result of the implementation of disarmament measures should be devoted to the economic and social development of all nations and contribute to the bridging of the economic gap between developed and developing countries.]

"12. [Disarmament and arms limitation, particularly in the nuclear field, are essential for the prevention of the danger of nuclear war and the strengthening of international peace and security and for the economic and social advancement of all peoples, thus facilitating the achievement of the new international economic order.]

"13. [Nuclear weapons pose the greatest danger to mankind and to the survival of civilization.]

"14. [Mindful of the danger posed to all mankind by an arms race in outer space that could undermine international peace and security and retard the pursuit of general and complete disarmament, all States should refrain in their activities relating to outer space from actions contrary to the

observance of the relevant existing treaties or to the objective of preventing an arms race in outer space, thus securing that it shall not become a new arena for an arms race.]

"15. The adoption of disarmament measures should take place in such an equitable and balanced manner as to ensure the right of each State to security and to ensure that no individual State or group of States may obtain advantages over others at any stage. At each stage the objective should be undiminished security at the lowest possible level of armaments and military forces.

"16. [In accordance with the Charter,] the United Nations has a central role and [a] primary responsibility in the sphere of disarmament. In order effectively to discharge this role and facilitate and encourage all measures in this field, the United Nations should be kept appropriately informed of all steps in this field, whether unilateral, bilateral, regional or multilateral, without prejudice to the progress of negotiation.

"17. While disarmament is the responsibility of all States, all the nuclear-weapon States have the primary responsibility for nuclear disarmament and, together with other militarily significant States, for halting and reversing the arms race.

"18. In the task of achieving the goals of nuclear disarmament, all the nuclear-weapon States, in particular those among them which possess the most important nuclear arsenals, bear a special responsibility.

"19. An acceptable balance of mutual responsibilities and obligations for nuclear and non-nuclear-weapon States should be strictly observed.

"20. Negotiations on partial measures of disarmament should be conducted concurrently with negotiations on more comprehensive measures and should be followed by negotiations leading to a treaty on general and complete disarmament under effective international control.

"21. [Qualitative and quantitative disarmament measures are both important for halting the arms race. Efforts to that end must include negotiations on the limitation and cessation of the qualitative improvement of armaments, especially weapons of mass destruction and the development of new means of warfare so that ultimately scientific and technological achievements may be used solely for peaceful purposes.]

"22. Disarmament and arms limitation agreements should provide for adequate measures of verification satisfactory to all parties concerned in order to create the necessary confidence and ensure that they are being observed by all parties. The form and modalities of the verification to be provided for in any specific agreement depend upon and should be determined by the purposes, scope and nature of the agreement. [Every effort should be made to develop 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 or prejudice their security.]

"23. Universality of disarmament agreements helps create confidence among States. When multilateral agreements in the field of disarmament are negotiated, every effort should be made to ensure that they are universally acceptable. The full compliance of all parties with the provisions contained in such agreements would contribute to the attainment of that goal.

"24. All States, in particular nuclear-weapon States, should consider various proposals designed to secure the avoidance of the use of nuclear weapons, and the prevention of nuclear war. In this context, while noting the declarations made by nuclear-weapon States, effective arrangements, as appropriate, to assure non-nuclear-weapon States against the use or the threat of use of nuclear weapons could strengthen the security of those States and international peace and security.

"25. [The establishment of nuclear-weapon-free zones on the basis of agreements or arrangements freely arrived at among the States of the zone concerned and the full compliance with those agreements or arrangements, thus ensuring that the zones are genuinely free from nuclear weapons, and respect for such zones by nuclear-weapon States constitute an important disarmament measure.]

"26. Non-proliferation of nuclear weapons [, horizontal, vertical and spatial,] is a matter of universal concern. Measures of disarmament must be consistent with the inalienable right of all States, without discrimination, to develop, acquire and use nuclear technology, equipment and materials for the peaceful use of nuclear energy and to determine their peaceful nuclear programmes in accordance with their national priorities, needs and interests, bearing in mind the need to prevent the proliferation of nuclear weapons. International co-operation in the peaceful uses of nuclear energy should be conducted under agreed and appropriate international safeguards applied on a non-discriminatory basis. \*/

"27. Significant progress in nuclear disarmament would be facilitated both by parallel political or international legal measures to strengthen the security of States and by progress in the limitation and reduction of armed forces and conventional armaments of the nuclear-weapon States and other States in the regions concerned.

"28. Together with negotiations on nuclear disarmament measures, negotiations should be carried out on the balanced reduction of armed forces and of conventional armaments, based on the principle of undiminished security of the parties with a view to promoting or enhancing stability at a lower military level, taking into account the need of all States to protect their security. These negotiations should be conducted with particular emphasis on armed forces and conventional weapons of nuclear-weapon States and other militarily significant countries.

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\*/ One delegation reserves its position on the inclusion of the text following the first sentence in the chapter on principles.

"29. Collateral measures in both the nuclear and conventional fields, together with other measures specifically designed to build confidence, should be undertaken in order to contribute to the creation of favourable conditions for the adoption of additional disarmament measures and to further the relaxation of international tension.

"30. As security and stability should be assured in all regions taking into account the specific needs and requirements of their respective situations, bilateral and regional disarmament negotiations may also play an important role and could facilitate negotiations of multilateral agreements in the field of disarmament.

"31. Agreements or other measures should be resolutely pursued on a bilateral, regional and multilateral basis with the aim of strengthening peace and security at a lower level of forces, by the limitation and reduction of armed forces and of conventional weapons, taking into account the need of States to protect their security, bearing in mind the inherent right of self-defence embodied in the Charter of the United Nations and without prejudice to the principle of equal rights and self-determination of peoples in accordance with the Charter, and the need to ensure balance at each stage and undiminished security of all States.

"32. Bilateral, regional and multilateral consultations and conferences should be held where appropriate conditions exist with the participation of all the countries concerned for the consideration of different aspects of conventional disarmament.

"33. Draft multilateral disarmament conventions should be subjected to the normal procedures applicable in the law of treaties. Those submitted to the General Assembly for its commendation should be subject to full review by the Assembly.

"34. [Each fully implemented arms limitation or disarmament measure helps to build [the] confidence [needed] [and] to advance to more significant steps toward general and complete disarmament measures.]

"35. [Respect for and the effective exercise of human rights and fundamental freedoms [, especially the right to live in a nuclear-weapon-free, demilitarized and non-violent world,] are essential factors for international peace, justice and security.]

"36. [Confidence-building measures, especially when applied in a comprehensive manner, have a potential to contribute significantly to the enhancement of peace and security and to promote and facilitate the attainment of disarmament measures.]

"37. [A better flow of objective information on military capabilities could help relieve international tension and contribute to the building of confidence among States on a global, regional or subregional level and to the conclusion of concrete disarmament agreements.]]

"1. [The United Nations as well as generally accepted principles of international law provide the basic norms required for progress in the field of disarmament. The process of achieving general and complete disarmament under effective international control should take duly into account the basic principles and priorities established by the Final Document of the first special session of the General Assembly devoted to disarmament.]

[The United Nations Charter as well as generally accepted principles of international law provide norms of conduct for nations required for progress in the field of disarmament. Only strict observance of these norms can create conditions necessary for the achievement of the ultimate objective of general and complete disarmament under effective international control, also reflected in the Final Document of the first special session of the General Assembly devoted to disarmament.]

"2. All States Members of the United Nations should affirm their full commitment to the purposes and principles of the United Nations Charter, strictly observe its provisions as well as other relevant and generally accepted principles of international law relating to the maintenance of international peace and security [including the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States] and refrain from actions which might adversely affect efforts in the field of disarmament and the process of building confidence and security, displaying a constructive approach to negotiations and the political will to reach agreements.

"3. Disarmament, relaxation of international tension, respect for the right to self-determination and national independence, the peaceful settlement of disputes in accordance with the Charter of the United Nations and the strengthening of international peace and security are directly related to each other. Progress in any of these spheres has a beneficial effect on all of them; in turn, failure in one sphere has negative effects on others.

"4. Recognizing that security is an inseparable element of peace, that the arms race is inherently unstable and that enduring peace and security for the future cannot be built on the accumulation of weaponry, all States should adopt defence policies and military doctrines which could contribute to reductions in armed forces and armaments to the levels necessary for defence, to a decrease in military confrontation and to greater confidence and stability in relations among States. All States should seek to strengthen and ensure international security through peaceful and mutually beneficial co-operation and disarmament agreements, which is essential in order to halt and reverse the arms race and prevent war, in particular nuclear war.

"5. Progress in disarmament should be accompanied by measures to strengthen institutions for maintaining peace and the settlement of international disputes by peaceful means.

"6. All States have the obligation to promote international peace and security and to contribute to efforts in the field of disarmament. [All States have the right to participate in the disarmament process.] All States have the right to participate on the basis of equality in those multilateral disarmament negotiations which have a direct bearing on their national security.

"7. Progress in the field of disarmament should contribute to the social and economic development of all nations, particularly developing nations.

"8. Outer space shall be the province of all mankind. Its exploration and use shall be carried out for the benefit and in the interests of all States and in the interest of maintaining international peace and security and promoting international co-operation and understanding. All States, in particular the major space Powers, should contribute actively to the prevention of an arms race in outer space.

"9. Bearing in mind the right of each State to security, the adoption of disarmament measures should take place in such an equitable and balanced manner as to enhance the security of each State and to ensure that no individual State or group of States may obtain advantages over others at any stage. At each stage the objective should be undiminished security at the lowest possible level of armaments and military forces.

"10. The United Nations have a central role and primary responsibility in the sphere of disarmament and in the promotion of international peace and security. In order effectively to discharge this role and facilitate and encourage all measures in this field, the United Nations should be kept appropriately informed of all steps in this field, whether unilateral, bilateral, regional or multilateral, without prejudice to the progress of negotiations.

"11. An acceptable balance of mutual responsibilities and obligations for nuclear and non-nuclear-weapon States should be strictly observed. While disarmament is the responsibility of all States, the nuclear-weapon States, in particular those among them which possess the most important nuclear arsenals, have the primary responsibility for nuclear disarmament and, together with other militarily significant States, for halting and reversing the arms race.

"12. Qualitative as well as quantitative aspects must be taken into account in disarmament and arms limitation agreements in order to promote international peace and security and to ensure [that improvement in armaments does not undermine the validity and viability of agreements and] that ultimately scientific and technological developments be used for peaceful purposes.

"13. Disarmament and arms limitation agreements should provide for effective measures of verification in order to create necessary confidence, monitor and promote compliance. The specific measures of verification in any specific agreement should be determined by the purposes, scope and nature of the agreement.

"14. Together with negotiations on nuclear disarmament measures, negotiations should be carried out on the balanced reduction of armed forces and of conventional armaments, based on the principle of undiminished security of the parties with a view to promoting or enhancing stability at a lower military level, taking into account the need of all States to protect their security. These negotiations should be conducted with particular emphasis on armed forces and conventional weapons of the countries with the largest military arsenals and other militarily significant countries.

"15. All efforts should be exerted to achieve the prohibition of all other weapons of mass destruction, in particular the final elaboration of a convention on the prohibition of the development, production, stockpiling and use of all chemical weapons and on their destruction at the earliest possible date.

"16. Collateral measures in both the nuclear and conventional fields, together with other measures specifically designed to build confidence, should be undertaken in order to further the relaxation of international tension and thus create favourable conditions for the adoption of additional disarmament measures.

"17. As security and stability should be assured in all regions taking into account the specific needs and requirements of their respective situations, bilateral and regional disarmament negotiations should also play an important role in order to facilitate negotiations of multilateral agreements in the field of disarmament, which would enhance international peace and security.

"18. All States should promote a better flow of objective information on military capabilities in order to contribute to the building of confidence among States on a global, regional or subregional level and in order to facilitate the conclusion of concrete disarmament agreements, which would enhance international peace and security.]

#### "IV. Priorities

"1. \*/ In the implementation of the Comprehensive Programme of Disarmament for the achievement of general and complete disarmament under effective international control as the ultimate goal, the priorities which reflect the urgency attached to the measures for negotiations are:

- nuclear weapons;
- [- prevention of an arms race in outer space,]
- other weapons of mass destruction, including chemical weapons;
- conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects; and
- reduction of armed forces.

"2. [Effective measures of nuclear disarmament, the prevention of nuclear war and the prevention of an arms race in outer space have the highest priority. Along with negotiations on these measures, effective measures should be negotiated to prohibit or prevent the development, production or use of other weapons of mass destruction, as well as on the balanced reduction of armed forces and of conventional armaments.]

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\*/ Some delegations expressed the belief that the order of the items listed in this paragraph does not constitute an agreed order of importance.



"3. [Nothing should preclude States from conducting negotiations on all priority items concurrently.] Bearing in mind these priorities, negotiations should be pursued on all measures which would lead to general and complete disarmament under effective international control.

"V. [Measures and stages of implementation

First stage]

"DISARMAMENT MEASURES

"A. Nuclear weapons

"1. [Nuclear weapons pose the greatest danger to mankind and to the survival of civilization. It is essential to halt and reverse the nuclear arms race in all its aspects in order to avert the danger of war involving nuclear weapons. The ultimate goal in this context is the complete elimination of nuclear weapons.

In the task of achieving the goals of nuclear disarmament, all the nuclear-weapon States, in particular those among them which possess the most important nuclear arsenals, bear a special responsibility.

The process of nuclear disarmament should be carried out in such a way, and requires measures to ensure, that the security of all States is guaranteed at progressively lower levels of nuclear armaments, taking into account the relative qualitative and quantitative importance of the existing arsenals of the nuclear-weapon States and other States concerned.]

"2. The achievement of nuclear disarmament will require [urgent] negotiation of agreements at appropriate stages and with adequate measures of verification satisfactory to the States concerned for:

"(a) Cessation of the qualitative improvement and development of nuclear-weapon systems;

"(b) Cessation of the production of all types of nuclear weapons and their means of delivery, and of the production of fissionable material for weapons purposes;

"(c) [A comprehensive, phased programme with agreed time-frames, whenever feasible, for progressive] [Significant] and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time.

"Consideration can be given in the course of the negotiations to mutual and agreed limitation or prohibition, without prejudice to the security of any State, of any type of nuclear armaments.

"3. Nuclear test ban:

The cessation of nuclear-weapon testing by all States within the framework of an effective nuclear disarmament process would be in the interest of mankind. \*/ It would make a significant contribution to the aim of ending the qualitative improvement of nuclear weapons and the development of new types of such weapons and of preventing the proliferation of nuclear weapons. [Therefore, all efforts should be made to conclude, as an important part of the process of nuclear disarmament, a multilateral nuclear test ban treaty at the earliest possible date.] [Therefore, it is necessary to make all efforts for the elaboration of a multilateral treaty on a nuclear test ban at the earliest possible date.] [Therefore, negotiations should be immediately initiated for the urgent conclusion of a nuclear test ban treaty.] [It is necessary to undertake all possible efforts and immediately hold negotiations for the urgent elaboration of a treaty on the complete and general prohibition of nuclear weapon tests; before the conclusion of such a treaty all nuclear-weapon States should declare a moratorium on all nuclear explosions.] [It is therefore necessary as an important part of the process of nuclear disarmament to make every effort to achieve an effective and verifiable multilateral treaty on a nuclear test ban at the earliest practical date.]

"4. [Pending the conclusion of further agreements relating to nuclear disarmament the USSR and the United States should, on a reciprocal basis, continue to refrain from actions which would undercut existing strategic arms agreements concluded between them.]

"5. Negotiations between the United States of America and the Union of Soviet Socialist Republics on nuclear and space arms:

The United States of America and the Union of Soviet Socialist Republics have expressed consciousness of their special responsibility for maintaining peace and have agreed that a nuclear war cannot be won and must never be fought. The agreement between the United States and the Soviet Union to accelerate the work at their bilateral nuclear and space arms negotiations has been widely welcomed. In this context nations of the world have endorsed the proclaimed objective of these negotiations and have stressed the importance of their being pursued with utmost dispatch with the objective of reaching early agreements. In this regard the United States and the Soviet Union should also continue to keep in view the following:

"(a) The objective to work out effective agreements aimed at preventing an arms race in space and terminating it on Earth as well as limiting and reducing nuclear arms.

"(b) The need to take fully into account the security interests of all States.

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\*/ Some delegations reserved their position with respect to the first sentence of this text.

"(c) The need to display a spirit of flexibility and to maintain equal and undiminished security for all at constantly decreasing levels of armaments and the principle that neither side should seek to achieve military superiority over the other.

"(d) The requirement for effective measures for verification of compliance with agreements.

"(e) The fact that while reductions in the nuclear arsenals of the United States and the USSR are directly to be negotiated and effected by the two sides involved, the overall subject of nuclear disarmament is of world-wide concern since nuclear weapons and their accumulation pose a threat not only to their possessors and their allies but every other nation.

"(f) [The United Nations General Assembly has reiterated its belief that bilateral and multilateral efforts for nuclear disarmament should complement and facilitate each other.]

[The fact that bilateral negotiations do not in any way diminish the urgent need to initiate multilateral negotiations in the Conference on Disarmament on the cessation of the nuclear arms race and nuclear disarmament.]

"(g) The need to keep the United Nations General Assembly and the Conference on Disarmament appropriately informed of the state of negotiations, inter alia, in view of the responsibilities entrusted to these bodies as well as the universal desire for progress towards disarmament.

The Soviet Union and the United States, having agreed to accelerate the pace of their bilateral negotiations, should exert every effort to achieve agreements on substantial reductions in their nuclear arsenals to be implemented during the initial phase of the disarmament process, which should be as brief as possible. In this context, the two sides have already agreed on the principle of 50 per cent reductions in their nuclear arms appropriately applied, as well as the idea of an interim INF agreement. During this initial phase other agreements helpful to the overall disarmament process should also be concluded and put into effect.

Following is the text of the Joint United States-Soviet statement which was issued on 8 January 1985, regarding their negotiations on nuclear and space arms:

'As previously agreed, a meeting was held on 7 and 8 January 1985 in Geneva between George P. Schultz, the United States Secretary of State, and Andrei A. Gromyko, Member of the Politburo of the Central Committee of the CPSU, First Deputy Chairman of the Council of Ministers of the USSR and Minister of Foreign Affairs of the USSR.

During the meeting they discussed the subject and objectives of the forthcoming United States-Soviet negotiations on nuclear and space arms.

The sides agree that the subject of the negotiations will be a complex of questions concerning space and nuclear arms - both strategic and intermediate-range - with all these questions considered and resolved in their interrelationship.

The objective of the negotiations will be to work out effective agreements aimed at preventing an arms race in space and terminating it on Earth, at limiting and reducing nuclear arms, and at strengthening strategic stability. The negotiations will be conducted by a delegation from each side divided into three groups.

The sides believe that ultimately the forthcoming negotiations, just as efforts in general to limit and reduce arms, should lead to the complete elimination of nuclear arms everywhere.

The date of the beginning of the negotiations and the site of these negotiations will be agreed through diplomatic channels within one month.'

"6. Multilateral negotiations on nuclear disarmament:

[The urgent initiation of multilateral nuclear disarmament negotiations is of vital interest to the nuclear and non-nuclear-weapon States. The conclusion of multilateral disarmament agreements would be facilitated by substantial progress in the bilateral negotiations in this area between the States which possess the most important arsenals and have a special responsibility in the field of nuclear disarmament. Also, multilateral negotiations are particularly important to achieve significant and universal progress toward the achievement of nuclear disarmament. This will require negotiation of agreements at appropriate stages, taking due account of the relative quantitative and qualitative importance of existing arsenals and the necessity of maintaining the undiminished security of all States, nuclear and non-nuclear, at each stage, and with adequate measures of verification satisfactory to all parties concerned, for the cessation of the qualitative improvement and development of nuclear-weapon systems, for the cessation of the production of all types of nuclear weapons and their means of delivery and for the reduction of stockpiles of nuclear weapons and their means of delivery.

In the course of such negotiations, a combination of the measures as detailed in paragraph 2 above, or a combination of different elements of such measures, could be considered.

The overall objective of the measures for nuclear disarmament outlined in the preceding paragraphs for negotiation during the first stage of the Comprehensive Programme, and of those included in subsequent stages, would be to achieve qualitative and quantitative limitations on and significant reductions of the nuclear-weapon arsenals existing at the beginning of the stage.]

"7. Avoidance of the use of nuclear weapons and prevention of nuclear war:

[There is today an international consensus that a nuclear war cannot be won and must never be fought. There is no objective of greater importance than the prevention of nuclear war. The surest way to remove the danger of nuclear war and the use of nuclear weapons is nuclear disarmament and elimination of nuclear weapons. [All Member States recognize the need to prevent war, especially because war can escalate to nuclear war. As an important step in improving international security and reducing the risk of war, including nuclear war, the nuclear-weapon States with the most important nuclear arsenals should seek deep and verifiable reduction in their nuclear arsenals [to equal levels in a more stable configuration].] Pending the

achievement of nuclear disarmament for which negotiations should be relentlessly pursued all States should co-operate for the adoption of practical and appropriate measures to prevent the outbreak of a nuclear war and to avoid the use of nuclear weapons.

In this context account should be taken of existing undertakings by nuclear-weapon States about no-first-use of nuclear weapons as well as about non-use of any weapons except in response to an attack. In addition, it should be borne in mind that the situation in the wake of any use of nuclear weapons cannot be limited or controlled and would lead to a global war endangering the very survival of human civilization as it is known. It is therefore incumbent on all States, in particular, nuclear-weapon States to ensure that their future actions, policies and agreements [rule out the use of nuclear weapons.] [are conducive to the elimination of nuclear weapons].

"8. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

The nuclear-weapon States should take steps to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons. Bearing in mind the declarations made by the nuclear-weapon States, efforts should be pursued to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

"9. Nuclear non-proliferation:

It is imperative, as an integral part of the effort to halt and reverse the arms race, to prevent the proliferation of nuclear weapons. The goal of nuclear non-proliferation is on the one hand to prevent the emergence of any additional nuclear-weapon States besides the existing five nuclear-weapon States, and on the other progressively to reduce and eventually eliminate nuclear weapons altogether. This involves obligations and responsibilities on the part of both nuclear-weapon States and non-nuclear-weapon States, the former undertaking to stop the nuclear arms race and to achieve nuclear disarmament by urgent application of the measures outlined in the relevant paragraphs of the Final Document, and all States undertaking to prevent the spread of nuclear weapons.

Effective measures can and should be taken at the national level and through international agreements to minimize the danger of the proliferation of nuclear weapons without jeopardizing energy supplies or the development of nuclear energy for peaceful purposes. Therefore, the nuclear-weapon States and the non-nuclear-weapon States should jointly take further steps to develop an international consensus of ways and means, on a universal and non-discriminatory basis, to prevent the proliferation of nuclear weapons.

Full implementation of all the provisions of existing instruments on non-proliferation, such as the Treaty on the Non-Proliferation of Nuclear Weapons and/or the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) and the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) by States parties to those instruments will be an important contribution to this end. Adherence to such instruments has increased in recent years and the hope has been expressed by the parties that this trend might continue.

Non-proliferation measures should not jeopardize the full exercise of the inalienable rights of all States to apply and develop their programmes for the peaceful uses of nuclear energy for economic and social development in conformity with their priorities, interests and needs. All States should also have access to and be free to acquire technology, equipment and materials for peaceful uses of nuclear energy, taking into account the particular needs of the developing countries. International co-operation in this field should be under agreed and appropriate international safeguards applied through the International Atomic Energy Agency on a non-discriminatory basis in order to prevent effectively the proliferation of nuclear weapons.

Each country's choices and decisions in the field of the peaceful uses of nuclear energy should be respected without jeopardizing their respective fuel cycle policies or international co-operation, agreements and contracts for the peaceful uses of nuclear energy, provided that the agreed safeguard measures mentioned above are applied.

In accordance with the principles and provisions of General Assembly resolution 32/50 of 8 December 1977, international co-operation for the promotion of the transfer and utilization of nuclear technology for economic and social development, especially in the developing countries, should be strengthened.

"10. Establishment of nuclear-weapon-free zones:

Bearing in mind the importance of significant nuclear arms reductions and other measures discussed in this chapter, the establishment of nuclear-weapon-free zones, on the basis of agreements or arrangements freely arrived at among the States of the region concerned, [can] constitute[s] an important [disarmament] [nuclear non-proliferation] measure. The process of establishing nuclear-weapon-free zones [that will enhance world-wide security and stability] in different parts of the world should be encouraged, with the ultimate objective of achieving a world entirely free of nuclear weapons. In the process of establishing such zones, the characteristics of each region should be taken into account. The States participating in such zones should undertake to comply fully with all the objectives, purposes and principles of the agreements or arrangements establishing the zones, thus ensuring that they are genuinely free from nuclear weapons. With respect to such zones, the nuclear-weapon States in turn are called upon to give undertakings, the modalities of which are to be negotiated with the competent authority of each zone, in particular:

"(a) to respect strictly the status of the nuclear-weapon-free zone;

"(b) to refrain from the use or threat of use of nuclear weapons against the States of the zones.

"The following nuclear-weapon-free zones have been established:

"(a) In Latin America, under the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco). In this respect, the States concerned should adopt all relevant measures to ensure the full application of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), taking into account the views expressed on the adherence to it at

the tenth special session of the General Assembly, the General Conferences of OPANAL and other relevant forums, and including ratification of Additional Protocol I by all States concerned.

"(b) In the South Pacific, under the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga). In this respect and in view of the measures undertaken by the Parties to the Treaty, the attention of the States concerned is drawn to the Protocols attached to the Treaty, with relevant measures which they are invited to undertake.

"Other international legal instruments which give comparable nuclear-weapon-free status to their respective area of application are, inter alia, the Antarctic Treaty, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies and the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Sub-soil Thereof.

"In the light of existing conditions, where the establishment of nuclear-weapon-free zones has been proposed, and without prejudice to efforts for establishing nuclear-weapon-free zones in other regions, the following measures, among others, should be considered:

"(a) In Africa, the Organization of African Unity has affirmed the denuclearization of the continent. The United Nations General Assembly in successive resolutions has supported the African initiative for the denuclearization of the continent and at its tenth special session the General Assembly, by consensus, called upon the Security Council to take appropriate effective steps to prevent the frustration of this objective.

"(b) The establishment of a nuclear-weapon-free zone in the Middle East in compliance with General Assembly resolution 35/147 would greatly enhance international peace and security. Pending the establishment of such a zone in the region, States of the region should solemnly declare that they will refrain on a reciprocal basis from producing, acquiring or in any other way possessing nuclear weapons and nuclear explosive devices and from permitting the stationing of nuclear weapons on their territory by any third party, and agree to place all their nuclear activities under International Atomic Energy Agency safeguards. Consideration should be given to a Security Council role in advancing the establishment of a nuclear-weapon-free zone in the Middle East.

"(c) All States in the region of South Asia have expressed their determination to keep their countries free of nuclear weapons. No action should be taken by them which might deviate from that objective. In this context, the question of establishing a nuclear-weapon-free zone in South Asia has been dealt with in several resolutions of the General Assembly, which is keeping the subject under consideration.

"(d) [Efforts to create nuclear-weapon-free zones in other regions of the world should be promoted at the initiative of States which intend to become part of the zone.]

[Specific proposals have been put forward for the establishment of a zone free of nuclear weapons in the Balkans. Regional States have expressed their determination to undertake individual or joint steps to bring about the withdrawal of nuclear weapons and to set up such a zone. Interested Balkan countries have engaged in a process of bilateral and multilateral dialogue on practical measures aimed at creating a nuclear-weapon-free zone and enhancing security, confidence, good neighbourliness and co-operation.]

[It was proposed that negotiations be opened without delay on the establishment of a nuclear-weapon-free corridor in Central Europe. It is suggested that the corridor - from the territory of which all nuclear-weapon systems should be removed - should range approximately 150 kilometres along both sides of the borderline between the Federal Republic of Germany on one side and the German Democratic Republic and the Czechoslovak Socialist Republic on the other. At a subsequent stage, it would be expanded to cover the whole area of Central Europe as defined for the purpose of the Vienna negotiations on mutual reductions of armed forces and armaments in Central Europe.] \*/

[Implementation of the plan for reducing armaments and increasing confidence in Central Europe which, inter alia, provides for gradual disengagement and reduction of jointly agreed operational and battlefield kinds of nuclear arms, so that all types of nuclear arms would be covered by international negotiations and agreements.]

[The right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons from their respective territories is internationally recognized. Efforts to create nuclear-weapon-free zones in other regions of the world have been undertaken at the initiative of States which intend to become part of the zone. Not all States have formally recognized these proposals.]

Proposals for the establishment of nuclear-weapon-free zones have been put forward for various parts of Europe, including the Balkans, Central Europe and Northern Europe. Not all States in the respective areas have yet agreed on the merits of establishing such zones.]

"(e) [Ensuring that the zones are genuinely free from nuclear weapons and respect for such zones by nuclear-weapon States constitute an important disarmament measure.]

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\*/ The proposal for a corridor free from battlefield nuclear weapons in Central Europe was first suggested by the Independent Commission on Disarmament and Security Issues (now known as the Palme Commission). One delegation emphasized that such a corridor would not constitute a nuclear-weapon-free-zone as defined in the present paragraph. Some delegations emphasized that a nuclear-weapon-free corridor (also widely referred to as a 'zone') when, as proposed, expanded to cover the whole area of Central Europe, would in effect become a nuclear-weapon-free zone.



"B. Other weapons of mass destruction

"1. All States should adhere to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

"2. All States which have not yet done so should accelerate the process of adhering to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

"3. It is necessary to make all possible efforts for the early achievement at the negotiations in the Conference on Disarmament of an international convention on the complete and effective prohibition of the development, production, stockpiling and use of all chemical weapons and on their destruction.

"4. An international treaty on the prohibition of the development, production, stockpiling and use of radiological weapons should be concluded, bearing in mind the negotiations under way in the Conference on Disarmament and all proposals made in connection therewith.

"5. Effective measures should be taken to avoid the danger and prevent the emergence of new types of weapons of mass destruction based on new scientific principles and achievements. Efforts should be appropriately pursued aiming at the prohibition of such types and systems of weapons. Specific agreements could be concluded on particular types of new weapons of mass destruction which may be identified. This question should be kept under continuing review.

"C. Conventional weapons and armed forces

"1. Together with negotiations on nuclear disarmament measures, the limitation and gradual reduction of armed forces and conventional weapons should be resolutely pursued within the framework of progress towards general and complete disarmament. States with the largest military arsenals have a special responsibility in pursuing the process of conventional armaments reductions.

"2. \*/ In view of the present situation where the concentration of troops and armaments in Europe \*\*/ has reached an especially high level, it is necessary to strengthen strategic stability through the establishment, at a significantly lower level, of a stable, comprehensive and verifiable balance of conventional forces. The more stable situation should be achieved by agreements on appropriate and mutual reductions and limitations in the whole

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\*\*/ The mentioning of Vienna negotiations and the Stockholm Conference under the heading 'Conventional weapons and armed forces' is without prejudice to the content of talks in those fora.

\*\*\*/ With the common understanding that this does not refer to neutral and non-aligned States.

of Europe and on effective confidence- and security-building measures, taking into account the need to dispel the mutual suspicion and distrust accumulated over many years.

Such steps should ensure undiminished security of all States with full respect for the security interests and independence of all States, including those outside military alliances.

The agreement on a set of confidence- and security-building measures at the Conference on Confidence- and Security-Building Measures and Disarmament in Europe, held in Stockholm, represents a new step of great political importance. Its full implementation will reduce the dangers of armed conflict and of misunderstanding or miscalculation of military activities in that region. The agreed measures are of military significance and politically binding and are provided with adequate forms of verification which correspond to their content.

On the basis of equality of rights, balance and reciprocity, equal respect for the security interests of all CSCE participating States, and of their respective obligations concerning confidence- and security-building measures and disarmament in Europe, these confidence- and security-building measures cover the whole of Europe as well as the adjoining sea area \*/ and air space, whenever notifiable military activities affect security in Europe as well as constitute a part of activities taking place within the whole of Europe.

The positive results obtained at the Stockholm Conference show that, despite differences of opinion, concrete and verifiable agreements are possible in the sensitive field of military security. Their implementation is appropriate for furthering the process of confidence-building and improving security, making an important contribution to developing co-operation in Europe, thereby contributing to international peace and security in the world as a whole. \*\*/

"3. Agreements or other measures should be resolutely pursued on a bilateral, regional and multilateral basis with the aim of strengthening peace and security at a lower level of forces, by the limitation and reduction of armed forces and of conventional weapons, taking into account the need of States to protect their security, bearing in mind the inherent right of self-defence embodied in the Charter of the United Nations and without prejudice to the

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\*\*/ In this context, the notion of adjoining sea area is understood to refer also to ocean areas adjoining Europe.

\*\*\*/ Further formulations on confidence- and security-building measures and disarmament in Europe should be possible on the basis of work under way in Vienna.

principle of equal rights and self-determination of peoples in accordance with the Charter and the need to ensure balance at each stage and undiminished security of all States. Such measures might include the following:

"(a) Bilateral, regional and multilateral consultations and conferences should be held where appropriate conditions exist with the participation of all the countries concerned for the consideration of different aspects of conventional disarmament, such as the initiative envisaged in the Declaration of Ayacucho subscribed to by eight Latin American countries on 9 December 1974.

"(b) Consultations should be carried out among major arms suppliers and recipient countries on the limitation of all types of international transfer of conventional weapons, based in particular on the principle of undiminished security of the parties with a view to promoting or enhancing stability at a lower military level, taking into account the need of all States to protect their security as well as the inalienable right to self-determination and independence of peoples under colonial or foreign domination and the obligations of States to respect that right, in accordance with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States.

"4. Prohibition or restrictions of use of certain conventional weapons, including those which may cause unnecessary suffering or which may have indiscriminate effects:

"(a) Adherence by all States to the agreement adopted by the United Nations Conference on Prohibition or Restrictions of Use of Certain Conventional Weapons Which May be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

"(b) Broadening of the prohibition or restrictions of use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects, either through amendments to the existing Protocols or through the conclusion of additional Protocols, in accordance with Article 8 of the Convention on Prohibition or Restrictions of Use of Certain Conventional Weapons Which May be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

"(c) The result of the above-mentioned Conference should be considered by all States, especially producer States, in regard to the question of the transfer of such weapons to other States.

"D. Military budgets \*/

"1. Gradual reduction of military budgets on a mutually agreed basis, for example, in absolute figures or in terms of percentage points, particularly by nuclear-weapon States and other militarily significant States, would be a measure that would contribute to the curbing of the arms race and would increase the possibilities of reallocation of resources now being used for military purposes to economic and social development, particularly for the benefit of the developing countries.

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\*/ One delegation reserves its position on the inclusion of the current text in the Comprehensive Programme of Disarmament.

"2. The basis for implementing this measure will have to be agreed by all participating States and will require ways and means of its implementation acceptable to all of them, taking account of the problems involved in assessing the relative significance of reductions as among different States and with due regard to the proposals of States on all the aspects of reduction of military budgets.

"3. The General Assembly should continue to consider what concrete steps should be taken to facilitate the reduction of military budgets, bearing in mind the relevant proposals and documents of the United Nations on this question.

"E. Related measures

"1. Further steps to prohibit military or any other hostile use of environmental modification techniques:

Review of the need for a further prohibition of military or any other hostile use of environmental modification techniques with a view to the adoption of further measures to eliminate the danger to mankind from such use.

"2. Further steps to prevent an arms race on the sea-bed and the ocean floor and the subsoil thereof:

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 in the subsoil thereof in order to promote the peaceful use of, and to avoid an arms race in, that environment, taking into account, as appropriate, the United Nations Convention on the Law of the Sea and the proposals made during the First and Second Review Conferences of the 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, as well as any relevant technological developments.

"3. \*/ 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.

All States, in particular those with major space capabilities, should contribute actively to the objective of the peaceful use of outer space and take immediate measures to prevent an arms race in outer space in the interest of maintaining international peace and security and promoting international co-operation and understanding. \*\*/

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\*/ The placement of this paragraph in the Comprehensive Programme of Disarmament will be determined later.

\*\*/ Some delegations reserved their position on the first two paragraphs until the language of this entire section is completed and its placement resolved.

To this end all effective efforts should be made both bilaterally and multilaterally.

In this regard bilateral negotiations have been undertaken and should be continued to work out effective agreements on the prevention of an arms race in outer space. The two parties are requested to continue to keep the Conference on Disarmament and the United Nations General Assembly informed of the progress made in their bilateral sessions in order to facilitate multilateral work on this subject.

Efforts should be made by the Conference on Disarmament in the exercise of its responsibilities as the multilateral disarmament negotiating forum in accordance with paragraph 120 of the Final Document of the tenth special session of the General Assembly and which has a primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space. \*/

"4. The establishment of zones of peace: \*\*/

The establishment of zones of peace in various regions of the world under appropriate conditions, to be clearly defined and determined freely by the States concerned in the zone, taking into account the characteristics of the zone and the principles of the Charter of the United Nations, and in conformity with international law, can contribute to strengthening the security of States within such zones and to international peace and security as a whole.

"(a) South-East Asia:

In the interest of the promotion of peace, stability and co-operation in South-East Asia, steps should be taken by all States of the region, primarily those States most directly interested, through consultations and dialogue among themselves, towards the early establishment of a zone of peace, freedom and neutrality in South-East Asia, which would be consistent with the Political Declaration of the Seventh Summit Conference of the Non-Aligned Countries in New Delhi, held in March 1983. \*\*\*/

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\*/ Many delegations consider that the first paragraph, which reproduces paragraph 80 of the Final Document of the first special session of the General Assembly devoted to disarmament, should be supplemented to reflect that present urgency and importance of the subject. They further consider that it should occupy a more prominent place in the Programme and, to that end, propose that it be included as subsection B in the section 'Disarmament measures', under the heading: 'Prevention of an arms race in outer space'. Other delegations are considering the placement of this paragraph pending the balance of the overall document.

\*\*/ Measures related to the Asian and Pacific Ocean region were also proposed.

\*\*\*/ One delegation reserves its position on this text.

"(b) Indian Ocean:

Achievement of the objectives of the Declaration of the Indian Ocean as a Zone of Peace would be a substantial contribution to the strengthening of international peace and security.

There is agreement within the United Nations for practical steps to be taken to establish a Zone of Peace in the Indian Ocean region.

Practical steps should be taken within the United Nations Ad Hoc Committee on the Indian Ocean to prepare for an early Conference, as a necessary step towards establishing a zone of peace.

Taking into account the political and security climate in the region, the Ad Hoc Committee should complete its preparatory work relating to the Conference on the Indian Ocean to enable the Conference to be opened at a date not later than 1988 to be decided by the Committee in consultation with the host country. Such preparatory work would comprise organizational matters and substantive issues, including the provisional agenda for the Conference, rules of procedure, participation, stages of conference, level of representation, documentation, consideration of appropriate arrangements for any international agreements that may ultimately be reached for the maintenance of the Indian Ocean as a zone of peace and the preparation of the draft final document of the Conference.

The Ad Hoc Committee should, at the same time, seek the necessary harmonization of views on remaining relevant issues.

The creation of a zone of peace requires the active participation of and full co-operation among the littoral and hinterland States, the permanent members of the Security Council and the major maritime users to ensure conditions of peace and security based on the purposes and principles of the Charter, as well as the general principles of international law.

The creation of a zone of peace also requires respect for the independence, sovereignty and territorial integrity of the littoral and hinterland States.

"(c) Mediterranean:

Bearing in mind that security in the Mediterranean region is closely linked with European security and with international peace and security, positive steps should be taken by all States concerned to ensure peace, security and co-operation in the Mediterranean region.

To this end further efforts are necessary for the reduction of tensions and of armaments; for strengthening of confidence; for the creation of conditions of security and fruitful co-operation in all fields for all countries and peoples of the Mediterranean, on the basis of the principles of sovereignty, independence, territorial integrity, security, non-intervention and non-interference, non-violation of international borders, non-use of force or threat of use of force, the inadmissibility of the acquisition of territory by force, peaceful settlement of disputes and respect for permanent sovereignty over natural resources; for the promotion of just and viable solutions of existing problems and crisis in the area on the basis of the

provisions of the Charter and of relevant resolutions of the United Nations, the withdrawal of foreign forces of occupation and the right of peoples under colonial or foreign domination to self-determination and independence.

The States of the Mediterranean region and other concerned States should co-operate to define and implement, as appropriate, such steps and measures which should be conducive for creating conditions of peace, security and co-operation in the Mediterranean region in accordance with the purposes and principles of the Charter of the United Nations and with the provisions of the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

In this connection note is taken of the commitments assumed by the participants of the meeting of the Mediterranean members of the Movement of the Non-Aligned Countries held at Valletta, Malta in 1984, and at Brioni, Yugoslavia, in 1987, with the objective of contributing to peace and security in the region. \*/

"[(d) South Atlantic:

The declaration of the Zone of Peace and Co-operation of the South Atlantic constitutes a concrete step towards the goals set forth by the international community to be achieved through the establishment of zones of peace in various regions of the world for the benefit of all mankind, thereby contributing significantly to the strengthening of international peace and security and to the promotion of the principles and purposes of the United Nations. In this context, it is recognized that the States of the region have a special interest and responsibility to promote regional co-operation for economic development and peace.

States of other regions, in particular militarily significant States, should scrupulously respect the South Atlantic region as a zone of peace and co-operation, especially through the reduction and eventual elimination of their military presence there, the non-introduction of nuclear weapons or other weapons of mass destruction and the non-extension into the region of rivalries and conflicts foreign to it.

All States of the region and of all other regions should co-operate in the elimination of all sources of tension in the zone, respect the national unity, sovereignty, political independence and territorial integrity of every State therein, refrain from the threat or use of force, and strictly observe the principle that the acquisition of territory by force is inadmissible.

The elimination of apartheid and the attainment of self-determination and independence by the people of Namibia, as well as the cessation of all acts of aggression and subversion against States in the zone are essential for peace and security in the region. To that end, implementation of all United Nations resolutions pertaining to colonialism, racism and apartheid is urgently required.]]

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\*/ There was a proposal for the convening of a conference on the Mediterranean region.

## "OTHER MEASURES

### "1. Confidence-building measures

"In order to facilitate the process of disarmament, it is necessary to take measures and pursue policies to strengthen international peace and security and to build confidence among States. Commitment to confidence-building measures could significantly contribute to preparing for further progress in disarmament. For this purpose, measures such as the following, and other measures yet to be agreed upon, should be undertaken:

"(a) The prevention of attacks which take place by accident, miscalculation or communications failure by taking steps to improve communications between Governments, particularly in areas of tensions, by the establishment of 'hot lines' and other methods of reducing the risk of conflict;

"(b) States should assess the possible implications of their military research and development for existing agreements as well as for further efforts in the field of disarmament.

"(c) States should consider implementing measures based on the principles of openness and transparency, such as the provision of objective information on military matters.

### "2. Prevention of the use of force in international relations

"(a) Strict adherence and full commitment by all States Members of the United Nations to the purposes of the Charter of the United Nations and their obligation strictly to observe its principles as well as other relevant and generally accepted principles of international law relating to the maintenance of international peace and security, in particular the principles of refraining from the threat or use of force against the sovereignty, territorial integrity or political independence of any States or against peoples under colonial or foreign domination seeking to exercise their right to self-determination and to achieve independence, non-acquisition and non-annexation of territories by force and non-recognition of such acquisition or annexation, non-intervention and non-interference in the internal affairs of other States; the inviolability of international frontiers; and the peaceful settlement of disputes, having regard to the inherent right of States to individual and collective self-defence in accordance with the Charter.

"(b) Strengthening the role of the United Nations in the maintenance of international peace and security and full implementation of the decisions of the Security Council by all States Members of the United Nations in accordance with their obligations under Article 25 of the United Nations Charter.

### "3. World public opinion in favour of disarmament

"Knowledge of facts and opinions about the armaments race and the efforts to halt and reverse it is an essential condition for world public opinion to mobilize in favour of disarmament. In order to inform world public opinion on such issues, the specific measures set forth below, designed to increase the dissemination of information on these matters should be adopted in all regions in a balanced, factual and objective manner:



"(a) Throughout the implementation of the programme, therefore, governmental and non-governmental information organs of Member States and those of the United Nations and its specialized agencies as well as non-governmental organizations should be encouraged, as appropriate, to undertake further programmes of information relating to the danger of the armaments race as well as to disarmament efforts and negotiations and their results, particularly by means of annual activities conducted in connection with Disarmament Week.

"(b) With a view to contributing to a greater understanding and awareness of the problems created by the armaments race and the need for disarmament, Governments and governmental and non-governmental international organizations are urged to take steps to develop programmes for disarmament and peace studies at all levels.

"(c) The World Disarmament Campaign, which was solemnly launched by the General Assembly at the opening meeting of its second special session devoted to disarmament, should provide an opportunity for discussion and debate in all countries on all points of view relating to disarmament issues, objectives and conditions. The Campaign has three primary purposes: to inform, to educate and to generate public understanding for the objectives of the United Nations in the field of arms limitation and disarmament.

"(d) As part of the process of facilitating the consideration of issues in the field of disarmament, studies on specific questions should be undertaken on the decision of the General Assembly, when necessary for preparing the ground for negotiations or reaching agreement. Also, studies pursued under the auspices of the United Nations, in particular by the United Nations Institute for Disarmament Research could bring a useful contribution to the knowledge and exploration of disarmament problems, especially in the long term.

"(e) Member States should be encouraged to make all efforts to ensure a better flow of information with regard to the various aspects of disarmament issues, to avoid dissemination of false and tendentious information concerning armaments, and to concentrate on the widest possible dissemination and unimpeded access for all sectors of the public to a broad range of information and opinion on the danger of the escalation of the armaments race and on the need for general and complete disarmament under effective international control.

#### "4. Verification

"Disarmament and arms limitation agreements should provide for adequate measures of verification satisfactory to all parties concerned in order to create the necessary confidence and ensure that they are being observed by all parties. The form and modalities of the verification to be provided for in any specific agreement depend upon and should be determined by the purposes, scope and nature of the agreement. Agreements should provide for the participation of parties directly or through the United Nations system in the verification process. Where appropriate, a combination of several methods of verification as well as other compliance procedures should be employed.

"In order to facilitate the conclusion and effective implementation of disarmament agreements and to create confidence, States should accept appropriate provisions for verification in such agreements.

"In the context of international disarmament negotiations, the problem of verification should be further examined and adequate methods and procedures in this field be considered. Every effort should be made to develop 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.

"Adequate and effective verification requires employment of different techniques, such as national technical means, international technical means and international procedures, including on-site inspections. Verification arrangements should be addressed at the outset and at every stage of negotiations on specific agreements. All States have equal rights to participate in the process of international verification of agreements to which they are parties.

"All States parties to arms limitation and disarmament agreements should strictly implement and fully comply with the entirety of the provisions of such agreements if individual nations and the international community are to derive enhanced security from them. Any violation of such agreements not only adversely affects the security of States parties, but can also create security risks for other States relying on the constraints and commitments stipulated in those agreements. Weakening of confidence in such agreements diminishes their contribution to global and regional stability and to further disarmament and arms limitation efforts and undermines the credibility and effectiveness of the international legal system. States parties should support efforts aimed at the resolution of non-compliance questions, with a view to encouraging strict observance by all parties of the provisions of such agreements and maintaining or restoring the integrity of such agreements.

#### " [DISARMAMENT AND DEVELOPMENT

"1. In view of the relationship between expenditure on armaments and economic and social development, the implementation of the Comprehensive Programme of Disarmament should make an effective contribution to economic and social development of all States, in particular of the developing countries. In this context, it is of particular significance that substantial progress in disarmament should be made in accordance with the responsibility that each State bears in the field of disarmament, so that real resources now being used for military purposes can be released to economic and social development in the world, particularly for the benefit of the developing countries.

"2. Disarmament would contribute over the long term to the effective economic and social development of all States, in particular developing countries, by contributing towards reducing the economic disparities between developed and developing countries and establishing [the] [a] new international order on the basis of justice, equity and co-operation and towards solving other global problems.

"3. The Secretary-General shall periodically submit reports to the General Assembly on the economic and social consequences of the armaments race and its extremely harmful effects on world peace and security.]

"[DISARMAMENT AND INTERNATIONAL SECURITY

"1. Progress in disarmament should be accompanied by measures to strengthen institutions for maintaining peace and the settlement of international disputes by peaceful means. During and after the implementation of the programme of general and complete disarmament, there should be taken, in accordance with the principles of the Charter of the United Nations, the necessary measures to maintain international peace and security, including the obligation of States to place at the disposal of the United Nations agreed manpower necessary for an international peace force to be equipped with agreed types of armaments. Arrangements for the use of this force should ensure that the United Nations can effectively deter or suppress any threat or use of arms in violation of the purposes and principles of the United Nations.]

"Intermediate Stage \*/

"[1. The intermediate stage should start no later than 1990 and last five to seven years.

"2. The USSR and the United States should go on with the reduction agreed upon during the first stage and also carry out further measures designed to eliminate their medium-range nuclear weapons and freeze their tactical nuclear systems.

"3. Other nuclear-weapon States should pledge to freeze all their nuclear weapons and also not to station them in the territories of other countries.

"4. All nuclear-weapon States should eliminate their tactical nuclear arms, i.e. weapons having a range (or radius of action) of up to 1,000 km. This measure should be taken after the completion by the USSR and the United States of the 50 per cent reduction of their nuclear weapons that can reach each other's territory.

"5. The Soviet-American accord on the prohibition of space-strike weapons should become multilateral with the mandatory participation in it of major industrial States.

"6. All nuclear-weapon States should cease nuclear-weapon tests.

"7. There should be a ban on the development of non-nuclear weapons based on new physical principles, whose destructive capacity is close to that of nuclear arms or other weapons of mass destruction.] \*\*/

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\*/ The heading is without prejudice to the position of delegations with respect to questions relating to stages of implementation.

\*\*/ Some delegations reserved their position on these paragraphs which represent the position of one group of States.

"Last stage \*/

"1. The last stage should begin no later than 1995. During this stage the elimination of all remaining nuclear weapons should be completed. By the end of 1999 there should be no more nuclear weapons on earth.

"2. A universal accord should be worked out to ensure that nuclear weapons never again come into being.

"3. The last stage should be completed by the end of 1999.] \*\*/

"VI. Machinery and Procedures

"1. The United Nations [, in accordance with the Charter,] should continue to have a central role and primary responsibility in the sphere of disarmament.

"2. Negotiations on multilateral measures of disarmament envisaged in the Comprehensive Programme of Disarmament should, as a rule, be conducted in the Conference on Disarmament, the single multilateral negotiating body in the field of disarmament.

"3. Bilateral and regional disarmament negotiations may also play an important role and could facilitate negotiations of multilateral agreements in the field of disarmament.

"4. The United Nations should be kept duly informed through the General Assembly, or any other appropriate United Nations channel reaching all Members of the Organization, of all disarmament efforts outside its aegis without prejudice to the progress of negotiations.

"5. The Programme has three stages: The first stage, the intermediate stage and the last stage. The objective of the last stage is to achieve the goal of general and complete disarmament under effective international control. The general wish being to complete the disarmament process, all efforts should be made to implement each stage, as well as the Programme as a whole at the earliest possible date in such a way as to contribute to the security of States and enhance international security.

In the first stage of the Programme, all States should make maximum efforts towards implementation of the priority measures and as many other measures included therein as possible.

Those measures that have not been implemented by the end of the first stage will be included in the intermediate stage. The scope of disarmament measures during the intermediate stage will depend on the progress made in the

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\*/ The heading is without prejudice to the position of delegations with respect to questions relating to stages of implementation.

\*\*/ Some delegations reserved their position on these paragraphs which represent the position of one group of States.

implementation of the first stage. In addition, the intermediate stage comprises the measures necessary to prepare for the last stage. The time of the implementation of the intermediate stage would depend on the measures included therein.

The last stage comprises the total elimination of nuclear weapons and the implementation of other measures necessary to assure that, by the end of the stage, general and complete disarmament under effective international control will have been achieved.

"6. All efforts should be made by States, particularly through the conduct of negotiations in good faith, on specific arms limitation and disarmament measures, to achieve the goal of general and complete disarmament, as defined in the Comprehensive Programme. In order to assure continued progress towards the full realization of this ultimate goal, there shall be reviews - including at special sessions of the General Assembly devoted to disarmament - of the implementation of the measures included in the various stages of the Comprehensive Programme. The first such review will take place on a date to be decided by the United Nations General Assembly and will:

"(a) review the implementation of measures included in the first stage of the Comprehensive Programme;

"(b) consider the readjustments that need to be made in the Programme in the light of the review and the steps that need to be taken to stimulate progress in its implementation;

"(c) elaborate, if necessary, in more concrete terms further measures, taking into account the progress made so far and other relevant developments; and

"(d) recommend the date of the next review.

"7. In addition to the periodic reviews to be carried out at special sessions, there should be an annual review of the implementation of the Programme. Therefore, an item entitled 'Review of the implementation of the Comprehensive Programme of Disarmament' should be annually included on the agenda of the regular sessions of the General Assembly. To facilitate the work of the Assembly in this regard, the Secretary-General should annually submit a report to the General Assembly on progress in the implementation of the Programme.

"8. During its annual review, or at its periodic special sessions to review the implementation of the Comprehensive Programme of Disarmament, the General Assembly may, as appropriate, consider and recommend further measures and procedures to enhance the implementation of the Programme.

"9. In the implementation of the Comprehensive Programme of Disarmament, the Disarmament Commission shall continue functioning as a deliberative body, a subsidiary organ of the General Assembly, and shall consider and make recommendations on various problems in the field of disarmament.

"10. Proposals listed in paragraph 125 of the Final Document of the first special session and annex II of the Concluding Document of the second special session devoted to disarmament should be considered, and decisions taken, at an appropriate time.

"11. At the earliest appropriate time, a world disarmament conference should be convened with universal participation and with adequate preparation."

I. Consideration of other areas dealing with the cessation of the arms race and disarmament and other relevant measures

99. In addition to the consideration of the items on the agenda, members of the Conference discussed other questions dealing with the cessation of the arms race and disarmament and other relevant measures.

100. The subject of verification was mainly examined in the context of disarmament measures relating to the agenda items under consideration and its central role was generally recognized. In the course of the work of the Conference, members have welcomed a growing convergence of views which has emerged on that question. Some members drew attention to the Stockholm Declaration, by which its signatories stated their intention to propose at the third special session of the General Assembly devoted to disarmament, the establishment of an integrated multilateral verification system within the United Nations (CD/807). The Conference also had before it documentation on verification submitted by one member containing detailed information on various aspects of that subject (CD/275, CD/670, CD/707 and CD/774).

101. At various stages of its work, the Conference also considered the question of further measures in the field of disarmament for the prevention of an arms race on the seabed, the ocean floor and the subsoil thereof. Different views were expressed by members on this subject.

J. Consideration and adoption of the special report of the Conference to the third special session of the General Assembly of the United Nations devoted to disarmament

102. This item on the agenda was considered by the Conference, in accordance with its programme of work, from 11 to 29 April 1988.

103. This special report, as adopted by the Conference on 29 April 1988, is transmitted by the President on behalf of the Conference on Disarmament.

David Meiszter  
President  
Conference on Disarmament