

**REPORT
OF THE
CONFERENCE ON DISARMAMENT**

GENERAL ASSEMBLY

OFFICIAL RECORDS: FORTY-FOURTH SESSION

SUPPLEMENT No. 27 (A/44/27)



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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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I. INTRODUCTION

1. The Conference on Disarmament submits to the General Assembly at its forty-fourth session its annual report on its 1989 session, together with the pertinent documents and records.

II. ORGANIZATION OF WORK OF THE CONFERENCE

A. 1989 session of the Conference

2. The Conference was in session from 7 February to 27 April and from 13 June to 31 August 1989. During this period, the Conference held 48 formal plenary meetings, at which member States as well as non-member States invited to participate in the discussions set forth their views and recommendations on the various questions before the Conference.

3. The Conference also held 11 informal meetings on its agenda, programme of work, organization and procedures, as well as on items of its agenda and other matters.

4. In accordance with rule 9 of the rules of procedure, the following member States assumed the Presidency of the Conference: Italy for February, Japan for March, Kenya for April and the recess between the first and second parts of the 1989 session of the Conference, Mexico for June, Mongolia for July and Morocco for August and the recess until the 1990 session of the Conference.

B. Participants in the work of the Conference

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

C. Agenda for the 1989 session and programme of work for the first and second parts of the session

6. At the 484th plenary meeting on 7 February 1989, the President submitted a proposal on the provisional agenda for the 1989 session and the programme of work for the first part of the annual session in conformity with rule 29 of the rules of procedure. At the same plenary meeting, the Conference adopted the proposal of the President (CD/PV.484). The text of the agenda and programme of work (CD/884) reads as follows:

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

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

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

"Within the above framework, the Conference on Disarmament adopts the following agenda for 1989 which includes items that, in conformity with the provisions of Section VIII of its Rules of Procedure, would be considered by it:

1. Nuclear test ban.
2. Cessation of the nuclear arms race and nuclear disarmament.
3. Prevention of nuclear war, including all related matters.
4. Chemical weapons.
5. Prevention of an arms race in outer space.
6. Effective international arrangements to assure non-nuclear-weapons States against the use or threat of use of nuclear weapons.

7. New types of weapons of mass destruction and new systems of such weapons; radiological weapons.
8. Comprehensive programme of disarmament.
9. Consideration and adoption of the annual report and any other report as appropriate to the General Assembly of the United Nations.

Programme of Work

"In compliance with rule 28 of its Rules of Procedure, the Conference on Disarmament also adopts the following programme of work for the first part of its 1989 session:

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|---------------------|---|
| 7-17 February | Statements in plenary meetings. Consideration of the agenda and programme of work, as well as of the establishment of subsidiary bodies on items of the agenda and other organizational questions. |
| 20 February-3 March | Nuclear-test ban.

Cessation of the nuclear arms race and nuclear disarmament. |
| 6-10 March | Prevention of an arms race in outer space. |
| 13-17 March | Prevention of nuclear war, including all related matters. |
| 20-31 March | Chemical weapons. |
| 3-7 April | Effective international arrangements to assure non-nuclear-weapons States against the use or threat of use of nuclear weapons.

New types of weapons of mass destruction and new systems of such weapons; radiological weapons. |
| 10-14 April | Comprehensive programme of disarmament. |
| 17-27 April | Further consideration of outstanding matters. |

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

"The Conference will further intensify its consultations in pursuance of paragraphs 14 and 15 of its report (CD/875) with a view to taking a positive decision at its 1989 annual session with regard to

expansion of its membership by not more than four States and the need to maintain balance in the membership of the Conference and will inform accordingly the Forty-Fourth Session of the General Assembly of the United Nations.

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

"The Ad hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events will meet from 6 to 17 March 1989.

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

7. At its 507th plenary meeting, the Conference decided to begin the second part of the 1989 session on 13 June 1989.

8. During the second part of the 1989 session of the Conference, the President submitted, at the 508th plenary meeting on 13 June 1989, a proposal on the programme of work for the second part of the session. At the same plenary meeting, the Conference adopted the programme of work proposed by the President (CD/920). It reads as follows:

"In compliance with Rule 28 of the Rules of Procedure, the Conference on Disarmament adopts the following programme of work for the second part of its 1989 Session:

13-16 June	Statements in plenary meetings. Consideration of the programme of work, as well as of the establishment of subsidiary bodies on items on the agenda and other organizational questions.
19-30 June	Nuclear-test ban. Cessation of the nuclear arms race and nuclear disarmament.
3-7 July	Prevention of an arms race in outer space.
10-14 July	Prevention of nuclear war, including all related matters.
17-28 July	Chemical weapons.
31 July-4 August	Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

New types of weapons of mass destruction and new systems of such weapons; radiological weapons.

7-11 August	Comprehensive programme of disarmament.
14-31 August	Reports of ad hoc subsidiary bodies, consideration and adoption of the Annual Report to the General Assembly of the United Nations.

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

"The Conference will further intensify its consultations in pursuance of paragraphs 14 and 15 of its report (CD/975) with a view to taking a positive decision at its 1989 annual session with regard to expansion of its membership by not more than four States and the need to maintain balance in the membership of the Conference and will inform accordingly the forty-fourth session of the General Assembly of the United Nations.

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

"The Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events will meet from 24 July-4 August 1989.

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

9. At its 484th plenary meeting on 7 February 1989, the Conference decided to re-establish the Ad Hoc Committees on Effective International Arrangements to assure Non-Nuclear Weapon States Against the Use or Threat of Use of Nuclear Weapons (CD/885) and Radiological Weapons (CD/886). At the same plenary meeting, the President made a statement noting that there was no need to re-establish the Ad Hoc Committee on the Comprehensive Programme of Disarmament, as its mandate extended up to the forty-fourth session of the General Assembly. At its 487th plenary meeting on 16 February 1989, the Conference decided to re-establish the Ad Hoc Committee on Chemical Weapons (CD/889). At its 493rd plenary meeting on 9 March 1989, the Conference decided to re-establish the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space (CD/898).

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

10. In conformity with rule 32 of the rules of procedure, the following States non-members of the Conference attended plenary meetings of the

Conference: Austria; Bangladesh; Chile; Democratic People's Republic of Korea; Denmark; Finland; Ghana; Greece; Holy See; Iraq; Ireland; Israel; Jordan; Libyan Arab Jamahiriya; Malaysia; New Zealand; Norway; Oman; Portugal; Qatar; Republic of Korea; Senegal; Spain; Switzerland; Syrian Arab Republic; Tunisia; Turkey; Viet Nam and Zimbabwe.

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

(a) The representatives of Austria, Finland, Greece, Ireland, New Zealand, Norway, Portugal, Spain and Zimbabwe to participate during 1989 in the plenary meetings and in the subsidiary bodies on Chemical Weapons, Prevention of an Arms Race in Outer Space, Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons, Radiological Weapons and the Comprehensive Programme of Disarmament;

(b) The representatives of Denmark, Senegal and Turkey to participate during 1989 in the plenary meetings and in the subsidiary bodies on Chemical Weapons, Prevention of an Arms Race in Outer Space, Radiological Weapons and the Comprehensive Programme of Disarmament;

(c) The representative of Switzerland to participate during 1989 in the plenary meetings and in the subsidiary bodies on Chemical Weapons, Prevention of an Arms Race in Outer Space, Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons and Radiological Weapons;

(d) The representatives of Ghana and Tunisia to participate during 1989 in the plenary meetings and in the subsidiary bodies on Chemical Weapons, Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons and the Comprehensive Programme of Disarmament;

(e) The representative of Qatar to participate during 1989 in the plenary meetings and in the subsidiary bodies on Chemical Weapons, Radiological Weapons and the Comprehensive Programme of Disarmament;

(f) The representatives of Bangladesh, Democratic People's Republic of Korea and the Republic of Korea to participate during 1989 in the plenary meetings and in the subsidiary bodies on Chemical Weapons and the Comprehensive Programme of Disarmament;

(g) The representatives of Oman and the Syrian Arab Republic to participate during 1989 in the plenary meetings and in the subsidiary bodies on Chemical Weapons and Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons;

(h) The representative of Chile to participate during 1989 in the plenary meetings and in the subsidiary bodies on Chemical Weapons and Prevention of an Arms Race in Outer Space;

(i) The representatives of Iraq, Jordan, Libyan Arab Jamahiriya and Viet Nam to participate during 1989 in the plenary meetings and in the subsidiary body on Chemical Weapons;

(j) The representatives of the Holy See and Malaysia to participate during 1989 in the plenary meetings and in the subsidiary body on the Comprehensive Programme of Disarmament;

(k) The representatives of Austria, Denmark, Finland, Ireland, Malaysia, New Zealand, Norway, Republic of Korea, Spain, Turkey and Viet Nam to participate during 1989 at the informal meeting held for consideration of further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and in the subsoil thereof.

E. Expansion of the membership of the Conference

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

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

14. During its 1989 session, the Presidents of the Conference conducted continuing consultations with the members, in accordance with established practice, on the selection of additional members. Members of the Conference also engaged in consultations on this important question. Those consultations were held in pursuance of paragraphs 14 and 15 of the report of the Conference to the General Assembly at its forty-third session (CD/875). In that connection, the Conference reaffirmed its decision that its membership might be increased by not more than four States and that candidates for membership should be nominated, two by the Group of 21, one by the Socialist Group and one by the Western Group so as to maintain balance in the membership of the Conference. The Socialist Group and the Western Group recalled that their candidates for membership were Viet Nam (CD/PV.345) and Norway (CD/PV.351), respectively. The Group of 21 noted that it would select its candidates when there is agreement on concrete ways and means for implementing the above-mentioned decision.

15. The Conference will further intensify its consultations with a view to taking a positive decision at its next annual session and will inform accordingly the General Assembly at its forty-fifth session.

F. Improved and effective functioning of the Conference

16. During the 1989 session, statements were made at plenary meetings of the Conference on its improved and effective functioning. The Group of 21 recalled that the informal group of seven members appointed by the Conference, acting on a personal basis, had submitted two reports (CD/WP.286 and CD/WP.341) which contained some important suggestions and ideas on the subject. The Group of 21 further noted that, in view of the commendable work done by the Group of Seven, it should be re-established at the next annual session.

17. One delegation expressed the view that the Conference could, in addition to the negotiation of disarmament instruments, agree on confidence- and security-building measures to be incorporated in its annual reports.

18. A statement was made by another delegation suggesting that the Conference review its agenda and consider a reduction in the number of plenary meetings as well as the possibility of a better spread of sessions of the Conference over the year.

19. The question of the improved and effective functioning and its future examination by the Conference was also discussed at presidential consultations. The group of Socialist States circulated informally a proposal containing subjects for consideration. All the participants at the presidential consultations expressed their own views on the subjects under discussion.

20. The exchange of views held in the Conference was not conclusive. The Conference will continue its consideration of all aspects of its improved and effective functioning at its next annual session.

G. Measures relating to the financial situation of the United Nations

21. At the 484th plenary meeting, on 7 February 1989, the Personal Representative of the United Nations Secretary-General and Secretary-General of the Conference made a statement noting the need to continue consideration of the reduction and re-programming of activities financed by the United Nations budget. As was the case with the 1987 and 1988 sessions, the Conference had to consider how to implement the target reduction of 30 per cent in services allocated to it. That reduction would apply to the number of weekly meetings. This would mean the allocation to the Conference of 10 meetings per week, with full servicing, and 15 meetings per week, also with full servicing, during the sessions of the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events. The Secretary-General of the Conference also recalled the measures accepted by the Conference at the informal meeting held on 22 April 1986 concerning documentation.

22. At the same plenary meeting, the President of the Conference stated that the Conference agreed to the arrangements described by the Secretary-General.

H. Communications from non-governmental organizations

23. In accordance with rule 42 of the rules of procedure, lists of all communications from non-governmental organizations and persons were circulated to the Conference (documents CD/NGC.19 and CD/NGC.20).

III. SUBSTANTIVE WORK OF THE CONFERENCE DURING ITS 1989 SESSION

24. The substantive work of the Conference during its 1989 session was based on its agenda and programme of work. The list of documents issued by the Conference, as well as the texts of those documents, are included as appendix I to the report. An index of the verbatim records by country and subject, listing the statements made by delegations during 1989, and the verbatim records of the meetings of the Conference, are attached as appendix II to the report.

25. The Conference had before it a letter dated 20 January 1989 from the Secretary-General of the United Nations (CD/879) transmitting all the resolutions on disarmament adopted by the General Assembly at its forty-third session in 1988, including those entrusting specific responsibilities to the Conference on Disarmament:

- 43/63 A Cessation of all nuclear-test explosions
- 43/64 Urgent need for a comprehensive nuclear-test-ban treaty
- 43/68 Conclusion of effective international arrangements on the strengthening of the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons
- 43/69 Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons
- 43/70 Prevention of an arms race in outer space
- 43/72 Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons
- 43/74 A Measures to uphold the authority of the 1925 Geneva Protocol and to support the conclusion of a chemical weapons convention
- 43/74 C Chemical and bacteriological (biological) weapons
- 43/75 C Prohibition of the development, production, stockpiling and use of radiological weapons

- 43/75 J Prohibition of the development, production, stockpiling and use of radiological weapons
- 43/75 K Prohibition of the production of fissionable material for weapons purposes
- 43/75 Q Prohibition of the dumping of radioactive wastes for hostile purposes
- 43/75 T Dumping of radioactive wastes
- 43/76 E Convention on the Prohibition of the Use of Nuclear Weapons
- 43/78 B Non-use of nuclear weapons and prevention of nuclear war
- 43/78 E Cessation of the nuclear-arms race and nuclear disarmament
- 43/78 F Prevention of nuclear war
- 43/78 I Report of the Conference on Disarmament
- 43/78 M Report of the Conference on Disarmament

26. At the 484th plenary meeting of the Conference, on 7 February 1989, the Personal Representative of the United Nations Secretary-General and Secretary-General of the Conference, conveyed to the Conference a message from the Secretary-General of the United Nations at the opening of the 1989 session (CD/PV.484).

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

(a) Document CD/876, dated 31 October 1988, submitted by the delegation of Hungary, entitled "Communiqué issued on the session of the Committee of Ministers for Foreign Affairs of the States Parties to the Warsaw Treaty held in Budapest on 28-29 October, 1988 and the statement adopted by the session on Confidence- and Security-Building Measures and Disarmament in Europe".

(b) Document CD/882, dated 3 February 1989, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Statement made to the Forty-Third Session of the United Nations General Assembly on 7 December 1988 by the General Secretary of the Central Committee of the Communist Party of the Soviet Union and President of the Presidium of the Supreme Soviet of the USSR, M.S. Gorbachev".

(c) Document CD/883, dated 6 February 1989, submitted by the delegation of the German Democratic Republic, entitled "Statement made by Erich Honecker, General Secretary of the Central Committee of the Socialist Unity Party of Germany and Chairman of the Council of State of the German Democratic Republic on 23 January 1989".

(d) Document CD/887, dated 17 February 1989, submitted by the delegation of Czechoslovakia, entitled "Statement on reducing the number of personnel and armaments and on organizational changes in the Czechoslovak People's Army, issued in Prague on 28 January 1989".

(e) Document CD/888, dated 17 February 1989, submitted by the delegation of Bulgaria, entitled "Declaration on 'Correlation of the Armed Forces and Basic Types of Armaments of the Warsaw Treaty Organization in Europe and Adjacent Water Areas', made by the Committee of the Ministers of Defence of the Warsaw Treaty Member States on 30 January 1989 in Sofia, Bulgaria".

(f) Document CD/892, dated 22 February 1989, submitted by the delegation of Bulgaria, entitled "Decision for unilateral reductions of the armed forces and the military budget of the People's Republic of Bulgaria".

(g) Document CD/896, dated 7 March 1989, submitted by the delegation of Mongolia, entitled "Decision taken by the Central Committee of the Mongolian People's Revolutionary Party and the Council of Ministers on reduction of the country's armed forces".

(h) Document CD/906, dated 21 March 1989, submitted by the delegation of Mongolia, entitled "Withdrawal of Soviet military units from the Mongolian People's Republic".

(i) Document CD/914, dated 13 April 1989, submitted by the delegation of the German Democratic Republic, entitled "Communiqué of the session of the Committee of Foreign Ministers of the States Parties to the Warsaw Treaty, the Declaration of the States Parties to the Warsaw Treaty on Tactical Nuclear Weapons in Europe and the Appeal 'For a World without Wars'".

(j) Document CD/918, dated 6 June 1989, submitted by the delegation of Romania, entitled "Appeal from the States Parties to the Warsaw Treaty to the Member States of the North Atlantic Treaty Organisation".

(k) Document CD/919, dated 9 June 1989, submitted by the delegation of Bulgaria, entitled "Declaration of the President of the State Council of the People's Republic of Bulgaria and the Prime Minister of the Republic of Greece signed on 23 April 1989".

(l) Document CD/923, dated 22 June 1989, submitted by the delegations of Brazil, Peru and Venezuela, entitled "Text of the Amazon Declaration, adopted in Manaus, Brazil, on 6 May 1989".

(m) Document CD/926, dated 22 June 1989, submitted by the delegation of The Netherlands, entitled "Documents adopted by Heads of State and Government at the meeting of The North Atlantic Council in Brussels, on 29 and 30 May 1989".

(n) Document CD/930, dated 12 July 1989, submitted by the delegation of the Federal Republic of Germany, entitled "Joint Statement of 13 June 1989 signed in Bonn by the Chancellor of the Federal Republic of Germany and the General Secretary of the Central Committee of the Communist Party of the Soviet Union and Chairman of the Supreme Soviet of the Union of Soviet Socialist Republics together with the text of the Joint Declaration adopted on 14 June 1989 in Bonn by the Minister for Foreign Affairs of the Federal Republic of Germany and the Minister for Foreign Affairs of the Union of Soviet Socialist Republics".

(o) Document CD/931, dated 12 July 1989, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Joint Statement signed at Bonn on 13 June 1989 by M.S. Gorbachev, General Secretary of the Central Committee of the CPSU and President of the USSR Supreme Soviet, and H. Kohl, Chancellor of the Federal Republic of Germany, and the text of the Joint Declaration by the Ministers for Foreign Affairs of the USSR and the Federal Republic of Germany adopted at Bonn on 14 June 1989".

(p) Document CD/934, dated 19 July 1989, submitted by the delegation of Romania, entitled "Communiqué of the Meeting of the Political Consultative Committee of the Warsaw Treaty States together with the text of a document entitled 'For a Stable and Secure Europe Free of Nuclear and Chemical Weapons, for a Substantial Reduction of Armed Forces, Armaments and Military Spending'".

(q) Document CD/942, dated 4 August 1989, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Text of the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America on the Prevention of Dangerous Military Activities signed at Moscow on 12 June 1989".

(r) Document CD/943, dated 4 August 1989, submitted by the delegation of the United States of America, entitled "Text of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Prevention of Dangerous Military Activities, together with its Annexes and the Agreed Statements in connection with the Agreement, signed in Moscow on 12 June 1989".

(s) Document CD/953, dated 23 August 1989, submitted by the delegations of Argentina, India, Mexico and Sweden, entitled "Joint Statement made on the occasion of the Fifth Anniversary of the Initiative for Peace and Disarmament on 22 May 1989".

A. Nuclear-test ban

28. The item on the agenda entitled "Nuclear-test ban" was considered by the Conference, in accordance with its programme of work, during the periods 20 February-3 March and 19-30 June 1989.

29. During the first part of the annual session, the Conference had before it both the fifth report (CD/903 and Corr.1) and the progress report (CD/904) on the twenty-seventh session of the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events. The Ad Hoc Group met from 6 to 17 March, under the Chairmanship of Dr. Ola Dahlman of Sweden. At its 503rd plenary meeting, on 13 April 1989, the Conference took note of the fifth report of the Ad Hoc Group and adopted the recommendation contained in paragraph 9 of its progress report. A number of delegations commented on them and advanced suggestions relating to the future work of the Ad Hoc Group.

30. During the second part of the annual session, the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events held its twenty-eighth session from 24 July to 4 August, under the Chairmanship of Dr. Ola Dahlman of Sweden. The Ad Hoc Group submitted to the Conference a progress report on that session (CD/944). At its 527th plenary meeting on 17 August 1989, the Conference adopted the recommendation contained in paragraph 12 of the progress report. Several delegations made statements on the progress report, as well as on the fifth report (CD/903 and Corr.1) of the Ad Hoc Group.

31. The following documents were submitted to the Conference in connection with the agenda item during the 1989 session:

(a) Document CD/902, dated 16 March 1989, submitted by the delegation of the German Democratic Republic, entitled "Working Paper on the Verification of a Nuclear-Test Ban".

(b) Document CD/935, dated 21 July 1989, submitted by Norway, entitled "Verification of a Comprehensive Nuclear Test Ban: The Norwegian Seismic Verification Programme - Summary of Research Results 1988/89".

32. In accordance with its programme of work, dealing with the consideration of the question of the establishment of subsidiary bodies on items of its agenda, the Conference held, during the 1989 session, under the guidance of its successive Presidents, a number of informal consultations on the establishment of an ad hoc committee on item 1.

33. At the 499th plenary meeting, on 30 March 1989, the President of the Conference for that month reported that there existed a strong desire to start substantive work on the nuclear-test ban issue in the Conference and that there was an emerging convergence of views on the question of a mandate for the establishment of an ad hoc committee on a nuclear-test ban.

34. At the 500th plenary meeting, on 4 April 1989, the President for that month invited the President for the month of March to continue consultations on the question of a mandate for an ad hoc committee under agenda item 1.

35. At its 513th plenary meeting, on 29 June 1989, the President for the month reminded the Conference that the Third Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in its Final Declaration of 1985, had urged all the nuclear-weapon States to participate in the urgent negotiation and conclusion of a comprehensive nuclear-test-ban treaty, as a matter of the highest priority, in the Conference on Disarmament.

36. At the 521st plenary meeting, on 27 July 1989, the President for that month encouraged the President for the month of March to proceed with informal individual consultations with a view to facilitating progress on item 1. He reported that, although differences still existed, it seemed that the Conference was close to developing an adequate and acceptable organizational arrangement for consideration of the agenda item.

37. At the 522nd plenary meeting, on 1 August 1989, the President for that month invited the President for the month of March to continue the search for a convergence of views on the question of a mandate for the establishment of an ad hoc committee on item 1.

38. Many members of the Conference expressed the view that consultations being conducted in the Conference should continue until agreement was reached on a mandate for the ad hoc committee.

39. Many delegations addressed various issues relating to a nuclear-test ban at plenary meetings of the Conference. Those statements appear in the verbatim records of the Conference on Disarmament for the 1989 session.

40. The Group of 21 continued to attach the utmost importance to the urgent conclusion of a comprehensive test-ban treaty. Many members of the Group recalled that the General Assembly, for many years with overwhelming majorities, had adopted resolutions regarding the urgent need for a comprehensive nuclear-test-ban treaty, reaffirming the particular responsibility of the Conference on Disarmament in the negotiations of such a treaty. The Group of 21 considered that a comprehensive test-ban treaty would constitute 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.

41. Several members of the Group, Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, referring to the obligation contained in Article VI of that Treaty to pursue negotiations in good faith on effective measures relating to cessation of the nuclear-arms race at an early date and to nuclear disarmament, underlined that a nuclear-test ban was essential for the preservation of the non-proliferation régime embodied in that Treaty.

42. During the session, members of the Group of 21 continued to stress that the Conference on Disarmament, as the single multilateral negotiating body, had the primary role in negotiations to achieve a comprehensive test-ban treaty. Members of the group maintained their support for document CD/829.

introduced by the group during the 1988 session, which reproduced CD/722 introduced in 1987, and which contained the mandate proposal 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". Members of the group underscored once again that over the years the Group of 21 had repeatedly demonstrated its flexibility in the search for a consensus on the establishment of an ad hoc committee on agenda item 1, as evidenced by various proposals it had put forward and which were described in the special report of the Conference on Disarmament to the General Assembly at its fifteenth special session, the third devoted to disarmament, in 1988 (CD/834). They noted again that the draft mandate contained in CD/829 was best suited to accommodate the positions of all the States represented in the Conference and that it constituted a sound basis for developing a consensus. Furthermore, they noted that this draft mandate had already been found acceptable by the group of Socialist States and by a nuclear-weapon State not belonging to any group. Some members of the group, calling for flexibility on the part of all members of the Conference on the question of the establishment of an ad hoc committee on item 1, expressed their continued readiness to consider a mandate proposal put forward in 1988 by Czechoslovakia in CD/863 as a possible approach for negotiating a compromise formula. In that regard, they commended the efforts made by the President for the month of March in seeking a compromise formula on how to deal with item 1.

43. Some members of the group, commenting on the 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, in their view, was that all nuclear tests be completely prohibited. Intermediate agreements to limit testing would serve a useful purpose only if they served to curb the qualitative development of nuclear weapons and constituted steps towards the conclusion of a comprehensive test-ban treaty at an early and specified date.

44. Delegations in the group urged the two major nuclear-weapon States to inform the Conference regularly on the progress of their negotiations and one delegation called upon those States to report to the Conference on the joint verification experiment that they held in August and September 1988.

45. Many delegations of the group expressed their support for the amendment proposal intended to convert the Partial Test-Ban Treaty into a comprehensive test ban, which was submitted to the Depositary Governments on the occasion of the twenty-fifth anniversary of that Treaty. The amendment proposal was presented to the Conference by its co-sponsors in CD/852 and CD/860 with the expressed conviction that it could be positively useful in the endeavours of the promotion of the cause of disarmament and peace. They pointed out that the amendment proposal should be seen as a possible spur to work on a nuclear test ban in the Conference on Disarmament rather than an attempt to detract

from its central function in multilateral disarmament negotiations. Those delegations pointed out that more than one third of the States Parties to the Treaty had requested the convening of an amendment conference, making it mandatory for the Depositary States. They expressed their hope that the Depositary States would adopt a positive approach by conducting consultations for the preparation and convening of the Conference. In the light of forthcoming events relevant to the question of a nuclear-test ban, they also expressed their hope that the amendment conference would be convened as soon as possible.

46. Many members of the Group of 21 referred to the issue of verification. For several years it had been argued that the absence of appropriate verification methods constituted the main obstacle in the negotiation of a nuclear-test ban. Technical developments had, however, now made it possible to meet far-reaching requirements. Verification had therefore become a political rather than a technical issue.

47. Members of the group of Socialist States continued to regard the earliest elaboration of a treaty on the complete and general prohibition of nuclear-weapon tests among the most urgent and significant measures for halting the nuclear-arms race and preventing the proliferation of nuclear weapons. The group stressed the importance of this issue with respect to the strengthening of the Treaty on the Non-Proliferation of Nuclear Weapons. 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 comprehensive test ban. At the bilateral level, the group favoured the rapid finalization of the verification protocols to the Threshold Test-Ban Treaty of 1974 and the Peaceful Nuclear Explosions Treaty of 1966 and the entry into force of those agreements as a step towards the complete cessation of nuclear tests. Members of the Group supported the readiness of a nuclear-weapon State, member of that group, expressed also in the appeal of the USSR Supreme Soviet to the United States Congress, to introduce a moratorium on nuclear explosions, together with the other major nuclear-weapon State. At the multilateral level, the group reaffirmed their strong interest in work in the Conference aimed at an early achievement of a comprehensive test ban. In that connection, they continued to consider the mandate proposal of the Group of 21 contained in CD/829 as a good basis for starting practical work on the item. At the same time, they supported the mandate proposal made initially on an informal basis by one of the members of the group in April 1987 and formally tabled in 1988 as CD/863. Members of the group had given their support to the President for the month of March in his effort to reach a compromise solution on the establishment of an *ad hoc* committee. The group continued to advocate the setting-up by the Conference of a special group of scientific experts who should be requested to 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 international verification measures other than an international system of seismic verification, inter alia, an international exchange of data on atmospheric radioactivity. In addition, they supported the proposal made to conduct experiments which would involve different components of that verification system.

48. A nuclear-weapon State, member of that group, stressed its continued commitment to an early achievement of a comprehensive test ban and its readiness to use all possibilities leading to the fulfilment of that objective. It reiterated its support for the setting up of a working body of the Conference on item 1, where practical consideration of a nuclear-test ban could be initiated. It expressed its readiness at any time to introduce a moratorium on nuclear explosions together with the other major nuclear-weapon State. It favoured the early drawing up of a treaty on the complete and general prohibition of tests, and believed that under the present circumstances, a step-by-step approach to resolving this problem was justifiable as well. In its opinion the bilateral talks with the other major nuclear-weapon State on nuclear testing, which are based on such a step-by-step approach, did not replace multilateral efforts in this field. These two processes should be mutually complementary and lead to a single final result. It stressed that it was seeking in its negotiations with that State on the issue, to finalize effective verification measures which would make it possible to ratify the 1974 Threshold Test-Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaty as soon as possible in order to proceed immediately to negotiating further intermediate limitations on nuclear testing leading to the ultimate objective of a complete cessation of nuclear testing. It subscribed to the idea of extending the 1963 Partial Test-Ban Treaty to underground tests as well. It expressed its readiness to implement its obligations as a Depositary of the Treaty fully in convening the proposed conference to consider any amendments to that Treaty, and said it would co-operate actively to that end both with the other Depositaries and with the States which put forward the proposal or have supported it.

49. A group of Western countries continued to stress during the session 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. While members of the group continued to maintain their support for the draft mandate contained in CD/521 for the re-establishment of an ad hoc committee on the item, as well as the draft programme of work contained in CD/621, they also supported the informal consultations held by the President of the Conference for the month of March this year based on the mandate proposal made initially on an informal basis by the President of the Conference for the month of April 1987 and formally tabled as CD/863, which, in their view, constituted a useful basis for developing a consensus. Members of the group continued to maintain that the stage-by-stage approach to the subject of nuclear testing offered the best chance for early progress and welcomed in that connection the ongoing

bilateral talks between the two major nuclear-weapon States. They expressed their satisfaction at the results of the joint verification experiment undertaken by the two major nuclear-weapon States in the months of August and September of 1988. They further urged those two States to maintain the momentum gained in their bilateral talks to proceed without delay to negotiating further intermediate limitations on nuclear testing. Some members of the group, while sharing the regret of other members of the Conference that it had proved impossible to reach agreement on procedures to open a substantial debate on a nuclear test ban in the Conference, expressed again their reservations with regard to the proposal contained in CD/852 and CD/860 to amend the Partial Test-Ban Treaty, which, in their view, could only detract from the meaningful work to be undertaken by the Conference on the item. Members of the Group supported the continued excellent work of the Group of Scientific Experts and noting with satisfaction the progress in organizing GSETT-2, also called for broader participation in that important test.

50. A nuclear-weapon State, member of the Western group of delegations, reaffirmed that a comprehensive test ban remained a long-term objective. A comprehensive test ban, however, must be viewed in the context of a time when there is no need to depend on nuclear deterrence to ensure international security and stability; and when there have been achieved broad, deep and effectively verifiable arms reductions, substantially improved verification capabilities, expanded confidence-building measures and greater balance in conventional forces. It viewed nuclear testing issues in the broader context of national security and, as long as it must rely on nuclear deterrence for its security and that of its allies, testing would remain essential. In that regard, it opposed the proposal to amend the Limited Test-Ban Treaty to a comprehensive test ban. Even so, it has affirmed its intention to willingly and properly fulfil its legal responsibilities as a Depositary of the Limited Test-Ban Treaty. Having received the requisite number of requests from States Parties for an amendment conference, it has notified all States Parties of the Depositaries' intention to hold an amendment conference and has consulted with the other two Depositary States on organization and procedures. Following the successful completion of the joint verification experiment, it has continued to pursue with another major nuclear State, negotiations aimed at securing protocols which would provide for effective verification of compliance with the Threshold Test Ban and the Peaceful Nuclear Explosions Treaties, enabling them to be ratified. In that regard, it remained committed to negotiations with the other State in the context of a step-by-step approach to nuclear testing. It also reaffirmed its readiness to participate in multilateral discussion on nuclear testing at the Conference on Disarmament under an appropriate non-negotiating mandate and, to that end, welcomed the informal consultations conducted by the President of the Conference for the month of March.

51. Another nuclear-weapon State from the same group expressed the view that its security would depend for the foreseeable future on deterrence based, in part, on nuclear weapons; this would mean a continuing requirement to conduct underground nuclear tests to ensure that its nuclear weapons remained

effective and up to date. It welcomed the moves to ratify the Threshold Test Ban Treaty and Peaceful Nuclear Explosions Treaty. It believed that following such ratification further steps to control nuclear testing would have to be considered, as verification technology improved and taking account of progress in other areas of arms control. A comprehensive test ban remained a long-term goal, but it remained firmly of the view that an immediate move to a comprehensive test ban would be premature - even destabilizing. For these reasons, among others, it was opposed to the proposal to amend the Partial Test-Ban Treaty in order to convert it into a comprehensive test ban. However, it confirmed that it intended fully to carry out its responsibilities as a Depositary Government of the Treaty.

52. Another Western nuclear-weapon State reiterated its view that international commitments in the field of nuclear testing could be considered only in the overall context of nuclear disarmament, and 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. Therefore, it considered that the cessation of nuclear tests was not a real priority in nuclear disarmament. That delegation maintained that the considerable experience accumulated over the past 40 years by the two main nuclear powers put them in a different position from its country. It again 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 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 stressed that it would not stand in the way of any procedural agreements that might be reached to deal with the item in the Conference. However, it reaffirmed that it was not in a position to participate in work whose objective was the negotiation of an agreement to which it could not subscribe.

53. Yet another nuclear-weapon State, not belonging to any group, stated that it always stood for a comprehensive prohibition and thorough destruction of nuclear weapons, including the cessation of nuclear tests, and it would be prepared to take corresponding measures in the process of cessation of the nuclear arms race and nuclear disarmament, in which the two States possessing the largest nuclear arsenals should take the lead in halting the development, production and deployment of all nuclear weapons and drastically reducing their nuclear arsenals. It reiterated its flexible position towards the various proposals submitted thus far on the mandate for a subsidiary body of the Conference on item 1. It also reiterated that if and when an agreement was reached on the mandate, enabling such a body to be established, it would participate in its work.

54. The Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events 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). During its twenty-seventh and twenty-eighth sessions held in 1989, the Ad Hoc Group adopted its fifth report to the Conference and the detailed and technical appendices attached to it, describing initial concepts for 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) (CD/903 and Corr.1 and Appendices 1-7). At those sessions, the Group also continued its discussions on plans for the conduct of a large-scale experiment Group of Scientific Experts' Technical Test (GSETT-2), which is to test the proposed initial concepts for the envisaged system outlined in its fifth report. In that connection, the Group noted in its Progress Report on its twenty-eighth session (CD/944) that many countries were proceeding with the development of national facilities which will be required for the later phases of GSETT-2 and that work was well under way in the establishment of the four experimental International Data Centres which will be in operation, i.e. in Canberra, Stockholm, Moscow and Washington, D.C. The Group also reported to the Conference that 21 countries had announced their participation in GSETT-2, but that it considered it most essential that a broader participation be achieved in order to meet the objectives of that test.

B. Cessation of the nuclear-arms race and nuclear disarmament

55. The item on the agenda entitled "Cessation of the nuclear-arms race and nuclear disarmament" was considered by the Conference, in accordance with its programme of work, during the periods 20 February-3 March and 19-30 June 1989.

56. The following document was submitted to the Conference in connection with the item during the 1989 session:

CD/819/Rev.1, dated 27 July 1989, submitted by the Group of 21, entitled "Draft mandate for an Ad hoc Committee on item 2 of the agenda of the Conference on Disarmament - Cessation of the nuclear arms race and nuclear disarmament".

57. In accordance with its programme of work, during the 1989 session, under the guidance of its successive Presidents, the Conference held a number of informal consultations on the procedure to be followed in dealing with agenda item 2, but no consensus could be reached.

58. At the 523rd plenary meeting on 3 August 1989, 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/Rev.1, for 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 the Tenth Special Session of the General Assembly (resolution S-10/2), the first devoted to disarmament, and to identify substantive issues for multilateral negotiations. On behalf of the Group of Western States, it was stated that, although the Western delegations attached importance to this agenda item, they felt that the most appropriate instrument for dealing with it was a plenary debate where delegations' views were enshrined in a final verbatim record. The Group was not convinced that, in the present circumstances, the establishment of a subsidiary body would serve the cause of nuclear disarmament and, therefore, was not in a position to associate itself with any consensus concerning the proposed draft mandate. The President of the Conference noted that there was no consensus at that time on the draft mandate contained in document CD/819/Rev.1. The delegation of the nuclear-weapon State not belonging to any group stated that it could go along with this draft mandate. At the same time, it pointed out that it was open to other formulas which would enable the Conference to play its due role in this matter. The Group of Socialist States expressed once again its readiness to press ahead with the issue of nuclear disarmament. In its view, the Conference on Disarmament was the most appropriate forum to settle the idea of a nuclear-weapon-free world into shape, since all nuclear-weapon States were represented there. It reiterated the Group's joint proposals "leading to the staged reduction and subsequent complete elimination of nuclear weapons" (CD/934). The Group believed that the time was ripe to take practical steps on the road towards establishing an ad hoc committee on the agenda item. The Group therefore gave its consent to the proposed mandate of the Group of 21 for an ad hoc committee to be established on agenda item 2 of the Conference. At the same time the Group expressed its support for any measure designed to discuss this issue in terms of substance and its preparedness to resume the informal meetings of the plenary and to conduct a structured debate on this cardinal subject of the Conference on Disarmament. The Group of 21 stated that the significance which it attached to agenda item 2 was well-known and its views were already reflected in documents CD/64, CD/116, CD/180, CD/526 and CD/819. In keeping with its consistent position, the Group of 21 had presented the draft mandate contained in CD/819/Rev.1. It was a mandate that reflected the two crucial aspects of that issue - the urgency attached to it by the Group of 21 and the need to deal with it in the multilateral negotiating framework of the Conference on Disarmament. The Group of 21 regretted that despite the preliminary work carried out on this subject during previous years, it had still not been found possible to set up an ad hoc committee on this item. The Group also stated that it remained firmly committed to the implementation of paragraph 50 of the Final Document and that the establishment of an ad hoc committee provided the best means to achieve this objective.

59. Many delegations addressed various issues relating to the cessation of the nuclear arms race and nuclear disarmament at plenary meetings of the Conference. These statements, which contributed to further explanation of the positions of delegations, including individual nuclear-weapon States, as reflected below, appear in the verbatim records of the Conference on Disarmament.

60. The Group of 21 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. 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. This was an objective which the international community yearned to achieve, having become keenly aware of the threat presented by the nuclear peril for the survival of mankind and the continuation of civilization. Some delegations pointed out that States that had voluntarily renounced the nuclear-weapons option had done so in the larger interest of contributing to the goal of a world free of nuclear weapons and in the expectation that the nuclear-weapon States would also come to abjure them. To deny to the non-nuclear-weapon States the right to participate in the elaboration of measures for nuclear disarmament would therefore be morally indefensible as well as legally incorrect.

61. While welcoming the bilateral negotiations between the two major nuclear-weapon States, the Group reiterated that because of their limited scope and the number of parties involved, they could never replace the genuinely multilateral search for universally applicable nuclear disarmament measures and called upon the Conference on Disarmament as the sole multilateral negotiating body to play its role. A number of members of the Group reiterated that the participants in the bilateral talks should keep the Conference on Disarmament appropriately informed on the progress achieved in their negotiations. Some delegations pointed out that the encouraging conditions now emerging in international relations should stimulate disarmament negotiations in a multilateral sphere. In this respect they regretted that an underlying and unjustified sentiment of mistrust persisted with regard to the constructive negotiating tasks the Conference on Disarmament could accomplish in the field of cessation of the nuclear-arms race and nuclear disarmament.

62. Members of the Group of 21 noted that, since the entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons in 1970, nuclear weapons had multiplied several times over, thereby increasing the threat of annihilation posed by the very existence of such weapons. It was also stressed that if global peace and security are to be guaranteed, the security of all nations must be met. It would also be a short-sighted policy, these delegations emphasized, for the viability of any measures in an area that impinged so profoundly on the security and survival of every State depended on such measures being in accord with the security interests of all. Military doctrines based on the possession of nuclear weapons and thus explicitly or implicitly admitting the possibility of their use, were indefensible, for it was unacceptable that the threat of annihilation of human civilization be used by some States to promote their security. The Group of 21 expressed its conviction that the doctrines of nuclear deterrence lie at the root of the

ongoing arms race and lead to greater insecurity and instability. 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 (INF Treaty), as the first disarmament agreement that eliminates an entire class of nuclear weaponry, is a further indication that reduction of nuclear arsenals leads to an enhancement of global security.

63. The members of the Group expressed their regret at the absence of any consensus on the very principle of the establishment of an ad hoc committee entrusted with item 2 of the agenda. Accordingly, the Group of 21 reiterated its proposal regarding the setting up by the Conference of a subsidiary body entrusted to elaborate on paragraph 50 of the Final Document of the first special session devoted to disarmament 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. In connection with the forthcoming Fourth Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons to be held in 1990 at Geneva, some delegations emphasized the need for strengthening the non-proliferation régime by additional measures such as the conclusion of a comprehensive test-ban treaty, the establishment of nuclear-weapon-free zones, assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons, the promotion of co-operation in the peaceful uses of nuclear technology and the adoption of measures at the bilateral and regional levels, to promote mutual confidence among countries of different areas of the world about each other's nuclear programmes.

64. One member of the Group informed the Conference about its initiative for a new comprehensive United Nations study on nuclear weapons with the participation of three nuclear power States. The study will investigate the development, production and testing of nuclear weapons and nuclear doctrines, as well as decision-making concerning nuclear weapons. Another member of the Group referred to a document originally issued at the third special session devoted to disarmament, containing "An action plan for ushering in a nuclear-weapon-free and non-violent world order". The plan called for negotiations towards a binding commitment for elimination of all nuclear weapons by the year 2010 (CD/859). The action plan divided into three stages and over a period of 22 years presented a programme for the elimination of all nuclear weapons. While nuclear disarmament formed the central element of the plan, at each stage, other measures were also included to further the process in a comprehensive manner. The hope was expressed that in accordance with a programme for nuclear disarmament (CD/859), multilateral negotiations could be initiated for a new treaty, which could replace the discriminatory Non-Proliferation Treaty. Emphasis was placed on the need for the establishment of an international multilateral verification system under the aegis of the United Nations, as an integral part of a strengthened multilateral framework required to ensure peace and security during the

process of disarmament, as well as in a nuclear-weapon-free world. One member of the Group stressed the urgent need for naval disarmament - not least nuclear naval disarmament - and a need for maritime confidence-building measures. It supported the suggestion put forward this year by the Palme Commission for the prohibition of all sea-borne nuclear weapons other than those specifically designated by agreement, as an interim measure in anticipation of comprehensive nuclear disarmament. That delegation, along with some others, held that simultaneously with the moves towards nuclear disarmament, the need to limit and reduce conventional weapons, armed forces and military budgets had increasingly gained acceptance. In its view, the concern over the escalation of global expenditure on conventional armed forces and weapons accounting for four fifths of the total amount spent on armaments was legitimate and the attention that these issues merited and received should be welcomed.

65. The Group of Socialist States continued to stress that the cessation of the nuclear arms race and nuclear disarmament remained an issue of the highest priority. Members of the Group pointed out that the positive changes that had taken place in East-West relations lately had resulted in a considerable lessening of tension in international relations. The process of gradual elimination of military confrontation in the field of nuclear weapons had got under way particularly with the signing, the entry into force and the beginning of the implementation of the INF Treaty. As a result of the Conference on Security and Co-operation in Europe (CSCE) follow-up negotiations at Vienna, talks on the reduction of conventional forces in Europe and on new security-building measures, were expected to bring a real breakthrough in conventional disarmament. There was also an expectation that the world would see sustained momentum in, and results produced by, the continuing talks between the USSR and the United States on 50-per-cent reductions in their strategic nuclear arsenals, with the continuing authority of the ABM Treaty upheld. But, while underlining the significance of the bilateral efforts to conclude early the START Treaty, members of the Group at the same time stressed that the realities of international life obliged the Conference on Disarmament and all member States to act responsibly to discharge this urgent priority task. They stressed that the international community should not allow the progressive development of nuclear weapons and the continuance of tests of such weapons to undermine the credibility of the Non-Proliferation Treaty. They warned that the deadly threat which continued to hang over the very existence of mankind stemmed first and foremost from nuclear weapons. It was emphasized that the Socialist States had never accepted the legitimacy of nuclear weapons. They expressed their regret that the concept of nuclear deterrence continues to provide the basis for the military doctrine of certain States. Underlining the special responsibility of the Union of Soviet Socialist Republics and the United States of America in the field of disarmament, they stressed that the United Nations should not be denied the opportunity to discuss problems relating to nuclear weapons. In their view, bilateral efforts and the result therefrom were a necessary but not a sufficient condition for a real, sustained and global disarmament process and should not replace multilateral efforts by member States of the

Conference on Disarmament and the international community as a whole. In their opinion, an effective and equitable nuclear disarmament process should be so designed that it could not lead to new imbalances in international life and would have to be based on the principle of equal security for all States. Members of the Group reiterated previously advanced proposals relating to the agenda item.

66. Members of the Group took the view that the Conference should enter into "result-oriented dialogue and proceed to negotiations where possible". They supported the efforts of other member States in the search for an adequate framework for substantive consideration of item 2 of the agenda "Cessation of the nuclear arms race and nuclear disarmament". They maintained that the proposals put forward by the USSR in 1986 and by India in 1988 on the phased elimination of nuclear weapons, the working paper on nuclear disarmament presented by a Group of Socialist States in New York in May 1989, as well as the resolutions of the General Assembly on this item, presented a good basis to begin substantive work. In the opinion of the Group, the overall problem of nuclear disarmament also comprised the cessation of the production of fissionable material for weapons' purposes. In this connection, they pointed to the decision by the Soviet Union to halt the production of highly enriched uranium intended for military purposes and to decommission two more plutonium reactors. They recalled the proposal by the Warsaw Treaty States that separate negotiations be taken up on tactical nuclear arms in Europe (CD/914). They advocated the commencement of such talks within a reasonable period of time, with no undue delay. In their view, developments in the correlation of military forces and the situation in the field of nuclear disarmament necessitated the inclusion of tactical nuclear weapons. They cautioned against efforts which may offset the reduction of nuclear weapons already achieved or those envisaged by introducing new nuclear systems. They welcomed the declaration of the Soviet Union about its readiness, in agreement with its allies, to withdraw all nuclear warheads from their territories by the year 1991, provided that the United States of America takes a similar step.

67. The nuclear-weapon State belonging to the Group of Socialist States pointed to the principles governing its foreign policy in accordance with the new political thinking. They included, in particular, a provision to the effect that the security of a country should be guaranteed first of all by political means, the need to eliminate nuclear weapons, the reduction of the defence potential of States to levels of reasonable sufficiency and the inadmissibility of the use of force or the threat of force. The guarantee of its policy in the field of disarmament was its new military doctrine which had unequivocally defensive orientation. The content of this doctrine, as well as decisions and actions in the field of disarmament, were determined by the obligations of this State not to initiate military action against any other State, unless it was the subject of aggression, and never, under any circumstances, to be the first to use nuclear weapons. On the subject of bilateral negotiations, the delegation welcomed the resumption of the negotiations and consultations on a wide range of arms limitation and

disarmament problems, including nuclear and space weapons, the prohibition of chemical weapons, and the limitation and cessation of nuclear tests. The delegation of this State believed that the process of nuclear disarmament, which had begun with the signature of the INF Treaty, should become irreversible, with the next stage in this process the completion of the negotiations on a 50-per-cent reduction in their strategic offensive arms while observing the ABM Treaty. Further evidence that this dialogue on security matters was being developed was to be found in the agreement between the Governments of the two countries on the prevention of dangerous military activities, which had been signed on 12 June 1989 (CD/943). Its main purpose was to set up reliable treaty-based machinery to prevent inadvertent and unintentional incidents between their armed forces from growing into military conflict. The delegation also believed that the goal of eliminating tactical nuclear weapons required dialogue, which together with measures to reduce conventional arms would lead to the restructuring of armed forces, both in the West and in the East on a defensive basis. Referring to its proposals advanced during the visit of the United States Secretary of State to Moscow in May 1989, it noted with satisfaction that for the first time they were met not with immediate suspicion and criticism but with a serious and concrete response, contained in the recent proposals by United States President G. Bush and endorsed by the final documents of the Summit meeting of the NATO Council at Brussels. Therefore, an agreement can be achieved at the CFE talks at Vienna much earlier than previously planned. It was encouraging, in its view, that in general the spirit of the times was noticeable in the NATO documents, although both the text and the subtext still contain many concepts inherited from the period of confrontation, including those serving ideologically motivated didactic purposes. It stressed the irreplaceable role the Conference on Disarmament had to play in the disarmament process. Among important means of limiting the modernization of nuclear weapons and curbing the quantitative and qualitative arms race, they viewed one of special significance, e.g., the termination of the production of fissionable materials for nuclear warheads. Previously it had been announced that the State had decided to cease production of highly enriched uranium for military purposes this year. In addition to the shut-down of the industrial reactor for the production of weapon-grade plutonium in 1987, it was planned to close two other such reactors this year and next year without commissioning new units to replace them. That State also supported the conclusion of a special international agreement on the cessation and eventual complete prohibition of the production of fissionable materials for nuclear weapons. It was also legitimate, in the view of the delegation, to raise the question of the non-use of nuclear warheads from the weapon systems which were to be eliminated in other weapons systems. Concerning the doctrine of nuclear deterrence, the delegation underlined the very threatening nature of this concept and its inconsistency with universal principles of morality. In its mind, the movement towards renunciation of this concept would be gradual, taking into account the security interests of all States, including those that currently pinned their defence on the nuclear factor. In this respect, an important role should be played by the establishment of truly defensive

military structures in the States concerned and confidence-building in the military field. The final result of this process should be the elaboration on the basis of a broad international consensus of a really feasible alternative to nuclear deterrence.

68. The Group of Western countries continued to stress the special significance they attached to an in-depth consideration of the nuclear items on the agenda. This interest derived from the overriding necessity of avoiding war and strengthening international security and stability in the nuclear age. The prevention of nuclear war was a global concern and not merely the responsibility of certain States or military alliances. The current efforts in this regard took place at a time of unprecedented change and opportunity. Developments in East-West relations suggested that real progress was possible in the field of arms control and disarmament. The changes taking place in some regions were bringing these countries closer to the vision of a just, humane and democratic world. Western countries welcomed increased openness, greater respect for human rights and active participation of the individual in shaping foreign policy. If sustained, these trends would strengthen the prospects for fundamental improvements in international relations, a prerequisite for real progress in the disarmament field. The basic goal of Western arms control and disarmament policy was to strengthen security and increase stability at the lowest balanced level of forces and armament consistent with the requirements for the prevention of war and for defence. Current prospects notwithstanding, they viewed the immediate future as promising although uncertain. Peace must always be striven for, it can never be taken for granted. With this background in mind, military security and policies aimed at reducing tension and resolving underlying political differences were not contradictory but, on the contrary, complementary. In their determined efforts to reduce the relative importance of the military component and in trying to replace confrontation with co-operation, the Western countries would, both in East-West relations and globally, exploit the opportunities for arms control as an agent of change. It was stated that they would spare no effort to ensure that these positive trends and developments resulted in greater security and stability for the benefit of all States. The Western countries members of the Atlantic Alliance pointed out that they had adopted on 29 and 30 May a comprehensive concept of arms control and disarmament which provided a way ahead in this respect and set an agenda for the future. This concept, circulated as document CD/926, represented a comprehensive approach to the agenda items of the Conference on Disarmament, entitled "Cessation of the nuclear-arms race and nuclear disarmament" and "Prevention of nuclear war, including all related matters" as inter-related issues. The Western Group of countries believed that these issues could only be dealt with satisfactorily in a broader context of prevention of war in general. It was with this objective in mind that the Western countries were continuing their active and constructive approach to these items. In the field of arms control, the members of the Group expressed their satisfaction about the progress made. The INF Treaty has eliminated a whole category of weapons, while providing for stringent verification

measures. They reaffirmed their desire for the conclusion as soon as possible of an agreement significantly reducing the strategic nuclear arsenals of the two major nuclear Powers by eliminating destabilizing offensive capabilities. Although actively working for further progress in the field of nuclear disarmament, they nevertheless stressed that in their view the reduction of nuclear arms could not be fully dissociated from other disarmament measures and that it should take place within the context of a strengthening of international stability and security. In this respect they welcomed with satisfaction the general improvement in relations between the two main nuclear Powers, their respective allies and other European States, which had led to the opening of negotiations on conventional disarmament and on confidence-building and security measures in Europe, on which they hoped to see rapid progress. In their opinion, agreements in this field and in the START negotiations would constitute major contributions to stability. They reaffirmed that the implementation of such agreements could facilitate further reductions in sub-strategic nuclear forces, although it would not obviate the need for such forces. They considered that once implementation of an agreement on conventional forces in Europe has begun, the way could be opened for negotiations on partial reductions in United States and Soviet land-based short-range nuclear missiles to equal and verifiable levels. Noting that it was incumbent upon all States to intensify their efforts and take steps to promote disarmament, all members of the Group of Western countries observed with growing concern the acquisition or the development of ballistic missiles by an increasing number of States. The elimination of this potential source of international instability and insecurity would seem to call for action, whether at the bilateral, regional or international levels, especially if this development were to be accompanied by national nuclear programmes. Delegations of the Western Group considered that the establishment of a subsidiary body for item 2 was inappropriate at the present stage and that in current circumstances the most appropriate tool for dealing with the problems of the cessation of the nuclear arms race and nuclear disarmament was plenary debate, where views of delegations were put on final record.

69. Adding to the views expressed above, one nuclear-weapon State belonging to the Western Group observed that it did not believe that an arms race could be dealt with as an abstract issue. It was essential to take into account the tensions between States or groups of States that caused a build-up of arms. States had acquired nuclear weapons for the same reason that made them decide to acquire conventional ones - to enhance security. Nuclear weapons, it reiterated, were an essential component of the strategy of deterrence, which, in its opinion, contributed to preserving peace between the two major Powers and their allies, and such weapons would remain part of its arsenal for the foreseeable future. The risk of nuclear war could be reduced by creating a more stable nuclear balance, in which deterrence would be strengthened and a condition of crisis stability would prevail. Deep reductions in strategic forces could enhance stability if properly applied. This Western nuclear State reported on an agreement with the nuclear State of the Socialist Group to reduce the risk of nuclear war through real-time communication links used

to clarify doubts and concerns. Measures such as these contribute to international peace and security and enhance co-operation between the nuclear Powers. That same Western nuclear State, as a contribution to further discussions, introduced the text of the agreement between the United States and the Soviet Union on the prevention of dangerous military activities, together with its annexes, and the agreed statement in connection with that agreement, signed in Moscow on 12 June 1989.

70. Another nuclear-weapon State belonging to the Western Group stressed that in East/West relations security would depend for the foreseeable future on nuclear weapons. It felt that there had been an enormous improvement in those East/West relations, nowhere more evident than in the more productive approach shown by both sides to arms control. In its view, long-standing Western proposals had at last been accepted as being offered in good faith. It stated that the INF Treaty was the first Treaty to make reductions in nuclear weapons and had path-breaking verification provisions. That delegation underlined that prospects for the START negotiations were good. Furthermore, it added that the CFE talks in Vienna had been reinforced by imaginative proposals from a Western country, endorsed by NATO, to widen the scope and accelerate the time-scale of the negotiations. It pointed out that arms control was sensitive to changes in political relations. In its view, reducing arms did not enhance security if mistrust persisted. It underscored that verification was crucial to increase confidence, but that trust came from behaviour in all fields and real security came from setting aside threatening ideologies. It expressed the view that the NATO Declaration offered a vision for a new pattern of relations, replacing military antagonism with the building of co-operation on the basis of the full choice of peoples. The delegation stressed that global security was indivisible and went on to say that increased security in Europe would influence the wider world. Conversely, it felt that the spread or use of weapons of mass destruction outside Europe would lead to crises with world-wide implications. That State maintained that the Non-Proliferation Treaty had established a climate hostile to nuclear proliferation and that it must be kept in place for the security of all as technology became more accessible. It emphasized that that was all the more important when prospects for cutting the existing nuclear weapons of the super-Powers were better than for many years. In its view, throughout the gradual process of building up trust and building down arsenals, the NPT would remain essential.

71. A nuclear-weapon State belonging to the Western Group reaffirmed its support for steadily greater nuclear arms control. From that point of view, it stressed the priority of reductions in the nuclear arsenals of the two main nuclear-weapon States, in particular the priority objective of a 50-per-cent reduction of their offensive strategic weapons. While recognizing the importance of the INF Treaty, it stressed that it should not be expected to lead to the denuclearization of Europe and that the priority of this region was the establishment of conventional stability. That State recalled that it would be willing to take part in the process of nuclear disarmament as soon as three conditions were met: a very substantial reduction in the disparity between the two main Powers and its own arsenals, the non-deployment of

defensive systems and a return to a balance of conventional forces, together with the total prohibition of chemical weapons. Moreover, that State considered that it was not the practice of deterrence which was to be condemned, but war in all its forms, and that it was not by attacking a country's legitimate defence option that progress in disarmament negotiations could be achieved.

72. One nuclear-weapon State, not belonging to any group, reiterated its consistent call for the complete prohibition and thorough destruction of nuclear weapons. It also reiterated that its limited nuclear force solely served defence purposes. It had undertaken, since the first day of its possession of nuclear weapons, not to be the first to use nuclear weapons under any circumstances and at any time. It did not favour or encourage the proliferation of nuclear weapons. It held that the two States possessing the largest and most advanced nuclear arsenals bore special responsibility for halting the nuclear arms race and carrying out nuclear disarmament. It recalled that in the past few years, the United Nations had adopted by consensus a resolution on nuclear disarmament which welcomed the signing and ratification of the INF Treaty and which also urged those two countries which possessed the most important nuclear arsenals, to discharge further their special responsibilities for nuclear disarmament, to take the lead in halting the nuclear arms race and to reach early agreements on the drastic reduction of their nuclear arsenals. In addition, that resolution expressed the belief that the qualitative aspect of the arms race needed to be addressed along with its quantitative aspect. It was of the view that while people were concerned with the continuing modernization of nuclear weapons and delivery systems, the arms race was also extending into outer space. That State had always held the view that the two major nuclear Powers possessing the largest and most sophisticated nuclear arsenals in the world should take the lead in halting the testing, production and deployment of all types of nuclear weapons and in drastically reducing and eliminating them, whether they were deployed at home or abroad. It considered that they should not only drastically reduce the quantities of all types of nuclear weapons but also halt the qualitative escalation of the nuclear arms race and the production of new types of nuclear weapons. It maintained that after that, a broadly representative international conference on nuclear disarmament, with the participation of all nuclear States, could be held to examine steps and measures for the complete elimination of all nuclear weapons. It maintained also that to promote nuclear disarmament, great importance should be accorded to the issues of conventional disarmament and curbing the arms race in outer space. It also agreed that bilateral and multilateral negotiations should complement each other. That same State expressed the hope that appropriate ways would be found through consultations to enable the Conference to play a concrete and helpful role in this field.

73. The heads of delegations to the bilateral talks on nuclear and space arms held by the two major Powers made, at the 523rd plenary meeting, on 3 August 1989, detailed presentations of the status of their negotiations as a result of the XI Round of the NST Talks.

C. Prevention of nuclear war, including all related matters

74. The item on the agenda entitled "Prevention of nuclear war, including all related matters" was considered by the Conference, in accordance with its programme of work, during the periods 6-10 March and 10-14 July 1989.

75. The following document was submitted to the Conference in connection with the item during the 1989 session:

CD/515/Rev.5, dated 27 July 1989, 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".

76. In connection with agenda item 3, consultations were held under the guidance of the President of the Conference to consider an appropriate organizational arrangement to deal with the item, including proposals for the establishment of a subsidiary body, but no agreement could be reached during those consultations.

77. At the 524th plenary meeting, on 8 August 1989, the Conference had before it for decision a draft mandate for an ad hoc committee on agenda item 3, proposed by the Group of 21 (CD/515/Rev.5). Under the proposed mandate, the ad hoc committee would, as a first step, consider all proposals relevant to agenda item 3, including appropriate and practical measures for the prevention of nuclear war. The Group of Western States 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, in its view, it did not facilitate work on the subject. The Group stressed anew the special significance it attached to an in-depth consideration of item 3. It stressed that this interest grew from the overriding necessity of avoiding war and intimidation and of strengthening international security and stability in the nuclear age. It believed that the problem of the prevention of a nuclear war could only be dealt with satisfactorily in a broader context of the prevention of war in general. Attaching the greatest importance to concrete policies and actions aimed at preventing all wars, including a nuclear one, the Group reaffirmed its willingness to search jointly for and to define an appropriate framework for the consideration of this agenda item within the Conference on Disarmament. The President of the Conference noted that there was no consensus at that time on the draft mandate contained in document CD/515/Rev.5. One nuclear-weapon State, not belonging to any group, stated that it could accept this draft, which, of course, did not exclude consideration by the Conference of any unanimously agreed means in order to commence work on this 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 and 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 that 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 States 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 on an equal footing with all aspects of agenda item 3, thus allowing an ad hoc committee to consider both the issues of prevention of nuclear war and the issues of all related matters. While the Group believed that the establishment of an ad hoc committee offered the best available machinery for the conduct of its activities on agenda item 3, it stated that it remained open to any procedural arrangements that would allow the Conference to commence concrete work on the item.

78. 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. These statements appear in the verbatim records of the Conference of Disarmament.

79. Emphasizing the importance that the Group of 21 attached to this item, it reiterated its conviction that the greatest peril facing the world was the threat of destruction from a nuclear war and that consequently the removal of this threat was the most acute and urgent task of the present day. It held that while nuclear-weapon States bore the primary responsibility for avoiding nuclear war, all nations had a vital interest in the negotiation of measures for the prevention of nuclear war, in view of the catastrophic consequences that such a war would have for mankind. The Group recalled that as far back as 1961, General Assembly resolution 1653 (XVI) had declared that the use of nuclear weapons, besides being a violation of the Charter of the United Nations, would be contrary to laws of humanity and a crime against mankind and civilization. It reminded the Conference that the Harare Declaration adopted at the Eighth Non-aligned Summit had also emphasized this point and, accordingly, "urged 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".

80. The Group of 21 maintained that it was a matter of concern for all delegations represented at the Conference that no progress had been possible on this item since its introduction as a separate item on the agenda of the Conference on Disarmament in accordance with General Assembly resolution 38/183 G, though the improvement of the international political situation appeared to give States confidence that solutions to complex international problems could be found. During these years the arms race had accelerated, leading to the expansion and introduction of more lethal warheads into the nuclear weapon stockpiles. The General Assembly had repeatedly requested the Conference on Disarmament to undertake, as a matter of the highest priority, negotiations with a view to achieving agreement on

appropriate and practical measures for the prevention of nuclear war and to establish for that purpose an ad hoc committee on this subject. The Group pointed out that, during the forty-third session of the General Assembly in 1988, there had been three resolutions on this subject, adopted with overwhelming majorities. Two of these resolutions, 43/76E on "Convention on the Prohibition of the Use of Nuclear Weapons" and 43/78F on "Prevention of Nuclear War" were introduced by members of the Group of 21. The Group recalled the results of recent atmospheric and biological studies, including that carried out by the Secretary-General's Group of Experts, which indicated that in addition to blast, heat and radiation, a nuclear war, even on a limited scale, would trigger an immediate nuclear winter, freezing the earth into a darkened frozen planet. In view of the irreversible consequences, it was clear that conventional wars could not, under any circumstances, be equated with nuclear war since nuclear weapons were weapons of mass destruction. Taking into account their unique destructive powers, the Group considered that invoking the United Nations Charter to justify the use of nuclear weapons in the exercise of the right of self-defence against conventional armed attack, was neither legitimate nor justiciable. Members of the Group considered that the belief in the maintenance of world peace through nuclear deterrence was the most dangerous fallacy that existed. The Group remained convinced that the shortest way to remove the danger of nuclear war lay in the elimination of nuclear weapons and that pending the achievement of nuclear disarmament, the use or threat of use of nuclear weapons should be prohibited.

81. The Group of 21 welcomed the declaration of President Reagan and General Secretary Gorbachev in November 1985 that "a nuclear war cannot be won and must never be fought", as also its reconfirmation in the Joint Statements issued subsequently. The Group felt that it was time to translate this will into a binding commitment. Therefore, the Group was disappointed that, despite the urgency accorded to this subject and the flexibility displayed by the Group of 21, the Conference on Disarmament was not able to discharge its own mandate, which was reflected in paragraph 120 of the Final Document of the SSOD I.

82. The Socialist States reaffirmed that the prevention of nuclear war was the most urgent task at present. They regretted that the item had not received the attention it deserved and that the Conference had not been able to agree on a format for the consideration of this issue. It was pointed out that the Conference on Disarmament was working in substantially different international circumstances from those of its predecessors, as the international political climate had been changing rapidly in recent years. In their view, international tension had diminished, and the world had become a safer place, thus creating real prerequisites for humanity to enter a peaceful era in its history. Members of the Group recalled that, in their appeal to NATO member States, the States parties to the Warsaw Treaty stated that there was a growing conviction throughout the world that nuclear war should never be unleashed and that there could be no victors in such a war, that all wars, whether nuclear or conventional, should be prevented, that the creation of a secure peace called for the manifestation of new political thinking, a new

approach to the issues of war and peace, and presupposed the total elimination of nuclear weapons, renunciation of the concept of "nuclear deterrence" and of a policy of the use or threat of force in relations between States. As the Soviet-United States INF Treaty was being implemented, prospects were fair for the two major Powers to reach an agreement on the reduction of strategic offensive arms. The agreement in Vienna on a significant Final Document, along with the mandate for negotiations on conventional armed forces in Europe, were indicators of the effectiveness of the new, realistic approaches to international affairs. They believed that there were grounds to expect a successful outcome at the negotiations on the complete prohibition of chemical weapons. They noted a shift towards putting an end to regional conflicts. These first real steps in improving the international situation in the field of disarmament had become possible because, in their view, understanding of the need for a period of peace was gaining momentum and was becoming the dominant trend. To consolidate this sound trend it was necessary to promote all the positive achievements of the past few years, to develop and intensify political dialogue, aiming at the search for solutions to problems rather than confrontation, the exchange of constructive ideas rather than recriminations. Members of the Group maintained that this dialogue required continuing and active participation by all countries and all regions of the world. The internationalization of the dialogue and the negotiating process was necessary to bring harmony to international relations and put them on a more stable basis. They underlined the viability of the new approach to ensuring security through the reduction of arms on a basis of compromise. The achievements in the field of disarmament were, in their view, a positive move from over-armament to the principle of reasonable sufficiency for defence. This principle underlined the new military doctrine adopted by the States parties to the Warsaw Treaty, which was being carried out. Solid confirmation was found in the unilateral reductions of armed forces and armament by all members of the Warsaw Treaty Organization. It was emphasized that the new policy of the Socialist States in the field of disarmament was based on the fact that the nature of current weaponry did not give a single State grounds to hope that it could defend itself solely using military technology and, consequently, the arms race was as fruitless as it was absurd. In their view, the continuation of this race on Earth and a fortiori its extension into outer space, could serve only to step up the already crucially high rate of accumulation and sophistication of weapons, particularly nuclear weapons. They considered, and today's realities proved the point, that not just nuclear war itself, or any other war, but even preparations for such a war - in other words the arms race and the desire to achieve military superiority - could not objectively bring any political or any other gain to anyone. They called the nuclear deterrence strategy a dangerous anachronism, which ran counter to the interests of universal security. They drew the attention of the Conference to a number of other documents adopted by the Warsaw Treaty States in which they had confirmed the attachment of their States to the ideal of ridding mankind of the threat of war by doing away with nuclear and chemical weapons and drastically reducing conventional weapons (CD/934). Special reference was made to the Appeal of the Foreign Ministers of the States parties to the Warsaw Treaty in which they urged that every effort should be made for the

preservation of peace, for disarmament and mutual understanding, for more co-operation and for safeguarding the economic and social progress of every nation, so that Europe and our entire planet would not experience the horrors of a new world war (CD/914). They were positive that along with the elimination of intermediate-range and shorter-range missiles, the phased reduction and eventual elimination of tactical nuclear arms in Europe would help to lessen the danger of war, to strengthen confidence and to establish a more stable situation on the continent. Accomplishing this task would facilitate progress towards deep cuts in strategic nuclear arms and, in a longer perspective, the complete elimination of nuclear weapons everywhere. They reiterated the proposals and the appeal of the States parties to the Warsaw Treaty to the member States of the North Atlantic Alliance to utilize the opportunities for completely overcoming the consequences of the "cold war" in Europe and worldwide and reaffirmed their position of principle in favour of disbanding both of the military-political alliances (CD/934).

83. 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. They reaffirmed that at present there was no alternative to 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. It was also pointed out that the agreements between the nuclear Powers to improve their procedures for direct consultation in times of crisis, made it possible to speak of a very positive trend in the international situation.

84. One nuclear-weapon State, not belonging to any group, calling a marked improvement in the international situation as gratifying and encouraging, pointed out that one of the characteristics of post-war history was the intensification of the national aspiration for independence and the continued struggle to safeguard national independence and State sovereignty, as well as a greater realization that solving international disputes by military means could lead nowhere. It reminded the Conference that the 1988 special session devoted to disarmament, convened in the new international circumstances, had been an important international conference, which had given expression to the common desire of the international community for the maintenance of world peace and opposition to the arms race. It noted that the two major Powers, in spite of their possession of enough nuclear weapons to destroy the world many times over, had to admit that "a nuclear war cannot be won and must never be fought". In its view, in spite of rapid economic development followed by remarkable progress of science and technology, the marked changes for the better in the world situation did not mean an everlasting peace, nor did it exclude relapses or new setbacks in the international situation. Consequently, efforts for the maintenance of peace and the promotion of disarmament, could in no way be slackened and disarmament still remained an arduous and long-term task. Giving priority to nuclear items and taking note of preliminary progress in nuclear disarmament, it also paid attention to the importance and urgency of conventional disarmament. It recalled paragraph 81 of the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, which had emphasized that States with the largest military arsenals had a special responsibility in pursuing the process of conventional armament reductions. It noted that in an area with high concentrations of conventional and nuclear arms, a conventional war was likely to escalate into a nuclear war. Therefore, it considered that the Conference should find appropriate ways to play concrete and helpful roles in that field.

D. Chemical weapons

85. The item on the agenda entitled "Chemical weapons" was considered by the Conference, in accordance with its programme of work, during the periods 20-31 March and 17-28 July 1989.

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

87. At its 531st plenary meeting on 31 August 1989, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 487th plenary meeting (see para. 9 above). That report (CD/952) is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. At its 487th plenary meeting on 16 February 1989, the Conference on Disarmament adopted the following decision on the re-establishment of the Ad Hoc Committee on Chemical Weapons (CD/889):

'The Conference on Disarmament, keeping in mind that the negotiation of a Convention should proceed with a view to its final elaboration at the earliest possible date, in accordance with United Nations General Assembly resolutions 43/74 A and C, 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 1989 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 1989 session.'

"II. ORGANIZATION OF WORK AND DOCUMENTATION

"2. At its 487th plenary meeting on 16 February 1989, the Conference on Disarmament appointed Ambassador Pierre Morel of France 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, assisted by Ms. Agnès Marcaillou, Political Affairs Officer, Department for Disarmament Affairs.

"3. The Ad Hoc Committee held 26 meetings from 17 February to 18 August 1989. In addition, the Chairman held a number of informal consultations with delegations.

"4. At their request, the representatives of the following States not members of the Conference participated in the work of the Ad Hoc Committee: Austria, Bangladesh, Chile, Denmark, Democratic People's Republic of Korea, Ghana, Greece, Finland, Ireland, Iraq, Jordan, Libyan Arab Jamahiriya, New Zealand, Norway, Oman, Portugal, Qatar, Republic of Korea, Senegal, Spain, Syrian Arab Republic, Switzerland, Tunisia, Turkey, Viet-Nam and Zimbabwe.

"5. During the 1989 session, the following official documents dealing with chemical weapons were presented to the Conference on Disarmament.

- CD/877 (also issued as CD/CW/WP.218), dated 13 January 1989, entitled 'Letter dated 12 January addressed to the Secretary-General of the Conference on Disarmament from the Head of the Permanent Mission of Italy to the Conference on Disarmament, transmitting a document entitled "Proceedings of the International Forum on 'Total Ban of Chemical Weapons: the Problems of Verification', Rome, Villa Madama, 19-20 May 1988"'.

- CD/878, dated 18 January 1989, entitled 'Letter dated 17 January 1989 addressed to the Secretary-General of the Conference on Disarmament from the Chargé d'Affaires a.i. of the Czechoslovak Socialist Republic transmitting a statement made in Prague on 5 January 1989 by the Government of the Czechoslovak Socialist Republic on issues concerning prohibition and elimination of chemical weapons'.

- CD/880, dated 30 January 1989, entitled 'Letter dated 27 January 1989 from the representative of France addressed to the Secretary-General of the Conference on Disarmament, transmitting the text of the Final Act of the Paris Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, including the Final Declaration of the Conference, adopted on 11 January 1989'.

- CD/881, dated 3 February 1989, entitled 'Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament on its work during the period 17 January to 3 February 1989'.

- CD/889, dated 16 February 1989, entitled 'Decision on the re-establishment of the Ad Hoc Committee on Chemical Weapons'.

- CD/890 and Add.1 (also issued as CD/CW/WP.223 and Add.1), dated 20 February 1989, submitted by the delegation of Hungary, entitled 'Report on the first national trial inspection'.

- CD/893 (also issued as CD/CW/WP.224), dated 24 February 1989, entitled 'Letter dated 24 February 1989 from the Permanent Representative of Italy addressed to the Secretary-General of the Conference on Disarmament transmitting an interim report on a trial inspection of two Italian chemical facilities'.

- CD/894 (also issued as CD/CW/WP.225), dated 28 February 1989, entitled 'Letter dated 27 February 1989 from the Representative of the Union of Soviet Socialist Republics addressed to the President of the Conference on Disarmament transmitting a text of the report on the national experiment on trying out procedures of systematic control of the non-production of chemical weapons in industry, held in the USSR'.

- CD/895/Rev.1 (also issued as CD/CW/WP.226/Rev.1), dated 2 March 1989, submitted by the delegation of Brazil, entitled 'National trial inspection: technical report'.
- CD/897, dated 8 March 1989, entitled 'Letter dated 7 March 1989 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Representative of Australia transmitting the text of a press release issued by the Australian Minister for Foreign Affairs and Trade, Senator Gareth Evans, on 7 March 1989'.
- CD/899 (also issued as CD/CW/WP.227), dated 10 March 1989, entitled 'Letter dated 10 March 1989 addressed to the President of the Conference on Disarmament from the Permanent Representative of the German Democratic Republic transmitting the text of a working paper entitled "Report on the national trial inspection of the GDR undertaken in a facility of the chemical industry"'. .
- CD/900 (also issued as CD/CW/WP.229), dated 14 March 1989, submitted by the delegation of Czechoslovakia, entitled 'Report on the conduct and results of the national trial inspection'.
- CD/901 (also issued as CD/CW/WP.230), dated 16 March 1989, submitted by the delegation of France, entitled 'Chemical weapons convention: confidentiality'.
- CD/907, dated 23 March 1989, entitled 'Letter dated 22 March 1989 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Representative of Australia transmitting a document entitled "Provision of data relevant to the chemical weapons convention"'. .
- CD/909 (also issued as CD/CW/WP.232), dated 30 March 1989, submitted by the delegation of the United Kingdom, entitled 'Chemical weapons convention: ad hoc inspections'.
- CD/910 (also issued as CD/CW/WP.234), dated 4 April 1989, entitled 'Letter dated 4 April 1989 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Representative of Australia transmitting a document entitled "Report of an Australian national trial inspection"'. .
- CD/911, dated 5 April 1989 entitled 'Letter dated 30 March 1989 addressed to the Secretary-General of the Conference on Disarmament from the Deputy Permanent Representative of Canada transmitting compendia on Chemical Weapons comprising plenary statements and working papers from the 1988 session of the Conference on Disarmament'.
- CD/912 (also issued as CD/CW/WP.235), dated 7 April 1989, submitted by the delegation of the Federal Republic of Germany, entitled 'Report on a national trial inspection'.

- CD/913 (also issued as CD/CW/WP.240), dated 11 April 1989, submitted by the delegation of France, entitled 'National trial inspection'.
- CD/916 (also issued as CD/CW/WP.242), dated 17 April 1989, submitted by the delegation of France, entitled 'The Scientific Advisory Council'.
- CD/917 (also issued as CD/CW/WP.243), dated 17 April 1989, submitted by the delegation of Belgium, entitled 'National trial inspection'.
- CD/921 (also issued as CD/CW/WP.245, dated 14 June 1989, submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland, entitled 'Verification of the chemical weapons convention: practice challenge inspections of military facilities'.
- CD/922 (also issued as CD/CW/WP.250), dated 22 June 1989, submitted by the delegation of the United States of America, entitled 'Report on a United States national trial inspection exercise'.
- CD/924 (also issued as CD/CW/WP.251), dated 23 June 1989, submitted by the delegation of the Netherlands, entitled 'Report on a national trial inspection'.
- CD/925 (also issued as CD/CW/WP.252), dated 23 June 1989, submitted by the delegation of the Netherlands, entitled 'An attempt to verify non-production in a chemical plant'.
- CD/926, dated 22 June 1989, entitled 'Letter dated 20 June 1989 addressed to the Secretary-General of the Conference on Disarmament by the Representative of the Netherlands, forwarding documents adopted at the meeting of the North Atlantic Council in Brussels on 29 and 30 May 1989'.
- CD/930, dated 12 July 1989, entitled 'Letter dated 6 July 1989 addressed to the President of the Conference on Disarmament by the Representative of the Federal Republic of Germany transmitting the text of the Joint Statement of 13 June 1989 signed in Bonn by the Chancellor of the Federal Republic of Germany and the General Secretary of the Central Committee of the Communist Party of the Soviet Union and Chairman of the Supreme Soviet of the Union of Soviet Socialist Republics together with the Text of the Joint Declaration adopted on 14 June 1989 in Bonn by the Minister for Foreign Affairs of the Federal Republic of Germany and the Minister for Foreign Affairs of the Union of Soviet Socialist Republics'.
- CD/931, dated 12 July 1989, entitled 'Letter dated 5 July 1989 from the Representative of the Union of Soviet Socialist Republics addressed to the President of the Conference on Disarmament transmitting the text of the Joint Statement signed at Bonn on 13 June 1988 by M.S. Gorbachev, General Secretary of the Central Committee of the CPSU and President of the USSR Supreme Soviet, and H. Kohl, Chancellor of the Federal Republic of Germany, and the text of the Joint Declaration by Ministers for Foreign Affairs of the USSR and the Federal Republic of Germany adopted at Bonn on 14 June 1989'.

- CD/932, dated 12 July 1989, entitled 'Letter dated 11 July 1989 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Representative of Finland transmitting a document entitled "Standard operating procedures for the verification of chemical disarmament, D.2, second proposal for procedures supporting the reference database"'.

- CD/934, dated 18 July 1989, entitled 'Letter dated 13 July 1989 addressed to the Secretary-General of the Conference on Disarmament by the Permanent Representative of the Socialist Republic of Romania transmitting the text of a Communiqué of the Meeting of the Political Consultative Committee of the Warsaw Treaty States together with the text of a document entitled "For a stable and secure Europe free from nuclear and chemical weapons, for a substantial reduction of armed forces, armaments and military spending"'.

- CD/936, dated 21 July 1989, submitted by the delegation of Norway, entitled 'Verification of alleged use of chemical weapons: a new approach for verification procedures'.

- CD/940, dated 31 July 1989, entitled 'Letter dated 31 July 1989 addressed to the President of the Conference on Disarmament from the Chargé d'Affaires a.i. of Norway, transmitting a research report entitled "Verification of a chemical weapons convention: headspace gas chromatography: a new technique in verification of alleged use of chemical warfare agents. Part VIII"'.

- CD/947, dated 9 August 1989, entitled 'Letter dated 9 August 1989, addressed to the Secretary-General of the Conference on Disarmament by the Permanent Representative of Canada transmitting a report issued as Arms Control Verification Paper No. 3, entitled "International atomic energy safeguards as a model for verification of a chemical weapons convention"'.

- CD/948 (also issued as CD/CW/WP.260), dated 14 August 1989, entitled 'Letter dated 10 August 1989 addressed to the Secretary-General of the Conference on Disarmament by the Permanent Representative of Austria transmitting a document entitled "Preliminary report on an Austrian national trial inspection"'.

- CD/949 (also issued as CD/CW/WP.261), dated 15 August 1989, submitted by the delegation of Czechoslovakia, entitled 'Data relevant to the convention on the complete and general prohibition and destruction of chemical weapons'.

- CD/950 (also issued as CD/CW/WF 263), dated 17 August 1989, submitted by the delegation of the Federal Republic of Germany, entitled 'Report on a trial inspection to test the validity of a proposed format for ad hoc on-site verification'.

- CD/951, dated 17 August 1989, entitled 'Statement by the Group of 21 on the Government-industry Conference on Against Chemical Weapons'.

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

- CD/CW/WP.214, dated 2 December 1988, submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland, entitled 'Identification of chemical substances'.
- CD/CW/WP.215, dated 8 December 1988, submitted by the delegation of the German Democratic Republic, entitled 'Chemical weapons convention: protection of confidential information'.
- CD/CW/WP.216, dated 9 December 1988, submitted by the delegation of Sweden, entitled 'Report on a Swedish national trial inspection'.
- CD/CW/WP.217, dated 15 December 1988, entitled 'Trial inspections: working paper by the Chairman of the open-ended consultations'.
- CD/CW/WP.218 (also issued as CD/877).
- CD/CW/WP.219, dated 1 February 1989, entitled 'Draft report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament on its work during the period 17 January to 3 February 1989'.
- CD/CW/WP.220, dated 3 February 1989, submitted by the delegation of Italy, entitled 'Provision of data relevant to the chemical weapons convention'.
- CD/CW/WP.221, dated 9 February 1989, submitted by the delegation of Norway, entitled 'Provision of data relevant to the chemical weapons convention'.
- CD/CW/WP.222, dated 17 February, presented by the Chairman of the Ad Hoc Committee on Chemical Weapons, entitled 'Plan for the organization and work programme of the Committee during the 1989 session'.
- CD/CW/WP.223 and Add.1 (also issued as CD/890 and Add.1).
- CD/CW/WP.224 (also issued as CD/893).
- CD/CW/WP.225 (also issued as CD/894).
- CD/CW/WP.226/Rev.1 (also issued as CD/895/Rev.1).
- CD/CW/WP.227 (also issued as CD/899).
- CD/CW/WP.228, dated 13 March 1989, submitted by the delegation of Japan, entitled 'Report on national trial inspection'.

- CD/CW/WP.229 (also issued as CD/900).
- CD/CW/WP.230 (also issued as CD/901).
- CD/CW/WP.231, dated 17 March 1989, submitted by the delegation of Canada, entitled 'Definitions, schedules and toxic chemicals'.
- CD/CW/WP.232 (also issued as CD/909).
- CD/CW/WP.233, dated 4 April 1989, submitted by the delegation of Finland, entitled 'Report on the national trial inspection of Finland at a civilian chemical facility'.
- CD/CW/WP.234 (also issued as CD/910).
- CD/CW/WP.235 (also issued CD/912).
- CD/CW/WP.236, dated 7 April 1989, entitled 'Trial inspections: Working Paper by the Chairman of the open-ended consultations'.
- CD/CW/WP.237, dated 10 April 1989, entitled 'Trial inspections: Working Paper by the Chairman of the open-ended consultations'.
- CD/CW/WP.238, dated 10 April 1989, submitted by the delegation of Austria, entitled 'Provision of data relevant to the chemical weapons convention'.
- CD/CW/WP.239, dated 11 April 1989, submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland, entitled 'Verification of the non-production of chemical weapons: an illustrative example of the problem of novel toxic compounds'.
- CD/CW/WP.240 (also issued as CD/913).
- CD/CW/WP.241, dated 12 April 1989, submitted by the delegation of the German Democratic Republic, entitled 'Multilateral trial inspections (MTIs)'.
- CD/CW/WP.242 (also issued as CD/916).
- CD/CW/WP.243 (also issued as CD/917).
- CD/CW/WP.244, dated 13 June 1989, presented by the Chairman of the Ad Hoc Committee on Chemical Weapons, entitled 'Programme of work of the Committee during the second part of the 1989 session'.
- CD/CW/WP.245 (also issued as CD/921).
- CD/CW/WP.246, dated 14 June 1989, submitted by the delegation of Japan, entitled 'Guidelines for initial visit and verification inspection'.

- CD/CW/WP.247, dated 16 June 1989, submitted by the delegation of Switzerland, entitled 'Report on the National Trial Inspection'.
- CD/CW/WP.248/Rev.1, dated 23 June 1989, entitled 'National Trial Inspections: final report by the Chairman of the open-ended consultations'.
- CD/CW/WP.249, dated 21 June 1989, submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland, entitled 'Report on a national trial inspection of an industrial chemical facility'.
- CD/CW/WP.250 (also issued as CD/922).
- CD/CW/WP.251 (also issued as CD/924).
- CD/CW/WP.252 (also issued as CD/925).
- CD/CW/WP.253, dated 26 June 1989, submitted by the delegation of Finland, entitled 'Verification laboratory: general features and instrumentation'.
- CD/CW/WP.254, dated 3 August 1989, submitted by the delegation of Canada, entitled 'Case study of unusual epidemiological findings caused by a toxin'.
- CD/CW/WP.255, dated 9 August 1989, submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland, entitled 'Analytical techniques for a chemical weapons convention'.
- CD/CW/WP.256, dated 14 August 1989, presented by the Chairman of Working Group 1, entitled 'Working Paper by the Chairman of Working Group 1 on Article VI'.
- CD/CW/WP.257, dated 14 August 1989, entitled 'Report of the Chairman of Working Group 1 on his consultations on trial inspections'.
- CD/CW/WP.258, dated 14 August 1989, presented by the Chairman of Working Group 4, entitled 'Suggested guidelines for Schedule 1 in the Annex on Chemicals'.
- CD/CW/WP.259, dated 14 August 1989, submitted by the delegation of Canada, entitled 'Pinacolyl Alcohol'.
- CD/CW/WP.260 (also issued as CD/948).
- CD/CW/WP.261 (also issued as CD/949).
- CD/CW/WP.262, entitled 'Draft Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament'.
- CD/CW/WP.263 (also issued as CD/950).

"III. SUBSTANTIVE WORK DURING THE 1989 SESSION

"7. 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 and II of CD/881 (Report of the Ad Hoc Committee on Chemical Weapons on its work during the period 17 January to 3 February 1989), as well as other proposals presented by the Chairman of the Committee, the Chairmen of the Working Groups and by delegations.

"8. Recognizing that a thematic approach was most appropriate at the current stage of the negotiations, the Ad Hoc Committee decided to set up the following five Working Groups:

"(a) Working Group 1: 'Verification'

(Chairman: Mr. Rüdiger Lüdeking, Federal Republic of Germany)

"Main responsibility: Articles VI, IX, Addendum to Appendix I, with special reference to:

- "1. General pattern of verification
- "2. Ad hoc checks and inspections
- "3. Challenge inspections
- "4. Trial inspections
- "5. Confidentiality.

"(b) Working Group 2: 'Legal and political questions'

(Chairman: Mr. Mohammed Gomaa, Egypt)

"Main responsibility: Preamble, Articles I, XII, XIII, XIV, XV, XVI, with special reference to:

- "1. Scope, jurisdiction and control
- "2. 1925 Geneva Protocol and CW convention
- "3. Amendments
- "4. Other final clauses, including settlement of disputes
- "5. Sanctions
- "6. Economic and technological development

"7. Preamble

"8. Old stocks: legal aspects.

"(c) Working Group 3: 'Institutional'
(Chairman: Mr. Rakesh Sood, India)

"Main responsibility: Articles VII, VIII, Preparatory Commission,
with special reference to:

"1. Organs of the Organization, particularly the Executive council
(functions, composition, decision-making)

"2. Scientific Council

"3. Staffing requirements and costs of the Organization

"4. Preparatory Commission: organizational aspects

"5. National implementation measures.

"(d) Working Group 4: 'Technical'
(Chairman: Mr. Johan Molander, Sweden)

"Main responsibility: Articles II, VI, with special reference to:

"1. Definitions (including chemical weapons)

"2. Lists of chemicals

"3. Revision of lists

"4. Super-toxic lethal chemicals not included in Schedule [1]

"5. Criteria: toxicity, threshold, capacity

"6. Production outside the single small-scale production facility
(régime for Schedule [1])

"7. Order of destruction: technical aspects

"8. Old stocks: definition aspects and former facilities.

"(e) Working Group 5: 'Transition'
(Chairman: Dr. Walter Krutzsch, German Democratic Republic)

"Main responsibility: Articles III, IV, V, X, XI, with special
reference to:

- "1. Preparation and transitional period (data exchange before and after the convention). Preparatory Commission
- "2. Undiminished security during the destruction period
- "3. Order of destruction (general approach)
- "4. Assistance and protection against chemical weapons
- "5. Economic and technological development
- "6. Universality.

"9. In addition, the Chairman of the Committee held informal consultations on the following topics, in order to prepare the ground for their consideration by the Working Groups:

- Challenge inspections
- Sanctions
- Executive Council
- Universal adherence to the convention.

"10. Furthermore, the Committee decided to establish a technical group on instrumentation, chaired by Dr. M. Rautio of Finland.

"11. Pursuant to the proposal made in the 1988 session, that States participating in the negotiations conduct national trial inspections in the civilian chemical industry to enable effective detailed procedures for routine inspections to be elaborated on the basis of practical experience, and further to the informal open-ended consultations held under the auspices of the Committee in order to prepare the ground for national and multilateral trial inspections, 18 States have carried out and submitted final reports on their experiments. During the 1989 session, under the auspices of the Committee and at the request of its Chairman, Ambassador Carl-Magnus Hyltenius of Sweden held informal open-ended consultations in order to review and analyse national reports and identify aspects needing further consideration in the elaboration of the verification procedures in the convention. This work was completed and reported on in CD/CW/WP.248/Rev.1 dated 23 June 1989. On the basis of the reported results of the National Trial Inspections, the Chairman of Working Group 1, as of July 1989, undertook informal consultations aimed at preparing the ground for future trial inspections. The results of these consultations are reported on in CD/CW/WP.257.

"12. In addition, the Committee held a number of informal consultations with representatives from the chemical industry on the following subjects of

relevance to the convention: (a) protection of confidential information; (b) technical aspects of the convention, in particular the contents of the schedules of chemicals together with their verification régimes; and (c) possible conclusions to be derived from the national trial inspections carried out so far.

"IV. CONCLUSIONS AND RECOMMENDATIONS

"13. The results of the work undertaken during the 1989 session are reflected in the up-dated versions of the Appendices to CD/881, attached hereto. Appendix I to this report 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 included as a basis for future work.

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

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

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

"(c) that work on the convention, under the Chairmanship of Ambassador Pierre Morel of France be resumed as follows:

"(i) that in preparation for the resumed session, open-ended consultations of the Ad Hoc Committee be held between 28 November and 14 December 1989 including when necessary meetings with full services;

"(ii) that the Ad Hoc Committee hold a session of limited duration during the period 16 January to 1 February 1990;

"(d) that the Ad Hoc Committee be re-established at the outset of the 1990 session of the Conference on Disarmament; that Ambassador Carl-Magnus Hyltenius of Sweden be appointed as its Chairman for the 1990 session; and that the decision on the mandate be taken at the beginning of the reconvening of the Conference in 1990.

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"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.

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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
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- "IX. Consultations, co-operation and fact finding
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- "XIX. Entry into Force
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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:

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

"1. 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.

"3. Each State Party undertakes not to use chemical weapons. 3/ 4/

"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. 5/

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

"1/ One delegation pointed out, 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.

"2/ Other delegations believed that the problem of disproportion between chemical weapons capabilities can be solved through their levelling out by a certain time after the entry into force of the Convention.

"3/ 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.

"4/ 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'.

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

"II. DEFINITIONS AND CRITERIA

"For the purposes of this Convention:

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

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

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

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

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

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

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

- [The term 'chemical weapons' shall not apply to those chemicals which are not super-toxic lethal, or other lethal chemicals and which are approved by the Conference of the States Parties 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]

[For the purpose of this Convention toxic chemicals are listed in Schedules contained in the Annex on Chemicals.] 1/

"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; 2/

"1/ The issue of a reference to the Annex on Chemicals in Article II should be further considered.

"2/ 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.

"4. 'Precursor' means:

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

[For the purpose of this Convention precursor chemicals are listed in Schedules contained in the Annex on Chemicals.] 1/

"5. The term 'chemical weapons production facility': 2/

"(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; 3/ or

"(ii) for filling chemical weapons. 4/

"1/ The issue of a reference to the Annex on Chemicals in Article II should be further considered.

"2/ A view was expressed that this definition may need to be reviewed to take into account further elaboration of Article VI.

"3/ Any such chemical should be included in a relevant schedule of chemicals in the convention.

"4/ 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.

"(b) does not include any facility with an annual capacity for synthesis of chemicals specified in subparagraph (a) (i) above that is less than [1,000-2,000] kilograms. 1/ 2/

"(c) does not include the single small-scale facility provided under Annex 1 to Article VI of the Convention.

"1/ The disposition of such facilities should be decided in the context of Articles III and VI of the Convention.

"2/ This threshold should be decided once an agreed definition for the term 'capacity' has been developed. Further work is needed on it, taking into account, inter alia, the report on how to define production capacity reproduced in Appendix II.

"III. DECLARATIONS 1/

"1. Each State Party shall submit to the Organization, 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

The precise location, nature and general scope of activities of any facility and establishment 1/ on its territory or under its jurisdiction or under its control anywhere 2/ designed, constructed or used since [1.1.1946] for development of chemical weapons, inter alia, laboratories and test and evaluation sites.

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

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

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

"IV. CHEMICAL WEAPONS

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

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

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

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

"(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.] 1/

"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 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.

"[11. Reminder: undiminished security during the destruction period.] 4/

"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.

"4/ The question of the proper place in the text of the Convention for provisions concerning undiminished security during the destruction period is to be further discussed.

"V. CHEMICAL WEAPONS PRODUCTION FACILITIES

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

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

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

"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, 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 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/ 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].

"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 destroyed.

"7. Each State Party shall submit detailed plans for destruction of each facility not later than [3] [6] months before the destruction of the facility begins.

"8. Each State Party shall:

"(a) destroy all chemical weapons production facilities, and related facilities and equipment specified in Section II-C-3 of the Annex to Article V, in accordance with the provisions of that Annex, beginning not later than 12 months, and finishing not later than 10 years, after the Convention enters into force;

"(b) provide information annually regarding the implementation of its plans for the destruction 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.

"9. A chemical weapons production facility may be temporarily converted for destruction of chemical weapons. Such a converted facility must be destroyed 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.

"10. Each State Party shall submit all chemical weapons production facilities 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.

"[12. Reminder: undiminished security during the destruction period.] 1/

"1/ The question of the proper place in the text of the Convention for provisions concerning undiminished security during the destruction period is to be further discussed.

"VI. ACTIVITIES NOT PROHIBITED BY THE CONVENTION 1/ 2/ 3/

"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 listed in Schedules 1, 2A, 2B and 3 in the Annex on Chemicals 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 Annexes 1, 2 and 3 to this Article.

The schedules of chemicals contained in the Annex on Chemicals may be revised according to part IV to that Annex.

"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 Annexes 1, 2 and 3 of this Article.

"4. Each State Party shall make an annual declaration regarding the relevant chemicals in accordance with Annexes 1, 2 and 3 to this Article.

"5. Each State Party undertakes to subject chemicals listed in Schedule 1 and facilities specified in Annex 1 to this Article to the measures contained in that Annex.

"1/ This Article and its Annexes 2 and 3 are subject to further considerations in Working Group 1, based on CD/CW/WP.256.

"2/ 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.

"3/ 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.

"6. Each State Party undertakes to subject chemicals listed in Schedule 2, Parts A and B and facilities declared under Annex 2 to this Article 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 chemicals listed in Schedule 3 and facilities declared under Annex 3 to this Article 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. 1/

"9. In conducting verification activities, the Technical Secretariat shall avoid undue intrusion into the State Party's peaceful chemical activities.

"10. For the purpose of on-site verification, each State Party shall grant to the International Inspectors access to facilities as required in the Annexes to this Article.

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

"VII. NATIONAL IMPLEMENTATION MEASURES 1/

"General undertakings

"1. Each State Party to this Convention shall adopt the necessary measures 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.

"Relations between the State Party and the Organization

"2. Each State Party shall inform the Organization of the legislative and administrative measures taken to implement the Convention.

"3. States Parties shall treat as confidential and afford special handling to information which they receive in connection with the implementation of the Convention from the Organization. They shall treat such information exclusively in connection with their rights and obligations under the Convention and in accordance with the provisions set out in the Annex on the Protection of Confidential Information. 2/

"4. In order to fulfil its obligations under the Convention, each State Party shall appoint a National Authority and inform the Organization of the designated National Authority at the time that the Convention enters into force for it. The National Authority shall serve as the national focal point for effective liaison with the Organization and other States Parties. 3/

"5. Each State Party undertakes to co-operate with the Organization in the exercise of all its functions and in particular to provide assistance to the Technical Secretariat 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.

.....
"1/ The view was expressed that the placement of Article VII needs to be discussed further.

"2/ A view was expressed that further discussion on this subject is necessary.

"3/ The view was expressed that the role of the National Authority might need to be further developed.

"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 Conference of the States Parties, 3/ the Executive Council and the Technical Secretariat.
- "5. The verification activities described in this Convention shall be conducted in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. The Organization shall request only the information and data necessary to fulfil its responsibilities under the Convention. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of the Convention and, in particular, shall abide by the provisions set out in the Annex on the Protection of Confidential Information. 4/

"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 the designation of this highest organ, to which many references are made throughout the text, should be determined only after further consideration of other provisions of the Convention and that, in this connection, the possibility of using the designation 'the General Conference' may also be considered.

"4/ A view was expressed that further discussion on this subject is necessary.

"B. Conference of the States Parties

"(a) Composition, procedure and decision-making

"1. The Conference of the States Parties shall be composed of all the States Parties to this Convention. Each State Party to the Convention shall have one representative in the Conference of the States Parties, who may be accompanied by alternates and advisers.

"2. The first session of the Conference of the States Parties shall be convened by the Depositary at (venue) not later than 30 days after the entry into force of the Convention.

"3. The Conference of the States Parties shall meet in regular sessions which should be held annually unless it decides otherwise. Special sessions shall be convened:

- when decided by the Conference of the States Parties;
- when requested by the Executive Council; or
- when requested by any State Party [and supported by [5-10] [one third of the] States Parties].

The special session shall be convened not later than [30-45] days after lodgement of the request with the Director-General unless specified otherwise in the request.

"4. Sessions shall take place at the headquarters of the Organization unless the Conference of the States Parties decides otherwise.

"5. The Conference of the States Parties 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 Conference of the States Parties shall constitute a quorum.

"7. Each member of the Conference of the States Parties shall have one vote.

"8. The Conference of the States Parties shall take decisions on questions of procedure, including decisions to convene special sessions of the Conference, by a simple majority of the members present and voting. Decisions on matters of substance should be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the Chairman shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference prior to the end of the period. If consensus is not possible at the end of 24 hours, the Conference shall take the decision by a two-thirds

majority of members present and voting unless otherwise specified in the Convention. When the issue arises as to whether the question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Conference by the majority required for decisions on questions of substance.

"(b) Powers and functions

"1. The Conference of the States Parties shall be the principal 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 1/ 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 Conference of the States Parties shall oversee the implementation of the Convention, and act in order to promote its objectives. It shall 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.

"3. In addition, the powers and functions of the Conference of the States Parties shall be:

- "(i) To consider and adopt at its regular sessions the report of the Organization, consider other reports 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;

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

- "(vi) to appoint the Director-General of the Technical Secretariat;
- "(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. 1/
2/ 3/
- "(ix) ... 4/

"4. The Conference of the States Parties 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 Conference of the States Parties shall be convened with the same objective. 5/

"[5. The Chairman of the Conference of the States Parties shall serve as non-voting Chairman of the Executive Council.]

"C. The Executive Council

"(a) Composition, procedure and decision-making 6/

"(To be elaborated)

"1/ It has been proposed that a Scientific Advisory Board be established as a subsidiary body.

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

"3/ Work was undertaken in 1989 on the Scientific Advisory Board, the result of which is included in Appendix II.

"4/ 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.

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

"6/ Consultations on this issue were carried out by the Chairman of the Ad Hoc Committee for the 1989 session. The outcome of these consultations is contained in Appendix II, pp. 239-241.

"(b) Powers and functions

"1. The Executive Council shall be the executive organ of the Conference of the States Parties, 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 Conference of the States Parties. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference of the States Parties 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;

"(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 Conference of the States Parties;

"(e) consider and submit to the Conference of the States Parties the draft programme and budget of the Organization;

"(f) consider and submit to the Conference of the States Parties 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 Conference of the States Parties may request;

"(g) conclude agreements with States and international organizations on behalf of the Organization, subject to approval by the Conference of the States Parties, and approve agreements relating to the implementation of verification activities, negotiated 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;

"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.

"[(ii) elect its Chairman;]

"(iii) elaborate and submit its rules of Procedure to the Conference of the States Parties for approval;

"(iv) make arrangements for the sessions of the Conference of the States Parties including the preparation of a draft agenda.

"3. The Executive Council may request the convening of a special session of the Conference of the States Parties. 1/

"D. Technical Secretariat

"1. A Technical Secretariat shall be established to assist the Conference of the States Parties 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 Conference of the States Parties 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; 2/

"(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;

"1/ It has been proposed that the Executive Council should request the convening of a special session of the Conference of the States Parties whenever obligations set forth in Article I of the Convention are violated.

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

"(e) provide technical assistance and technical evaluation to States Parties [in accordance with] [in the implementation of the provisions of] the Convention; 1/

"(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 Conference of the States Parties may request;

"(h) provide administrative and technical support 1/ to the Conference of the States Parties, the Executive Council and other subsidiary bodies.

"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 ... 2/

"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 Conference of the States Parties [upon the recommendation of the Executive Council] 3/ for [4] [5] years [renewable for one further term, but not thereafter]. The Director-General shall be responsible to the Conference of the States Parties and the Executive Council for the appointment of the staff

"1/ 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.

"2/ Because of considerations under way in some capitals, the question of how to approach these guidelines will be decided later. The result of the work undertaken in this regard during the 1987 and 1988 sessions is contained in the Addendum to Appendix I of this report. During the 1989 session, work has been undertaken on a Protocol on Inspections Procedures, the text of which is contained in Appendix II. After further in-depth consideration, this Protocol will replace the Guidelines on the International Inspectorate in the Addendum to Appendix I.

"3/ It has been proposed that the Director-General of the Technical Secretariat be appointed by the Conference of the States Parties upon the recommendation of the Secretary-General of the United Nations.

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. 1/

"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 Conference of the States Parties and the Executive Council.

"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.

"1/ Work was undertaken in 1989 on the Scientific Advisory Board, the result of which is included in Appendix II.

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

"1. States Parties shall consult and co-operate, directly among themselves, or through the Organisation 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.

"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.

"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).

"(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 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 also 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 Conference of the States Parties in accordance with Article VIII. In such a special session, the Conference of the States Parties 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/ 2/

"1/ Consultations on this issue were carried out by the Chairman of the Ad Hoc Committee for the 1987 session and the Chairman of Group C for the 1988 session. The state of affairs, as seen by them is presented in Appendix II with the aim of facilitating further consideration of the issue.

"2/ The Chairman of the Ad Hoc Committee for the 1989 session undertook consultations on Article IX, Part 2, the outcome of which is contained in Appendix II, pp. 251-252.

"X. ASSISTANCE AND PROTECTION AGAINST CHEMICAL WEAPONS 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

"This Convention shall be open for signature for all States before its entry into force at (venue). 3/ 4/

"XVI. RATIFICATION

"This Convention shall be subject to ratification by States signatories according to their respective constitutional processes.

"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 1989 session, work on this Article was 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.

"3/ One delegation expressed the view that the Convention should be open for signature indefinitely.

"4/ One delegation was of the view that this Article and the following Articles related to ratification, accession, deposit of instruments and entry into force should be contained under one Article.

"XVII. ACCESSION

"Any State which does not sign the Convention before its entry into force may accede to it at any time. 1/

"XVIII. DEPOSIT OF INSTRUMENTS OF RATIFICATION OR ACCESSION

"Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations (hereby designated as Depositary). 2/

"XIX. ENTRY INTO FORCE

"(a) This Convention shall enter into force (30) days after the date of the deposit of the (60th) instrument of ratification.

"(b) For States whose instruments of ratification or accession are deposited subsequent to the entry forces of this Convention, it shall enter into force on the (30th) day following the date of deposit of their instrument of ratification or accession. 3/

"XX. LANGUAGES 4/

"1/ One delegation expressed a view that accession would not be necessary.

"2/ One delegation was of the view that the procedures for the Depositary to inform States Parties of the deposit of instruments of ratification or accession need to be elaborated in this Article.

"3/ It is to be discussed further how to ensure that all 'chemical weapons possessing' and 'chemical weapons capable' States be among those States whose ratification would be required for the Convention to enter into force.

"4/ During the 1989 session, work on this Article was 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.

"ANNEXES

"ANNEX ON CHEMICALS

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"ANNEX ON CHEMICALS

I. DEFINITIONS 1/

"A. Definitions related to toxicity

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

['Ultra-toxic chemicals' means super-toxic lethal chemicals which have a median lethal dose which is less than or equal to 0.1 mg/kg.]

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

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

"B. Definitions related to precursor chemicals

"(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:

"1/ The final placement of these definitions within the Convention will be decided at a later stage.

"2/ 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.

"(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.] 1/

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

"[a 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):]

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

SCHEDULES OF CHEMICALS

Schedule 1

O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates 1/

e.g. Sarin: O-isopropyl methylphosphonofluoridate (107-44-8)
Soman: O-pinacolyl methylphosphonofluoridate (96-64-0)

O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates 1/

e.g. Tabun: O-ethyl N,N-dimethylphosphoramidocyanidate (77-81-6)

O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding quarternary ammonium compounds 1/

e.g. VX: O-ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate (50782-69-9)

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)
bis(2-chloroethylthio)methane (63869-13-6)
1,3-bis(2-chloroethylthio)-n-propane (63905-10-2)
1,4-bis(2-chloroethylthio)-n-butane
2-Chloroethylchloromethylsulphide (2625-76-5)

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)

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)

1/ The precise delimitation of this group requires further discussion.

- "7. 3-Quinuclidinyl benzilate (BZ) 1/ (6581-06-2)
- "[8. Saxitoxin 2/ (35523-89-8)]
- "[9. Ricin 2/]
- "10. Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluoride 3/
 e.g. DF: methylphosphonyldifluoride (676-99-3)
- "11. O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, N-Pr or i-Pr) phosphonites and corresponding quarternary ammonium compounds 1/
 e.g. QL: O-ethyl O-2-diisopropylaminoethyl methylphosphonite (57856-11-8)
- "[12. O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonochloridates 4/5/
 e.g. Chloro Sarin: O-isopropyl methylphosphonochloridate (1445-76-7)
 Chloro Soman: O-pinacolyl methylphosphonochloridate (7040-57-5)]
- "[13. 3,3-Dimethylbutan-2-ol (pinacolyl alcohol) 6/ (464-07-3)]

"1/ The desirability of extending this item to include also related chemicals should be further discussed.

"2/ A view was expressed that, since toxins are covered by the Biological and Toxin Weapons Convention, they should not be covered by the Chemical Weapons Convention. Another view was expressed that since toxins are toxic chemicals, they would automatically be covered by the Chemical Weapons Convention. In addition, a view was expressed that relevant toxins should also be considered for inclusion in Schedule 2 part B. Another view was expressed that saxitoxin and ricin should only be considered examples of toxins that could be included in Schedule 1.

"3/ The view was expressed that other members than DF and QL should be put on Schedule 2 part A, where however they are already covered by the first item.

"4/ The precise delimitation of this group requires further discussion.

"5/ A view was expressed that this group belongs to Schedule 2 part A, where it is already covered by the first item.

"6/ A view was expressed that this chemical should be included in Schedule 2 part A.

"B. Schedule 2 part A

- "1. Chemicals, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group [radical] but not further carbon atoms, except for those chemicals listed under Schedule 1. 1/
- "2. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides
- "3. Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates
- "4. Arsenic trichloride (7784-34-1)
- "5. 2,2-Diphenyl-2-hydroxyacetic acid 2/ (76-93-7)
- "6. Quinuclidin-3-ol 2/ (1619-34-7)
- "7. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chloride and corresponding quarternary ammonium compounds 3/4/

"1/ The precise delimitation of this group requires further discussion.

"2/ If item 7 on Schedule 1 is expanded into a group, a corresponding expansion should be considered for items 5 and 6 on Schedule 2 part A. Item 5 could, e.g., then include:

2-phenyl-2-(phenyl, cyclohexyl, cyclopentyl or cyclobutyl)-2-hydroxyacetic acids and their methyl, ethyl, n-propyl and iso-propyl esters,

and item 6 could, e.g., include:

3- or 4-hydroxypiperidine and their [derivatives] and [analogs].

"3/ It was suggested that a limitation of the group to contain only the N,N-diisopropyl compounds should be considered in view of the scale of the commercial production of other group members. These other group members could then be included in Schedule 3. In this context, a view was also expressed that it could be sufficient to have only the N,N-diisopropyl compounds in Schedule 2 part A from the viewpoint that they are key precursors to VX. Furthermore a view was expressed that unless an appropriate limitation of the group can be provided, the placement of this group on this schedule should be reconsidered in light of existing commercial production of substances included in the group.

"4/ A view was expressed that 'and corresponding quarternary ammonium compounds' should be replaced by 'and corresponding salts'.

- "8. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ol and corresponding quarternary ammonium compounds 1/2/
- "9. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiol and corresponding quarternary ammonium compounds 1/2/
- "10. Bis(2-hydroxyethyl)sulphide (thiodiglycol) 3/ (111-48-8)
- "[11. 3,3-Dimethylbutan-2-ol (pinacolyl alcohol) 4/ (464-07-3)]
- "C. Schedule 2 part B 5/6/7/
- Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate (78-53-5)

"1/ It was suggested that a limitation of the group to contain only the N,N-diisopropyl compounds should be considered in view of the scale of the commercial production of other group members. These other group members could then be included in Schedule 3. In this context, a view was also expressed that it could be sufficient to have only the N,N-diisopropyl compounds in Schedule 2 part A from the viewpoint that they are key precursors to VX. Furthermore a view was expressed that unless an appropriate limitation of the group can be provided, the placement of this group on this schedule should be considered in light of existing commercial production of substances included in the group.

"2/ A view was expressed that 'and corresponding quarternary ammonium compounds' should be replaced by 'and corresponding salts'.

"3/ A view was expressed that this chemical should be included in Schedule 3.

"4/ A view was expressed that this chemical should be included in Schedule 1.

"5/ A view was expressed that saxitoxin and ricin should be included in Schedule 2 part B.

"6/ A view was expressed that CS and CR should be included in one of the Schedules.

"7/ A view was expressed that 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene (PFIB) CAS No. 382-21-8 be included in Schedule 2 B.

"D. Schedule 3 1/

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 2/	
[e.g.]: Trimethyl phosphite	(121-45-9)
Triethyl phosphite	(122-52-1)
Dimethyl phosphite	(868-85-9)
Diethyl phosphite	(762-04-9)
Sulphur monochloride	(10025-67-9)
Sulphur dichloride	(10545-99-0)
Thionyl chloride	(7719-09-7)
Phosphorus pentachloride	(10026-13-8)

"1/ It was observed that no precursors for nitrogen mustards had been included and it was proposed that the three compounds triethanolamine, ethyldiethanolamine and methyldiethanolamine should be discussed in this context for possible inclusion in Schedule 3.

"2/ Some felt that this heading might be superfluous and a possible source of misunderstandings, and therefore should be deleted.

"III. GUIDELINES FOR SCHEDULES OF CHEMICALS

"A. 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 had 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/

"1/ These guidelines were developed in 1987. As no agreement has been reached on them, they are presently considered for revision partly on the basis of a new conceptual approach, contained in CD/CW/WP.258.

"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.

"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.

"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.

"B. Guidelines for Schedule 2 part A 1/

The following criteria shall be taken into account in considering whether a precursor to a Schedule 1 chemical would be included in Schedule 2 part A:

"1. It may be used in one of the chemical reactions at the final stage of formation of a chemical listed in Schedule 1.

"2. It may pose a significant risk 2/ to the objectives of the Convention by virtue of its importance in the production of a chemical listed in Schedule 1.

"[3. It is not produced in large commercial quantities for purposes not prohibited by the Convention. 3/]

"1/ These guidelines are in the process of further consideration and development.

"2/ The view was expressed that the degree of the risk of a chemical is determined on the basis of the contribution made by a precursor to the formation of the structure, or on the basis of the role it plays in determining the toxic properties of a Schedule 1 chemical.

"3/ The question of the applicability of a quantitative criterion requires further discussion, taking into account, inter alia, the aim of the measures stipulated in Article VI, paragraph 6, as set forth in Annex 2 to Article VI, paragraph 4, the likelihood of meeting the various aspects of this aim by routine systematic on-site inspections and use of on-site instruments and the necessity of efficient implementation of verification.

"C. Guidelines for Schedule 2 part B 1/

Super-toxic lethal chemicals and other chemicals which are not included in Schedule 1 and are not precursor chemicals but which are deemed to pose a significant risk to the objectives of the Convention. 2/3/

"D. Guidelines for Schedule 3 1/

The following criteria shall be taken into account when considering whether a dual purpose chemical or a precursor chemical, not listed in other schedules, would be included in Schedule 3:

"A. Dual purpose chemical

- "1. It is produced in large commercial quantities 4/ for purposes not prohibited by the Convention, and
- "2. it has been stockpiled as a chemical weapon, or
- "3. it may pose a risk to the objectives of the Convention by virtue of its physical, chemical and toxicological properties being similar to those of chemical weapons.

"B. Precursor chemical

- "1. It is produced in large commercial quantities 4/ for purposes not prohibited by the Convention, and

1/ These guidelines are in the process of further consideration and development.

"2/ A view was expressed that, when assessing the risk to the objectives of the Convention, factors such as the lethal or incapacitating effects of a chemical, as well as its suitability as a chemical weapon in terms of physical and chemical properties should be taken into account.

"3/ A view was expressed that chemicals included in Schedule 2 part B may have commercial use.

"4/ The question of a quantitative criterion, possibly including a numerical threshold, requires further discussion.

- "2. it may pose a risk to the objectives of the Convention by virtue of its importance in the production of one or more chemicals listed in Schedule 1, or in the production of precursors to such chemicals 1/ [, and
- "3. it contributes one or more atoms other than hydrogen, carbon, nitrogen or oxygen to the final listed end-product 2/].

"1/ A view was expressed that only precursors which may pose a risk to the objectives of the Convention by virtue of their importance in the production of one or more chemicals listed in Schedule 1 or 2 part A should be included.

"2/ Whether this criterion is unduly restrictive should be further discussed.

"IV. MODALITIES FOR REVISION OF SCHEDULES AND GUIDELINES 1/2/

"A. General provisions

"1. The revisions envisaged consist of additions to, deletions from, or shifts between the schedules and modifications of, additions to or deletions from the guidelines.

"2. A revision shall be proposed by a State Party which may request the assistance of the Technical Secretariat in the preparation of its proposal. If the Technical Secretariat has information which in its opinion may require a revision of the schedules of chemicals or one or more of the guidelines, it shall provide that information to the Executive Council and communicate it to all States Parties.

"3. A proposal for revision shall be transmitted to the Technical Secretariat, substantiated with necessary information.

"4. The Technical Secretariat shall inform the Executive Council and States Parties about a proposal for a revision within [5] days of its receipt. 3/

"5. Any State Party and [, as requested,] the Technical Secretariat, may also provide relevant information for the evaluation of the proposal.

"6. The Technical Secretariat shall provide assistance to any State Party, when requested, in evaluating an unlisted chemical. This assistance shall be confidential [unless it is established in the evaluation that the chemical has chemical weapon properties]. 4/

"B. Decisions regarding revision of schedules

"1. When a proposal is made regarding a deletion of a chemical from a schedule or a shift between schedules the régime for that chemical shall be maintained while a decision on the proposed deletion or shift is being reached.

"1/ These modalities are in the process of further consideration and development.

"2/ It has been proposed that the Scientific Advisory Board should be involved in the modalities for revision.

"3/ The Executive Council shall examine in light of all information available to it, the proposal for a revision to a Schedule and promptly provide its recommendation to all States Parties for consideration.

"4/ It has been stated that this paragraph is not necessary and could be deleted.

"2. When an addition to a schedule of chemicals is proposed no régime shall be applied to that chemical until a decision has been taken to include it on one of the schedules.

"3. The decision on a proposal shall be taken by the Organization 1/ [Conference of the States Parties] by [a [two-third] majority vote] [consensus] [tacit approval of all States Parties 60 days after they have been informed of the proposal by the Technical Secretariat. If there is no tacit approval, the matter shall be reviewed by the [Conference of the States Parties] at its next meeting.] [If urgent consideration is requested by five or more Parties, a special meeting of the Conference of the States Parties shall be promptly convened.]

"4. The decision on a proposal shall be taken within [60 days] after the receipt by the Technical Secretariat of the proposal. The decision shall be notified to all States Parties. An approved revision shall enter into force [30] days after such notification.

"C. Decisions regarding revision of guidelines

"1. The decision on a proposal shall be taken by the Organization 1/ by [a majority vote] [consensus]. 2/3/4/

"1/ The question of which organ(s) of the Organization should be entrusted with this task should be considered further.

"2/ The questions of the decision-making for and entry into force of revisions of guidelines require further consideration in the light of the work on amendment procedures to the Convention.

"3/ The issue of revision of schedules pursuant to a revision of guidelines should be further considered.

"4/ A view was expressed that a minimum time period for evaluation of a proposal before decision should be considered.

"V. TOXICITY DETERMINATIONS

"A. Procedures for toxicity determinations 1/2/

"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 LD₅₀ 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 test. The temperature of the animal room before and during the test should be $22 \pm 3^\circ$ 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.

"1/ It was understood that these recommended standardized operating procedures (CD/CW/WP.30) for toxicity determinations might be supplemented or modified and/or, if necessary, reviewed.

"2/ A view was expressed that appropriate methods for testing of non-lethal harmful chemicals need to be addressed at a later stage.

"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.

"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/m³ 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/m³. 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/m³) 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/m³) 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.

"B. Modalities for revision of toxicity determination procedures

(To be developed)

"ANNEX ON THE PROTECTION OF CONFIDENTIAL INFORMATION 1/2/

"A. GENERAL PRINCIPLES FOR THE HANDLING OF CONFIDENTIAL INFORMATION

"1. The obligation to protect confidential information shall pertain to the verification of both civil and military activities and facilities. As specified in Article VIII, the Organization shall:

"(a) require only the minimum amount of information and data necessary for the timely and efficient carrying out of its responsibilities under the Convention;

"(b) take measures necessary to ensure that inspectors and other staff members of the Technical Secretariat meet the highest standards of efficiency, competence, and integrity;

"(c) develop agreements and regulations to implement the provisions of the Convention and shall specify as precisely as possible the information to which the Organization shall be given access by a State Party.

"2. The Director-General of the Organization shall have the primary responsibility for ensuring the protection of confidential information. He shall establish a stringent régime governing the handling of confidential information by the Technical Secretariat. [The Director-General shall be assisted by an Assistant Director-General for Information Security.] In doing so he shall observe the following guidelines:

"(a) Information shall be considered confidential if

"(i) it is so designated by the State Party from whom the information was obtained and to which the information refers;
or

"(ii) in the judgement of the Director-General, its unauthorized disclosure could reasonably be expected to cause damage to the State Party to which it refers or to the mechanisms for implementation of the Convention.

"1/ A view was expressed that further discussion on this subject is necessary.

"2/ The view was expressed that the references to confidentiality in Article VII and Article VIII are adequate. The detailed guidelines on confidentiality should be part of rules and regulations to be developed by the International Organization.

"(b) All data and documents obtained by the Technical Secretariat shall be evaluated by the appropriate unit of the Technical Secretariat in order to establish whether they contain confidential information. Data required by States Parties to be assured of the continued compliance with the Convention by other States Parties shall be routinely provided to them. Such data shall encompass:

"(i) the initial and annual reports and declarations provided by States Parties under Articles III, IV, V and VI;

"(ii) general reports on the results and effectiveness of verification activities; and

"(iii) information to be supplied to all States Parties in accordance with the provisions of the Convention.

"(c) No information obtained by the Organization in connection with implementation of the Convention shall be published or otherwise released, except, as follows:

"(i) General information on the implementation of the Convention may be compiled and released publicly in accordance with the decisions of the Conference of States Parties or the Executive Council. [Prior to public release, all data and documents shall be evaluated by a specially designated unit of the Technical Secretariat to ensure that they do not contain confidential information.]

"(ii) Any information may be released with the express consent of the State Party to which the information refers.

"(iii) Information classified as confidential shall be released by the Organization only through agreed procedures which ensure that the release of information only occurs in strict conformity with the needs of the Convention.

"(d) The level of sensitivity of confidential data or documents shall be established, based on criteria to be applied uniformly ^{1/} in order to ensure their appropriate handling and protection. For this purpose, a classification system shall be introduced, which by taking account of relevant work undertaken in the preparation of the Convention shall provide for clear criteria ensuring the inclusion of information into appropriate categories of confidentiality and the justified durability of the confidential nature of

^{1/} The view was expressed that such criteria should be developed by the Technical Secretariat.

information. While providing for the necessary flexibility in its implementation the classification system shall protect the rights of States Parties providing confidential information.

"(e) Confidential information shall be stored securely at the premises of the Organization. Some data or documents may also be stored with the national authority of a State Party. Sensitive information, inter alia, photographs, plans and other documents required only for the inspection of a specific facility may be kept under lock and key at this facility in conformity with the agreement to be concluded on the basis of a relevant model.

"(f) To the greatest extent consistent with the effective implementation of the verification provisions of the Convention, information shall be handled and stored by the Technical Secretariat in a form that precludes direct identification of the facility to which it pertains.

"(g) The amount of confidential information removed from a facility shall be kept to the minimum necessary for the timely and effective implementation of the verification provisions of the Convention.

"[(h) Each employee shall only have access to that kind of information necessary for fulfilment of the function deriving from the relevant position description.]

"(i) Access to confidential information shall be regulated in accordance with its classification. The dissemination of confidential information within the Organization shall be on a strictly need-to-know basis.

"(j) The Director-General shall report annually to the Conference of States Parties on the implementation of this régime.

"3. States Parties shall treat information which they receive from the Organization in accordance with the level of confidentiality established for that information. [Upon request States Parties shall provide details on the handling of information provided to them by the Organization.]

"B. EMPLOYMENT AND CONDUCT OF PERSONNEL IN THE TECHNICAL SECRETARIAT

"1. Conditions of staff employment shall be such as to ensure that access to and handling of confidential information shall be in conformity with the procedures established by the Director-General in accordance with part A of this Annex.

"2. [Each position in the Technical Secretariat shall be governed by a formal position description that specifies the scope of access to confidential information if any, needed in that position.]

"3. In keeping with the provisions of Article VIII D of this Convention, the Director-General of the Technical Secretariat, the inspectors and other members of the staff shall not disclose even after termination of their

functions to any unauthorized persons any confidential information coming to their knowledge in the performance of their official duties. They 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.

"4. In the discharge of their function inspectors shall only request the information and data which are necessary to fulfil their mandate. They shall not take any records on information collected incidentally not related to verification of compliance with the Convention.

"5. The staff shall enter into individual secrecy agreements 1/ [with the Technical Secretariat] covering their period of employment and a period of five years after it is terminated.

"6. In order to avoid improper disclosures, inspectors and staff members shall be appropriately advised and reminded about security considerations [and of the possible penalties that they would incur, including the likelihood of the Organization's waiving their immunity from private suit].

"[7. Not less than 30 days before an employee is given clearance for access to confidential information that refers to activities under the [jurisdiction or control] of a State Party, the State Party concerned shall be notified of the proposed clearance. For inspectors the notification of a proposed designation shall fulfil this requirement.

"8. In evaluating the performance of inspectors and other employees of the Technical Secretariat, specific attention should be given to the employee's record regarding protection of confidential information.]

"C. MEASURES TO PROTECT SENSITIVE INSTALLATIONS AND
PREVENT DISCLOSURE OF CONFIDENTIAL DATA IN THE
COURSE OF ON-SITE VERIFICATION ACTIVITIES 2/

"1. States Parties may take such measures as they deem necessary to protect confidentiality, provided that they comply and demonstrate compliance with their obligations arising from the provisions of this Convention. Receiving an inspection they may indicate to the inspection team the equipment, documentation or areas that they consider sensitive and not related to the purpose of the inspection.

"1/ This issue requires further consideration.

"2/ The contents and placement of some provisions contained in this section need to be reviewed in the light of ongoing discussions on the Guidelines on the International Inspectorate.

"2. Teams shall be guided by the principle of conducting on-site inspections in the least intrusive manner possible, consistent with the effective and timely accomplishment of their mission. They shall, to the extent they deem them appropriate, take into consideration and adopt proposals which may be made by the State Party receiving the inspection, at whatever stage of the inspection, to ensure that sensitive equipment or information, not related to chemical weapons, is protected.

"3. Inspection teams shall strictly abide by the provisions set out in the relevant Articles and Annexes of this Convention governing the conduct of inspections. They shall fully respect the procedures designed to protect sensitive installations and to prevent the disclosure of confidential data.

"4. In the elaboration of subsidiary arrangements/facility attachments due regard shall be paid to the requirement of protecting confidential information. Agreements on inspection procedures for individual facilities shall also include specific and detailed arrangements with regard to the determination of those areas of the facility to which inspectors are granted access, the storage of confidential information on-site, the scope of the inspection effort in agreed areas, the taking of samples and their analysis, the access to records and the use of instruments and continuous monitoring equipment.

"5. The report to be prepared after each inspection shall only contain facts relevant to compliance with the Convention. The report shall be handled in accordance with the regulations established by the Organization governing the handling of confidential information. If necessary, the information contained in the report shall be processed into less sensitive forms before it is transmitted outside the Technical Secretariat and the inspected State Party.

**"D. PROCEDURES IN CASE OF BREACHES OR ALLEGED
BREACHES OF CONFIDENTIALITY ^{1/}**

"1. The Director-General of the Technical Secretariat shall establish necessary procedures to be followed in case of breaches or alleged breaches of confidentiality, taking into account recommendations made by the Preparatory Commission.

"2. The Director-General of the Technical Secretariat shall oversee the implementation of individual secrecy agreements and promptly initiate an investigation if there is any indication that obligations concerning the protection of confidential information have been violated and if he considers such an indication sufficient. He shall also promptly initiate an investigation if an allegation concerning a breach of confidentiality is made by a State Party.

^{1/} This section should be reviewed in the light of the results of considerations of other legal issues, in particular liability and the settlement of disputes.

"3. [Members of the staff of the Technical Secretariat shall be held responsible for any breach of secrecy agreements they entered into.] The Director-General shall impose appropriate punitive and disciplinary measures on staff members who have violated their obligations to protect confidential information. 1/ In case of serious breaches the immunity from legal process may be waived by the Director-General.

"4. States Parties shall, to the extent possible, co-operate and support the Director-General of the Technical Secretariat in investigating any breach or alleged breach of confidentiality and in taking appropriate action in case a breach has been established.

"5. The Organization shall not be held liable for any breach of confidentiality committed by members of the Technical Secretariat.

"6. For breaches involving both a State Party and the Organization [or specifically within the Technical Secretariat] a 'Commission for the settlement of disputes related to confidentiality', set up as a subsidiary ad hoc body of the Conference of States Parties, shall consider the case. This Commission shall be appointed by the Conference of States Parties.

.....

"1/ A view was expressed that the Director-General should be given clear guidelines on which punitive and disciplinary measures would be deemed appropriate.

"ANNEX TO ARTICLE III

"I. DECLARATIONS OF CHEMICAL WEAPONS

"A. Possession or non-possession

"1. Possession of chemical weapons on own territory

Yes ...

No ...

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

Yes ...

No ...

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

Yes ...

No ...

"C. Past transfers

Yes ...

No ...

"II. DECLARATIONS OF CHEMICAL WEAPONS PRODUCTION FACILITIES

"A. Possession or non-possession

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

Yes ...

No ...

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

Yes ...

No ...

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

Yes ...

No ...

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

Yes ...

No ...

"[III. OTHER DECLARATIONS]

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"1/ The view was expressed that technical documentation should not be included.

"ANNEX TO ARTICLE IV

"I. DECLARATIONS OF CHEMICAL WEAPONS

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

"1. The aggregate quantity of each chemical declared.

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

- name;

- geographical co-ordinates.] ^{1/}

"3. Detailed inventory 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 on Chemicals.

"(b) For a chemical not listed in the Schedules in the Annex on Chemicals 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].

^{1/} One delegation reserved its position on this question.

"(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 Technical Secretariat 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 Technical Secretariat 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.

"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 Organization 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 Technical Secretariat. 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 Technical Secretariat 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.

"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 arrangement 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 Technical Secretariat 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 Technical Secretariat 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 chemical weapons, as required.
- "(iv) Data will be transmitted from each storage facility to the Technical Secretariat 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 Technical Secretariat. 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 Technical Secretariat would immediately ascertain the actual situation, including through immediate on-site inspection or visit of the storage facility if necessary. The Technical Secretariat 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 Technical Secretariat 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 Technical Secretariat 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 Technical Secretariat 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 Technical Secretariat shall certify the declaration of the National Authority to that effect. After this certification, the Technical Secretariat 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 Technical Secretariat [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 (Director-General of the) Technical Secretariat 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 (Director-General of the) Technical Secretariat 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 Organization in accordance with agreed procedures;
- afford the opportunity to the host State Party to be present when samples are analysed;

"1/ The designation of the organ of the Organization that will be entrusted with this task will be considered further and specified in the text.

- ensure, in accordance with agreed procedures that samples transported, stored and processed are not tampered with;
- communicate freely with the Technical Secretariat.

"(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 Technical Secretariat.

"(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 (Director-General of the) Technical Secretariat.

"(f) After each inspection or visit to the storage facility, International Inspectors shall submit a report with their findings to the (Director-General of the) Technical Secretariat which will transmit a copy of this report to the State Party having received the inspection or visit.

"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.

"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. 2/ 3/ 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. 4/

"1/ The further development of this entire section has been subject to consultations by the Chairman of Group B in 1988, the result of which is included in Appendix II.

"2/ 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.

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

"4/ 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;

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

"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 delegations 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.

"(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 Conference of the States Parties.

"(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 Organization 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 Technical Secretariat;
- if necessary, transfer samples for analysis off-site at a laboratory designated by the Organization, 1/ in accordance with agreed procedures;

1/ The designation of the organ of the Organization that will be entrusted with this task will be considered further and specified in the text.

- 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 Technical Secretariat.

"(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 (Director-General of the) Technical Secretariat which will transmit a copy of this report to the State Party having received the inspection.

"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 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 1/

"The declaration should contain for each facility:

"1/ All provisions dealing with 'former' chemical weapons production facilities need to be reviewed once the definition of chemical weapons production facilities is agreed. In this connection, how to deal with chemical weapons production facilities that have previously been destroyed should also be discussed.

- "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 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 ^{1/}
 - Responsibility for declarations (to be discussed).
 - All elements contained in part IB of this Annex should be declared.

^{1/} All provisions dealing with 'former' chemical weapons production facilities need to be reviewed once the definition of chemical weapons production facilities is agreed. In this connection, how to deal with chemical weapons production facilities that have been previously destroyed should also be discussed.

"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, if known;

"(e) current disposition, if known.

"F. Declarations of measures to ensure closure of:

"1. Facilities under the jurisdiction or control of the State Party (to be developed).

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

"G. Annual Reports (to be developed)

"H. Final Certification of Destruction (to be developed)

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

"A. General

"Each State Party shall decide on methods to be applied for the destruction 1/ of its chemical weapons production facilities, according to the principles laid down in Article V and in this Annex. 2/

"B. Closure and methods for closing the facility

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

"1/ Further discussion is needed of possible methods of destruction and of related definitions.

"2/ The responsibility for carrying out measures when more than one State is involved needs to be discussed.

"2. 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: 1/

- 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 chemical weapons production facility except those required for agreed activities.

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

"C. Activities related to destruction

"1. Destruction of equipment covered by the definition of a 'chemical weapons production facility'

- All specialized and standard equipment shall 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

"1/ The activities and items in these measures will need further elaboration and discussion in light of methods of destruction and characteristics of specific facilities.

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.)

- '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 fire-fighting equipment, guard and security/safety surveillance equipment, medical facilities, laboratory facilities, communications equipment.

"2. Destruction of buildings covered by the definition of a 'chemical weapons production facility'

- The word 'building' shall include underground structures.
- All specialized and standard buildings shall 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.
- 'Standard buildings' means buildings constructed to prevailing industry standards for facilities not producing super-toxic lethal or corrosive chemicals.

"3. Facilities for producing unfilled 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, shall be declared and eliminated. The elimination process and its verification should be conducted according to the provisions of Article V that govern destruction of chemical weapons production facilities.

- All equipment designed or used exclusively for producing non-chemical parts for chemical munitions shall be physically destroyed. Such equipment, which includes specially-designed moulds and metal-forming dies, may be brought to a special location for destruction. International Inspectors shall be present during the destruction process.
- All buildings and standard equipment used for such production activities shall be converted to permitted purposes, with confirmation as necessary through consultations or challenge inspection.
- Permitted activities may continue while destruction or conversion proceeds.

"D. Activities related to temporary conversion to destruction facility
(to be developed)

"E. Activities related to former chemical weapons production facilities 1/

"III. ORDER OF DESTRUCTION (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 destruction.

"2. 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 destruction of special equipment;

"1/ All provisions dealing with 'former' chemical weapons production facilities need to be reviewed once the definition of chemical weapons production facilities is agreed. In this connection, how to deal with chemical weapons production facilities that have previously been destroyed should also be discussed.

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

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

"3. In relation to former chemical weapons production facilities (to be elaborated). 1/

"B. Detailed plans

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

"(a) detailed time schedule of destruction process;

"(b) layout of the facility;

"(c) process flow diagram;

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

"(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 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 V.3.(c) and (d).

"1/ All provisions dealing with 'former' chemical weapons production facilities need to be reviewed once the definition of chemical weapons production facilities is agreed. In this connection, how to deal with chemical weapons production facilities that have previously been destroyed should also be discussed.

"3. In relation to destruction 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.

"4. In relation to former chemical weapons production facilities. 1/

"7. INTERNATIONAL VERIFICATION OF DECLARATIONS OF CHEMICAL WEAPONS PRODUCTION FACILITIES AND THEIR CLOSURE, INTERNATIONAL SYSTEMATIC MONITORING, INTERNATIONAL SYSTEMATIC VERIFICATION OF DESTRUCTION OF CHEMICAL WEAPONS PRODUCTION FACILITIES 2/

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

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

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

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

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

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

"1/ All provisions dealing with 'former' chemical weapons production facilities need to be reviewed once the definition of chemical weapons production facilities is agreed. In this connection, how to deal with chemical weapons production facilities that have previously been destroyed should also be discussed.

"2/ 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 destruction.

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

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

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

"2. Agreements on subsidiary arrangements 1/

"(a) Within [6] months after entry into force of the Convention, States Parties shall conclude with the Organization 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 Technical Secretariat, 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 Technical Secretariat at all such facilities within the agreed time-frames after the Convention enters into force. 2/

"3. 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.

"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.

"4. 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 destroyed. 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 Technical Secretariat 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 Technical Secretariat 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 Technical Secretariat 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 Technical Secretariat. 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 Technical Secretariat would immediately ascertain the actual situation, including through immediate on-site inspection or visit of the production facility if necessary. The Technical Secretariat 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 Technical Secretariat 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 Technical Secretariat 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 Technical Secretariat in such a way as to preclude the prediction of precisely when the facility is to be inspected.

"5. International verification of destruction of chemical weapons production facilities

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

"(b) [3-6] months before destruction of a chemical weapons production facility, a State Party shall provide to the Technical Secretariat the detailed plans for destruction to include proposed measures for verification of destruction 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 destroyed;
- 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 destruction 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 destruction 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) To ensure that the provisions of Article V and this Annex are fulfilled, the combined plans for destruction and verification shall be agreed upon between the Executive Council and the State Party. This agreement should be completed [60] days before the planned initiation of destruction.

^{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.

"(e) 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.

"(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 Conference of the States Parties. The resolution of any differences over methods of destruction should not delay the execution of other parts of the destruction 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 destruction will proceed by the continuous on-site monitoring and presence of Inspectors.

"(h) Destruction and verification should proceed according to the agreed plan. The verification should not unduly interfere with the destruction process and should be conducted through the presence of on-site Inspectors to witness the destruction. 1/

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

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

"(k) When all items on the declared inventory have been destroyed, the Technical Secretariat shall certify, in writing, the declaration of the State Party to that effect. After this certification, the Technical Secretariat 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.

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

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

(to be elaborated)

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

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

"7. Inspections and visits

"(a) The (Director-General of the) Technical Secretariat 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 (Director-General of the) Technical Secretariat 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 Technical Secretariat.

"(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 Technical Secretariat.

"(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 (Director-General of the) Technical Secretariat immediately.

"(f) After each inspection or visit to the chemical weapons production facility, International Inspectors shall submit a report with their findings to the (Director-General of the) Technical Secretariat which will transmit a copy of this report to the State Party having received the inspection or visit.

"^{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 1 TO ARTICLE VI

"Régime for chemicals on Schedule 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, pharmaceutical or protective purposes, and
- "(ii) the types and quantities of chemicals are strictly limited to those which can be justified for such purposes, and
- "(iii) the aggregate amount of such chemicals at any given time for such purposes is equal to or less than one metric tonne, and
- "(iv) the aggregate amount for such 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, pharmaceutical 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 Technical Secretariat.

"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.

"PRODUCTION

"1. Each State Party which produces chemicals in Schedule 1 for research, medical, pharmaceutical or protective purposes shall carry out the production at a single small-scale facility approved by the State Party, the only exceptions being those set forth in paragraphs 2 and 3 below.

"The production at a single small-scale facility shall be carried out in reaction vessels not designed for continuous operation with a volume not in excess of [1] [10] [100] litres.

"2. Production of Schedule 1 chemicals in quantities of more than 100 g per year may be carried out for [pharmaceutical] [research, medical or pharmaceutical] purposes outside a single small-scale facility in aggregate quantities not exceeding 10 kg per year per facility. 1/

"Such facilities shall be approved by the State Party.

"3. "(a) Synthesis of Schedule 1 chemicals for protective purposes may be carried out in aggregate quantities less than 100 g per year per laboratory at [a laboratory] [laboratories] approved by the State Party [if no single small-scale facility is established in the State Party]. [The number of laboratories shall not exceed [20]].

"(b) Synthesis of Schedule 1 chemicals for research, medical or pharmaceutical purposes may be carried out [at laboratories approved by the State Party] in aggregate quantities less than 100 g per year per facility.

"SINGLE SMALL-SCALE FACILITY

"I. Declarations

"A. Initial declarations

"Each State Party which plans to operate such a facility shall provide the Technical Secretariat 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.

"1/ A view was expressed that ultratoxic substances (to be determined) shall not be allowed to be produced in excess of 10 g per year.

"B. Advance notifications

"Each State Party shall give advance notification to the Technical Secretariat 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, Part A or 3 used for production of chemicals in Schedule 1;

"(iv) the quantity consumed at the facility and the purpose(s) of the consumption;

"(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 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 reaction vessels are not designed for continuous operation and that they do not have a volume in excess of [1] [10] [100] litres. The purpose of the initial visit shall also be 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 Organization, before the facility begins operation or is used, covering detailed inspection procedures for the facility. Each agreement shall include: (to be developed). 1/

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

"PRODUCTION OF SCHEDULE 1 CHEMICALS OUTSIDE THE SINGLE
SMALL-SCALE FACILITY

"(a) Facilities which produce Schedule 1 chemicals in quantities exceeding 100 g per year

"I. Declarations

"A. Initial declarations

"Each State Party shall provide the Technical Secretariat with the name, location and a detailed technical description of each facility or its relevant part(s) as requested by the Technical Secretariat. 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 not less than ... before operations are to begin.

"B. Advance notifications

"Each State Party shall give advance notification to the Technical Secretariat of planned changes related to the initial declaration. The notification shall be submitted not later than ... before the changes are to take place.

"C. Annual declarations

"(a) Each State Party shall, for each facility, 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 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, Part A or 3 used for production of chemicals in Schedule 1;

"(iv) the quantity consumed at the facility and the purpose of the consumption;

"(v) the quantity transferred to other facilities within the State Party. For each transfer 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 or its relevant part(s) during the year compared to previously submitted detailed technical description of the facility.

"(b) Each State Party shall, for each facility, 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 ... before the beginning of that year and shall include:

"1. Identification of the facility

"2. For each chemical in Schedule 1 the following information:

"(i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);

"(ii) the quantity anticipated to be produced, the time period(s) when the production is anticipated to take place and the purposes of the production.

"3. Information on any anticipated changes at the facility or its relevant part(s), during the year compared to previously submitted detailed technical descriptions of the facility.

"II. Verification

"1. The aim of verification activities at the facility shall be to verify that:

"(i) the facility is not used to produce any chemical listed in Schedule 1, except for the declared chemical;

"(ii) the quantities of the chemical listed in Schedule 1 produced, processed or consumed are correctly declared and consistent with needs for the declared purpose;

"(iii) the chemical listed in Schedule 1 is not diverted or used for other purposes.

"2. The 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 quantities of chemicals produced, 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 10 kg of the chemical listed in Schedule 1] 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 shall, for each facility, execute an agreement, based on a model for an agreement, with the Organization, before the facility begins operation or is used, covering detailed inspection procedures for the facility. Each agreement shall include: (to be developed).

"(b) Facilities which synthesize Schedule 1 chemicals in quantities less than 100 g per year

"[1. Each State Party shall provide annually to the Technical Secretariat the name and location of [the laboratory] [the laboratories] which at any time during the previous calendar year synthesized Schedule 1 chemicals for protective purposes [as well as the name(s) of those chemicals]. 1/

"2. Each State Party shall provide annually to the Technical Secretariat the [total number 2/ of] [name and location of all] such laboratories which at any time during the previous calendar year [were approved by the State Party to] synthesize[d] Schedule 1 chemicals for research, medical or pharmaceutical purposes. 1/

"3. Annual declarations shall be submitted not later than ... months after the end of the year.]

"1/ The question whether transfer of Schedule 1 chemicals from a laboratory should be permitted or not needs further discussion.

"2/ If so requested by the Technical Secretariat more detailed information shall be submitted.

"ANNEX 2 TO ARTICLE VI

"Régime 1/ for Chemicals on Schedule 2 Parts A and B

"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 of the chemicals listed in Schedule 2 Part A or which produced 1/ at any time since ... a chemical in Schedule 2 for chemical weapons purposes: 2/

"[The following information for each facility which, during the previous calendar year, produced, processed or consumed more than [10] [100] [1,000] kg of the chemicals listed in Schedule 2 part B.] 3/

"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. 4/

"1/ A view was expressed that the question of quantitative thresholds would need to be discussed in this context.

"2/ The placement in the Convention of the obligation to declare facilities which produced a chemical in Schedule 2 for chemical weapons purposes needs further consideration. A view was expressed that this obligation should be included in the Annex to Article V.

"3/ The view was expressed that the same régime, including thresholds, should apply to both Schedule 2 A and 2 B. Some delegations also expressed the view that the thresholds 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.

"(iii) The purpose(s) for which the 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 (specify which country)

"(d) other.

"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 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 or another Schedule 2 chemical. Relevant information should be provided, when applicable.

"1/ One delegation suggested that, in the case of a multi-purpose facility currently producing Schedule 2 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.

- "(vi) The production capacity ^{1/} for the declared Schedule 2 chemical(s).
- "(vii) Which of the following activities are performed with regard to the Schedule 2 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 Technical Secretariat 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 Technical Secretariat 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).

"^{1/} 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.

"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.

"Obligation and Frequency

- "5. "(i) Each facility notified to the Technical Secretariat 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

"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.

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 Technical Secretariat 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 (Director-General of the) Technical Secretariat 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.

"Initial Visit

"9. Each facility notified to the Technical Secretariat 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.

"1/ One delegation suggested that the number of such inspections could be from one to five 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 'militarily significant quantities' of the relevant chemical(s).

"Agreement on Inspection Procedures

"11. Each State Party shall execute an agreement, based on a model agreement, with the Organization, 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 Technical Secretariat. 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 Technical Secretariat 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/

- "(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.;

"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.

"(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 (Director-General of the) Technical Secretariat 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 (Director-General of the) Technical Secretariat 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 Organization 1/ in accordance with agreed procedures; 2/
- afford the opportunity to the host State Party to be present when samples are analysed; 2/
- ensure, in accordance with procedures (to be developed), that samples transported, stored and processed are not tampered with; 2/
- communicate freely with the Technical Secretariat.

"(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 Technical Secretariat.

"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.

"1/ The designation of the organ of the Organization that will be entrusted with this task will be considered further and specified in the text.

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

"Submission of Inspectors' Report

"16. After each inspection or visit to the facility, International Inspectors shall submit a report with their findings to the (Director-General of the) Technical Secretariat which will transmit a copy of this report to the State Party having received the inspection or visit.

"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 (Director-General of the) Technical Secretariat immediately.

"ANNEX 3 TO ARTICLE VI

"Régime for Chemicals on Schedule 3

"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. 1/
- "(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 or which produced 2/ at any time since ... a chemical in Schedule 3 for chemical weapons purposes: 3/ 4/
 - "(a) The name of the facility and of the owner, company, or enterprise operating the facility.
 - "(b) The location of the facility.

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

"2/ A view was expressed that the question of a quantitative threshold would need to be discussed in this context.

"3/ The placement in the Convention of the obligation to declare facilities which produced a chemical in Schedule 3 for chemical weapons purposes needs further consideration. A view was expressed that this obligation should be included in the Annex to Article V.

"4/ 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).

"(c) The capacity (to be defined) 1/ of the facility.

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

"2. A State Party shall notify the Technical Secretariat 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 Technical Secretariat and the monitoring of that data by the Technical Secretariat. 2/

"1/ 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/ 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.

"OTHER DOCUMENTS

"OTHER DOCUMENTS

"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 session of the Conference of the States Parties, the Depositary 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 Preparatory Commission shall be composed of all States which sign the Convention before its entry into force. Each signatory State shall have one representative in the Preparatory Commission, who may be accompanied by alternates and advisers.

"3. The Commission shall be convened at [...] and remain in existence until the first session of the Conference of the States Parties 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 Preparatory Commission should be taken by consensus. If notwithstanding the efforts of representatives to achieve consensus, an issue comes up for voting, the Chairman of the Preparatory Commission shall defer the vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Commission prior to the end of the period. If consensus is not possible at the end of 24 hours, the Commission shall take decisions on questions of procedure by a simple majority of the members present and voting. Decisions on questions of substance shall be taken by two-thirds majority of the members present and voting. When the issue arises as to whether the question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Preparatory Commission by the majority required for decisions on questions of substance. 2/

"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.

"2/ It has also been proposed that decisions should be taken by consensus only.

"6. The Commission shall:

"(a) elect its own officers, adopt its own rules of procedures, determine its place of meeting, meet as often as necessary and establish such committees as it deems useful;

"(b) appoint an executive secretary and staff to exercise such functions as the Commission may determine with a view to establishing a provisional Technical Secretariat with units in charge of preparatory work concerning the main activities to be carried out by the Technical Secretariat to be established by the Convention;

"(c) make arrangements for the first session of the Conference of the States Parties, including the preparation of a draft agenda and draft rules of procedure;

"(d) undertake, inter alia, the following tasks on subjects requiring immediate attention after the entry into force of the Convention:

- "(i) the detailed staffing pattern of the Technical Secretariat, including decision-making flow charts;
- "(ii) assessments of personnel requirements;
- "(iii) staff rules for recruitment and service conditions;
- "(iv) recruitment and training of technical personnel;
- "(v) standardization and purchase of equipment;
- "(vi) organization of office and administrative services;
- "(vii) recruitment and training of support staff;
- "(viii) establishment of the scale of financial contribution for the Organization; ^{1/}
- "(ix) establishment of administrative and financial regulations;
- "(x) preparation of host country agreement;
- "(xi) preparation of guidelines for initial visits and facility attachments;

^{1/} The view was expressed that the entire problem of the costs of the Organization needs to be considered.

"(xii) preparation of programme of work and budget of the first year of activities of the Organization;

"(xiii) preparation of such studies, reports and recommendations as it deems necessary.

"7. The Commission shall prepare a final report on all matters within its mandate for the first session of the Conference of States Parties and the first meeting of the Executive Council.

"8. At the first session of the Conference of States Parties, the property and records of the Preparatory Commission shall be transferred to the Organization.

"ADDENDUM TO APPENDIX I

"GUIDELINES ON THE INTERNATIONAL INSPECTORATE 1/

"This document consists of Sections I-III which reproduce Attachment (A) of the Report of the Co-ordinator for Cluster IV (CD/CW/WP.175) for the 1987 session and Section IV which represents the work in Group C during the 1988 session.

"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;

"1/ The texts contained in this document require further consideration and elaboration.

"(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.

"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. 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 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.

"IV. General rules governing inspections under article IX 1/

"1. For inspections under article IX, the guidelines set out in sections II and III shall apply, as appropriate, unless otherwise provided for in the following.

"1/ The view was expressed that some main elements of the guidelines contained in this Section are subject to further consideration and elaboration of the principles of on-site inspection on challenge contained in Appendix II (pp. 247-250), which do not yet constitute any agreement and that these guidelines are 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.

- "2. "(a) "(i) Inspections under article IX shall only be performed by Inspectors especially designated for this function. In order to designate Inspectors for inspections under article IX, the Director-General shall, by selecting Inspectors from among the full-time Inspectors for routine inspection activities, establish a list of proposed inspectors. It shall comprise a sufficiently large pool of International Inspectors having the necessary qualification, experience, skill and training, to allow for rotation and availability of Inspectors.
- "(ii) The Director-General shall communicate to all States Parties the list of proposed Inspectors with their names, nationality and other relevant details. [Any Inspector included in this list shall be presumed accepted by States Parties as from 30 days after acknowledgement of receipt of the list. A State Party may indicate the ineligibility of an Inspector proposed or already designated for inspection of its facilities only in cases affecting its national interest.] 1/ [Any Inspector included in this list shall be regarded as accepted unless a State Party, within 30 days after acknowledgement of receipt of the list or at any time thereafter, declares its non-acceptance. In the case of non-acceptance, the proposed Inspector shall not be eligible for facilities of the State Party which has declared his non-acceptance.] 1/ The Director-General shall, as necessary, submit further proposals in addition to the original list of proposed inspectors. 2/
- "(iii) If, in the opinion of the Director-General [the cases of ineligibility] [the non-acceptance] of proposed Inspectors impede the designation of a sufficient number of Inspectors or otherwise hamper the effective fulfilment of the task of the International Inspectorate relating to inspections to be carried out under article IX, the Director-General shall refer them to the Executive Council.

"1/ A view was expressed that measures against arbitrary handling of the right to refuse Inspectors needs to be considered.

"2/ In order to ensure that the process of designation of Inspectors, experts and supporting staff as well as of points of entry (and departure) function smoothly as from the date of entry into force of the Convention, the idea of the signatories indicating advance acceptance on the basis of a preliminary list drawn up by the Preparatory Commission should be considered.

"(b) Director-General shall establish a list of experts who may be called upon to complement the Inspectors designated under subparagraph (a) above for those types of inspection which require highly specialized skills. Paragraphs I 1, 2 and 3 and subparagraph 2 (a) (ii) and (iii) above shall apply to this list. 1/ 2/

"Should there be circumstances requiring the service of experts not included in the above list, the Director-General may dispatch such experts to complement the team of Inspectors only with the consent of the requested State. 3/

"These experts shall be bound by the same obligations as provided for in article VIII.D.6 as well as in these guidelines.

"(c) In order to assist the Inspectors in carrying out inspections under article IX, a list of supporting staff with special skills or training such as interpreters 4/ 5/ and security personnel shall be drawn up by the Director-General. 6/ 7/ Paragraphs I 1, 2 and 3 and subparagraph 2 (a) (ii) and (iii) above shall apply to this list.

1/ In order to ensure that the process of designation of Inspectors, experts and supporting staff as well as of points of entry (and departure) function smoothly as from the date of entry into force of the Convention, the idea of the signatories indicating advance acceptance on the basis of a preliminary list drawn up by the Preparatory Commission should be considered.

2/ A view was expressed that the list of the experts and supporting staff should be kept to a minimum.

3/ This provision needs to be discussed further.

4/ The Technical Secretariat should make arrangements for interpreters for national languages of States Parties, to the extent possible, to facilitate inspections.

5/ A view was expressed that consideration should be given to include provision in the Convention for the selection by States Parties of what languages of the Convention they will operate in for the conduct of inspections and submission of reports to the Technical Secretariat.

6/ In order to ensure that the process of designation of Inspectors, experts and supporting staff as well as of points of entry (and departure) function smoothly as from the date of entry into force of the Convention, the idea of the signatories indicating advance acceptance on the basis of a preliminary list drawn up by the Preparatory Commission should be considered.

7/ A view was expressed that the list of the experts and supporting staff should be kept to a minimum.

"(d) Whenever amendments to the above-mentioned lists of Inspectors, experts and supporting staff are necessary, new Inspectors, experts and supporting staff shall be designated in the same manner as set forth with respect to the initial list.

"(e) Each State Party shall, within 30 days of the receipt of the list of designated Inspectors, experts and supporting staff, provide for or ensure the provision of visas and other such documents which each Inspector, expert or each member of the supporting staff may need to enter and to remain on the territory of the State Party 1/ for the purpose of carrying out inspection activities under article IX. These documents shall have a validity of at least 24 months.

"3. Each State Party shall designate the points of entry into (and departure from) its territory 1/ and shall supply the required information to the Technical Secretariat not later than 30 days after the Convention enters into force. 2/ These points of entry shall be such that the inspection team can reach any inspection site from at least one point of entry within the time frames set forth in ...

"Each State Party may change the points of entry (and departure) by giving notice of such change to the Technical Secretariat, which shall become effective upon receipt of the notice, unless the Technical Secretariat considers that the change hampers the timely conduct of inspections and enters into consultation with the State Party to resolve the problem.

"1/ In cases where the facilities of a State Party subject to inspection are located in the territory of another State or where the access from the point of entry to the facilities subject to inspection requires transit through the territory of another State, consideration will need to be given to the arrangements to be worked out concerning the rights and obligations under these guidelines between a State Party and the State in which the State Party's facilities subject to inspection are located or the State through which the inspection team has to transit.

"2/ In order to ensure that the process of designation of Inspectors, experts and supporting staff as well as of points of entry (and departure) function smoothly as from the date of entry into force of the Convention, the idea of the signatories indicating advance acceptance on the basis of a preliminary list drawn up by the Preparatory Commission should be considered.

"4. The Director-General shall select the members of an inspection team. 1/ Each inspection team shall consist of not less than [3] Inspectors and shall be [kept to a minimum necessary for the proper execution of its task] [not more than ... members]. No national of the requesting State Party, the State Party receiving the inspection, or another State Party cited by the requesting State Party as having been involved in the case to be inspected shall be a member of the inspection team.

"5. "(a) The State Party, which has been notified of the arrival of an inspection team, shall ensure its immediate entry into the territory and shall do everything in its power to ensure the safe conduct of the inspection team and their equipment and supplies, within the prescribed time frames of ... (hours), from their points of entry to the site(s) to be inspected and to their points of departure. 2/ It shall provide or arrange for the facilities necessary for the inspection team such as communication means, interpretation services to the extent necessary for the performance of interviewing and other tasks, transportation, working space, lodging, meals and medical care of the inspection team. The State Party receiving the inspection shall be reimbursed for its expenses by the Organization (Details to be developed).

"(b) The representative(s) of the State Party receiving the inspection shall assist the inspection team in the exercise of its functions. They shall have the right to accompany the inspection team at all times, from the point of entry to the point of departure, provided that the inspection team is not thereby delayed or otherwise hindered in the exercise of its functions.

"6. "(a) There shall be no restriction by the State Party receiving the inspection on the inspection team bringing on to the inspection site such instruments and devices which the Technical Secretariat has determined to be necessary to fulfil the inspection requirements.

"1/ The detailed procedure for selection need to be addressed later.

"2/ In cases where the facilities of a State Party subject to inspection are located in the territory of another State or where the access from the point of entry to the facilities subject to inspection requires transit through the territory of another State, consideration will need to be given to the arrangements to be worked out concerning the rights and obligations under these guidelines between a State Party and the State in which the State Party's facilities subject to inspection are located or the State through which the inspection team has to transit.

"This includes, inter alia, equipment for discovering and preserving evidence related to the compliance with the Convention, equipment for recording 1/ and documenting the inspection, as well as for communication with the Technical Secretariat 2/ and for determining that the inspection team has been brought to the site for which the inspection has been requested. The Technical Secretariat shall to the extent possible, prepare and, as appropriate, update a list of standard equipment which may be needed for the purposes described above and regulations governing such equipment which shall be in accordance with these guidelines. 3/ 4/

"(b) The equipment shall be in the property of the Technical Secretariat and be designated and approved by it. The Technical Secretariat shall, to the extent possible, select that equipment which is specifically designed for the specific kind of inspection required. Designated and approved equipment shall be specifically protected against unauthorized alteration.

"(c) The State Party receiving the inspection shall have the right, without prejudice to the time frames set forth in Article IX, to inspect the equipment at the point of entry, i.e. to check the identity of the equipment. To facilitate such identification, the Technical Secretariat shall attach documents and devices to authenticate its designation and approval of the equipment. The State Party receiving the inspection may exclude equipment without the above-mentioned authentication documents and devices. Such equipment shall be kept at the point of entry until the inspection team leaves the respective country. 5/

"1/ The possible use of photographic or imaging equipment requires further consideration.

"2/ The issue of communication requires further consideration.

"3/ Further consideration needs to be given to when and how such equipment will be agreed upon and to what extent they will need to be specified in the Convention.

"4/ The relationship between equipment for routine inspections and challenge inspections and provisions for their respective uses will need to be considered.

"5/ A view was expressed that consideration should be given to the possibility for the State Party receiving the inspection to check, in exceptional circumstances, any piece of equipment to ascertain that its characteristics correspond to the attached documentation.

"(d) In cases where the inspection team finds it necessary to use equipment available on site not belonging to the Technical Secretariat and requests the State Party to enable the team to use such equipment, the State Party receiving the inspection shall comply with the request to the extent it can. 1/

"7. Upon receipt of the notification of the request for inspection and pending the arrival of the inspection team at the inspection site, the State Party receiving the inspection shall ensure that no action is taken at the site to clean up, conceal or remove material of relevance, alter facility records or otherwise jeopardize the proper conduct of the inspection, while keeping possible disruption to the normal operation of the facility to a minimum. 2/

"8. "(a) The Technical Secretariat may, as far as feasible, dispatch an advance team to monitor how the obligations under paragraph 7 above are fulfilled and to prepare for the securing of the site, prior to the arrival of the remainder of the inspection team. The State Party receiving the inspection shall arrange for the earliest possible arrival of the advance team and shall assist it in its activities at the site. 2/

"(b) In securing the site, upon arrival and up to the completion of the inspection, the inspection team shall be permitted to patrol the perimeter of the site, station personnel at the exits and inspect any means of transport of the inspected Party leaving or entering the site, in order to ensure that there is no removal or destruction of relevant material.

"9. Upon arrival at the site and prior to the commencement of the inspection, the inspection team shall be briefed, with the aid of maps and other documentation as appropriate, by facility representatives on the nature of the facility, the activities carried out there, safety measures and administrative

"1/ A view was expressed that the possibility of agreed procedures should be considered in this regard.

"2/ Two views have been expressed on specification of the site to be inspected:

"(a) Specification of the site should be made at the time of notification of the inspection to the State Party receiving the inspection.

"(b) For the purposes of minimizing the chances of the removal of relevant material and securing the site effectively, the site should be specified to the State Party receiving the inspection only upon arrival of the inspection team at the point of entry.

arrangements necessary for the inspection. [In the course of the briefing, the State Party receiving the inspection may indicate to the inspection team the equipment, documentation or areas that it considers sensitive and not related to the purpose of the inspection.] 1/ The time spent for the briefing shall be limited to the minimum necessary, [in any event not exceeding [3] hours], and shall not be counted within the duration of the inspection.

"10. "(a) "2/ The inspection team shall have the right to apply verification methods and procedures necessary for detecting and preserving evidence, appropriate to the specific types and cases of inspection. It shall have the right, inter alia, to:

- "(i) have access to the areas of the site it deems relevant to the conduct of its mission, 3/
- "(ii) interview facility personnel,
- "(iii) have samples taken at its request and in its presence by representatives of the State Party receiving the inspection or take samples itself, if so agreed in advance with those representatives,
- "(iv) inspect documentation and records it deems relevant to the conduct of its mission, 3/ and
- "(v) have photographs taken at its request by representatives of the State Party receiving the inspection.

"1/ Following the elaboration of the Annex on the Protection of Confidential Information, the deletion of this sentence needs to be considered.

"2/ It has been suggested that the procedures for inspections of alleged use of chemical weapons should be considered separately and comprehensively on the basis of the proposed Annex to Article IX (documents CD/766 and CD/CW/WP.173). Experience gained through investigations by the Secretary-General of the United Nations of the possible use of chemical weapons may also be taken into account.

"3/ A view was expressed that this point can be usefully considered only after solution of the pending issues in paragraph 12, page 248.

"(b) In carrying out the inspection in accordance with the request, the inspection team shall use only those methods necessary to provide sufficient relevant facts to clarify doubts about compliance with the provisions of the Convention, and shall refrain from activities not relevant thereto. It shall collect and document such evidence as is related to the compliance with the Convention by the State Party receiving the inspection, but shall neither seek nor document information which is clearly not related thereto, unless the State Party receiving the inspection expressly requests it to do so. Any material collected and subsequently found not to be relevant shall not be retained. 1/

"[(c) The inspection team shall be guided by the principle of conducting the inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of its mission. 2/ It shall, to the extent it deems them appropriate, take into consideration and adopt proposals which may be made by the State Party receiving the inspection, at whatever stage of the inspection, to ensure that sensitive equipment or information, not related to chemical weapons, is protected.] 3/

"(d) The State Party receiving the inspection shall co-operate with the inspection team in clarifying anomalies arising in the course of the inspection.

"11. Post-inspection procedures

(To be developed)

"1/ It has been pointed out that the operational meaning of this paragraph would be largely contingent on the specificity of the request, which needs to be considered in the context of paragraph 4, page 247.

"2/ Possible standardization of procedures to facilitate the implementation, *inter alia*, of this principle may be considered in the context of a manual for inspectors to be elaborated by the Technical Secretariat.

"3/ Following the elaboration of the Annex on the Protection of Confidential Information, the deletion of this sentence needs to be considered.

"APPENDIX II

"PROTOCOL ON INSPECTION PROCEDURES 1/

"After further in-depth consideration, the Protocol on Inspection Procedures shall replace the Guidelines on the International Inspectorate now included in the Addendum to Appendix I of this report.

I. Definitions

"'Inspector' means an individual designated by the Director-General of the Technical Secretariat according to the procedures as set forth in part II of this Protocol to carry out an inspection in accordance with the Convention, its annexes, and facility agreements between States Parties and the Organization of the Convention.

"'Inspection assistant' means an individual designated by the Director-General of the Technical Secretariat according to the procedures as set forth in part II of this Protocol to assist inspectors in an inspection (e.g. medical, security, administration, interpreters).

"'Inspection Team' means the group of inspectors and inspection assistants assigned by the Director-General of the Technical Secretariat to conduct a particular inspection.

"'Inspected State Party' means the State Party to the Convention on whose territory an inspection pursuant to the Convention, its annexes and facility agreements between Parties and the Organization of the Convention takes place, or the State Party to the Convention whose facility on the territory of a host State is subject to such an inspection.

"'Inspection Site' means any area or facility at which the inspection is carried out and which is specifically defined in the respective facility agreement or inspection mandate or request.

"'Period of Inspection' means the period of time from arrival of the inspection team at the inspection site until its departure from the inspection site, exclusive of time spent on briefings before and after the verification activities.

"'Point of Entry' (POE) means the location(s) designated for the in-country arrival of inspection teams for inspections pursuant to the Convention and for their departure after completion of their mission.

"1/ The structure of this Protocol and the ordering of the provisions contained in it are subject to further work.

"'In-Country Period' means the period from the arrival of the inspection team at a point of entry until its departure from the State at a point of entry.

"'Host State' means that State on whose territory lie States Parties' facilities subject to inspection under the Convention.

"'In-Country Escort' means individuals specified by the inspected State Party and, if appropriate, by the Host State, if they so wish to accompany and assist the inspection team throughout the in-country period.

"'Routine Inspections' means the systematic, on-site inspection [, subsequent to initial inspections,] of facilities declared pursuant to Articles IV, V, VI and the Annexes to those Articles.

"'Initial [inspection] [visit]' means the first on-site inspection of facilities to verify data declared pursuant to Articles IV, V, VI and the Annexes to those Articles.

"'Challenge Inspection' means the inspection of a State Party requested by another State Party pursuant to Article IX, part II.

"'Approved Equipment' means the devices and/or instruments essential for the performance of the inspection team's duties that have been certified by the Technical Secretariat in accordance with agreed procedures. Such equipment may also refer to the administrative supplies or recording materials that would be used by the inspection team.

"'Facility Agreement' means (to be developed)

"'Inspection Mandate' means (to be developed)

"II. Designation of inspectors and inspection assistants

"1. Verification activities in a State Party to the Convention shall only be performed by Inspectors and inspection assistants designated to this State in advance.

"2. Not later than ... days after entry into force of the Convention the Technical Secretariat shall communicate, in writing, to all States Parties the names, nationality and ranks of the Inspectors and inspection assistants proposed for designation. ^{1/} Furthermore, it shall furnish a description of their qualifications and professional experience.

"^{1/} It has been suggested that, in order to facilitate early implementation of the verification activities, States might, upon signature, make declarations concerning the number and types of facilities which shall be subject to verification. The Preparatory Commission, on the basis of these declarations, might initiate the designation and clearance process.

"3. Each State Party shall immediately acknowledge receipt of the list of Inspectors and inspection assistants, proposed for designation communicated to it. Any Inspector and inspection assistant included in this list shall be regarded as designated unless a State Party, within 30 days after acknowledgement of receipt of the list declares its non-acceptance.

"In the case of non-acceptance, the proposed Inspector or inspection assistant shall not undertake or participate in verification activities within the State Party which has declared his non-acceptance. The Director-General shall, as necessary, submit further proposals in addition to the original list.

"4. A State Party has the right at any time, to object to an Inspector or inspection assistant who may have been already designated in accordance with the procedures in paragraph 3 above.

"It shall notify the Technical Secretariat of its objections [and include the reason for the objection.] Such objections 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 or inspection assistant.

"5. A State Party that has been notified of an inspection shall not seek to have removed from the inspection team for that inspection any of the designated inspectors or inspection assistants named in the inspection team list.

"6. The number of Inspectors and inspection assistants accepted by and designated to a State Party must be sufficient to allow for availability and [random] 1/ selection of appropriate numbers of Inspectors and inspection assistants.

"7. If, in the opinion of the Director-General the non-acceptance of proposed Inspectors or inspection assistants impedes the designation of a sufficient number of Inspectors or inspection assistants or otherwise hampers the effective fulfilment of the task of the International Inspectorate, the Director-General shall refer the issue to the Executive Council.

"8. Whenever amendments to the above-mentioned lists of Inspectors and inspection assistants are necessary or requested, replacement Inspectors and inspection assistants shall be designated in the same manner as set forth with respect of the initial list.

"1/ The view was expressed that the pool of Inspectors should be sufficiently large to permit availability and rotation of Inspectors, but that it would not be feasible or necessary to designate such large numbers of Inspectors to each country that random selection could be ensured.

"9. The members of the inspection team carrying out an inspection of a facility of a State Party located in the territory of another State Party shall be designated in accordance with the procedures set out in this Protocol both to the State Party whose facility is subject to inspection and the host State.

"III. Privileges and Immunities 1/

"1. Each State party shall, within 30 days after acknowledgement of receipt of the list of designated Inspectors and inspection assistants or of changes thereto and for the purpose of carrying out inspection activities, provide for multiple entry/exit and/or transit visas and other such documents which each Inspector or inspection assistant may need to enter and to remain on the territory of that State Party. These documents shall be valid for at least 24 months from the date of their provision to the Technical Secretariat.

"2. To exercise their functions effectively, Inspectors and inspection assistants shall be accorded privileges and immunities in the country of the inspection site as set forth in paragraph (i) through (ix). Privileges and immunities shall be granted to members of the inspection team for the sake of the Convention and not for the personal benefit of the individuals themselves. Privileges and immunities shall be accorded for the entire in-country period in the country in which an inspection site is located, and thereafter with respect to acts previously performed in the exercise of official functions as Inspector or inspection assistant. 2/

"(i) The members of the inspection team shall be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of 18 April 1961.

"1/ Some delegations expressed the view that this section required further consideration. A view was expressed that Article VI ('Experts on mission for the United Nations') of the Convention on the Privileges and Immunities of the United Nations should be taken into account in this later consideration.

"2/ The rights and privileges of the inspectors and inspection assistants during transportation over and through non-inspected States Parties and non-State Parties needs further consideration.

"A view was expressed that an Inspector or inspection assistant shall be considered to have assumed his inspection duties on departure from his primary work location, on Technical Secretariat arranged transportation and shall be considered to have ceased performing those duties when he has returned to his primary work location and on termination of Technical Secretariat provided transportation.

- "(ii) The living quarters and office premises occupied by the inspection team carrying out inspection activities pursuant to the Convention shall be accorded the inviolability and protection accorded the premises of diplomatic agents pursuant to Article 30 of the Vienna Convention on Diplomatic Relations.
 - "(iii) The records of the inspection team shall enjoy the inviolability accorded to all papers and correspondence of diplomatic agents pursuant to Article 30 of the Vienna Convention on Diplomatic Relations. The inspection team shall have the right to use codes for their communications with the Technical Secretariat.
 - "(iv) Samples and approved equipment carried by members of the inspection team shall be inviolable subject to provisions contained in the Convention and exempt from all customs duties. Hazardous samples shall be transported in accordance with relevant transport regulations.
 - "(v) The members of the inspection team shall be accorded the immunities accorded diplomatic agents pursuant to paragraphs 1, 2 and 3 of Article 31 of the Vienna Convention on Diplomatic Relations.
 - "(vi) The members of the inspection team carrying out their prescribed activities pursuant to the Convention shall be accorded the exemption from dues and taxes accorded to diplomatic agents pursuant to Article 34 of the Vienna Convention on Diplomatic Relations.
 - "(vii) The members of the inspection team shall be permitted to bring into the territory in which an inspection site is located, without payment of any customs duties or related charges, articles for personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations.
 - "(viii) The members of the inspection team shall be accorded the same currency and exchange facilities as are accorded to representatives of foreign Governments on temporary official missions.
 - "(ix) The members of the inspection team shall not engage in any professional or commercial activity for personal profit on the territory of the inspected Party or that of the host countries.
- "3. Without prejudice to their privileges and immunities the members of the inspection team shall be obliged to respect the laws and regulations of the State Party or host country on whose territory an inspection is carried out and, to the extent that is consistent with the inspection mandate, shall be obliged not to interfere in the internal affairs of that State.

"If the inspected party considers that there has been an abuse of privileges and immunities specified in this Protocol, consultations shall be held between the Party and the Technical Secretariat to determine whether such an abuse has occurred and, if so determined, to prevent a repetition of such an abuse.

"The immunity from jurisdiction of members of the inspection team may be waived by the Director-General of the Technical Secretariat in those cases when it is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the provisions of the Convention. Waiver must always be express.

"[4. If at any time, a member of the inspection team is on the territory of the inspected State Party or host country and is suspected or accused of violating a law or regulation, consultations shall be held between the State concerned and the inspection team chief to determine whether such an abuse has occurred, and if so determined, to prevent a repetition of such an abuse. If requested by the State Party or host country, the Technical Secretariat shall remove that individual from the country. If the inspection team chief is the individual suspected or accused, the inspected State Party shall have the right to communicate with the Technical Secretariat and request his removal and replacement. The deputy team chief shall assume the duty of team chief until the Technical Secretariat has acted on the inspected State Party's request.]

"5. If the inspected State Party so decides, Inspectors and inspection assistants monitoring destruction of chemical weapons during the active phase of destruction pursuant to article IV and its annex shall only be allowed to travel 1/ up to (...) kilometres from the inspection site with the permission of the in-country escort, and as considered necessary by the inspected State Party shall be accompanied by the in-country escort. Such travel shall be taken solely as leisure activity. 2/

"6. The State Party on whose territory a facility of another State Party is to be inspected shall accord to the inspection team the privileges and immunities granted to Inspectors and inspection assistants for the effective exercise of their functions in this Protocol.

"IV. General rules governing inspections

"1. The members of the inspection team shall discharge their functions in accordance with the Articles and Annexes of the Convention, this Protocol as well as rules established by the Director General of the Technical Secretariat and facility agreements between States Parties and the Organization.

"1/ It is understood that 'travel' does not imply the right of access to areas restricted for security reasons or to private property.

"2/ Further study on the rights of members of an inspection team to communicate with the embassy of their respective nationality is necessary.

"2. The inspection team dispatched shall strictly observe the inspection mandate issued by the Director General of the Technical Secretariat. 1/ It shall refrain from activities going beyond this mandate.

"3. The activities of the inspection team shall be so arranged as to ensure on the one hand the timely and effective discharge of the inspector's functions and, on the other, the least possible inconvenience to the State concerned and disturbance to the facility or other location inspected. The inspection team shall avoid unnecessarily hampering or delaying the operation of a facility [or] [and avoid] affecting its safety. In particular, the inspection team 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. The representative shall carry out the request [to the extent possible].

"4. In the performance of their duties on the territory of a State Party, the members of the inspection team shall, if the State Party so requests, be accompanied by representatives of this State, but the inspection team must not thereby be delayed or otherwise hindered in the exercise of its functions. 2/ With the same proviso, at the inspection site, representatives of the inspected facility shall be included among the in-country escort if requested by the inspected State Party.

"5. Each facility declared and subject to on-site inspection pursuant to Articles IV, V and the Annexes 1 and 2 of Article VI shall be liable to receive an initial [visit] [inspection] from the international inspectors promptly after the facility is declared. The purpose of the initial [visit] [inspection] 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 facilities, including on-site inspections and the use of continuous on-site instruments. 3/

"6. Each State Party shall conclude a facility agreement with the Organization for each facility declared and subject to on-site inspection pursuant to Articles IV, V and the Annexes 1 and 2 of Article VI. These agreements shall be executed within ... months after the Convention enters

"1/ The use of the terms 'Technical Secretariat' and 'Director General of the Technical Secretariat' needs to be reviewed throughout the Convention.

"2/ The rights of host State representatives need to be further considered.

"3/ The consistency of this provision with all verification provisions in the Convention needs further consideration.

into force for the State or after the facility has been declared for the first time. They shall be based on models for such agreements and provide for detailed arrangements which shall govern inspections at each facility.

"7. In cases where facilities of a State Party subject to inspection are located in the territory of another State or where the access from the point of entry to the facilities subject to inspection requires transit through the territory of another State, inspections shall be carried out in accordance with this Protocol.

"States Parties on whose territory facilities of other States Parties subject to inspection are located shall facilitate the inspection of those facilities and shall provide for the necessary support to enable the inspection team to carry out its tasks in a timely and effective manner.

"8. In cases where facilities of a State Party subject to inspection are located in the territory of a non-State Party the State Party subject to inspection shall ensure that inspections of those facilities can be carried out in accordance with the provisions of this Protocol. A State Party that has one or more facilities on the territory of a non-State Party shall ensure acceptance by the host State of inspectors and inspection assistants designated to that State Party.

"V. Pre-inspection arrangements

"1. [Unless otherwise provided for in this Convention] the (Director General of the) Technical Secretariat shall notify the State Party of its intention to carry out an inspection [[12] [24] [48] 1/ hours prior to the planned arrival of the inspection team [at the point of entry] [at the facility/site to be inspected]] [within the prescribed timeframes where specified].

"2. The inspected State Party shall within [one] hour acknowledge the receipt of a notification by the Technical Secretariat of an intention to conduct an inspection. Notifications made by the Technical Secretariat shall include the following information:

- the point of entry
 - the date and estimated time of arrival at the point of entry
 - the means of arrival at the point of entry
- [- the site to be inspected]

"1/ Consideration needs to be given to balance the time required for logistical purposes and the amount of advance warning given to a Party of a pending inspection.

- the names of Inspectors and inspection assistants
- if appropriate, aircraft clearance of special flights.

"[The inspection site shall be specified by the chief of the inspection team at the point of entry not later than 24 hours after the arrival of the inspection team.]

"3. Initial [inspections] [visits] shall be notified no less than 72 hours in advance of the estimated time of arrival of the inspection team at the point of entry. Such notifications shall in addition to the information specified in paragraph 2 above also include the specification of the inspection site.

"4. In the case of an inspection of a facility of a State Party located in the territory of another State Party both State Parties shall be simultaneously notified in accordance with paragraphs 1, 2, 3 of this section.

"5. Each State Party shall designate the points of entry and shall supply the required information to the Technical Secretariat not later than 30 days after the Convention enters into force. 1/ These points of entry shall be such that the inspection team can reach any inspection site from at least one point of entry within [12] hours. Locations of points of entry shall be provided to all States Parties by the Technical Secretariat.

"Each State Party may change the points of entry by giving notice of such change to the Technical Secretariat. Changes shall become effective ... days after the Technical Secretariat receives such notification to allow appropriate notification to all States Parties.

"If the Technical Secretariat considers that there are insufficient points of entry for the timely conduct of inspections or that changes to the points of entry proposed by a State Party would hamper such timely conduct of inspections, it shall enter into consultations with the State Party concerned to resolve the problem.

"6. The State Party, which has been notified of the arrival of an inspection team, shall ensure its immediate entry into the territory and shall through an in-country escort [if such an escort is requested] do everything in its power to ensure the safe conduct of the inspection team and their equipment and supplies, from their points of entry to the site(s) to be inspected and to their points of exit. It shall provide or arrange for the facilities necessary for the inspection team such as communication means, interpretation

"1/ In order to ensure that the process of designation of Inspectors, experts and supporting staff as well as of points of entry (and departure) function smoothly as from the date of entry into force of the Convention, the idea of the signatories indicating advance acceptance on the basis of a preliminary list drawn up by the Preparatory Commission should be considered.

services to the extent necessary for the performance of interviewing and other tasks, transportation, working space, lodging, meals and medical care of the inspection team. The State receiving the inspection shall be reimbursed for its expenses by the Organization (details to be developed).

"7. In accordance with paragraphs 7 and 8 of Part IV of this Protocol, the inspected Party, [or host State Party] shall ensure that the inspection team is able to reach the inspection site within [12] 1/ hours from the arrival at the point of entry or, if appropriate, from the time the inspection site is specified at the point of entry.

"8. "(a) For inspections pursuant to Article IX and for other inspections where timely travel is not feasible using scheduled commercial transport, an inspection team may need to utilize aircraft owned or chartered by the Technical Secretariat. Within 30 days after entry into force of the Convention, each Party shall inform the Technical Secretariat of the standing diplomatic clearance number for non-scheduled aircraft transporting inspection teams and equipment necessary for inspection into and out of the territory in which an inspection site is located. Aircraft routings to and from the designated point of entry shall be along established international airways that are agreed upon between the Parties and the Technical Secretariat as the basis for such diplomatic clearance.

"(b) When a non-scheduled aircraft is used, the Technical Secretariat shall provide the inspected Party with a flight plan, through the National Authority, for the aircraft's flight from the last airfield prior to entering the airspace of the country in which the inspection site is located to the point of entry, no less than [6] hours before the scheduled departure time from that airfield. Such a plan shall be filed in accordance with the procedures of the International Civil Aviation Organization applicable to civil aircraft. For its owned or chartered flights, the Technical Secretariat shall include in the remarks section of each flight plan the standing diplomatic clearance number and the notation: 'Inspection aircraft. Priority clearance processing required.'

"(c) No less than [3] hours prior to the scheduled departure of the inspection team from the last airfield prior to entering the airspace of the country in which the inspection is to take place, the inspected Party shall ensure that the flight plan filed in accordance with paragraph B of this section is approved so that the inspection team may arrive at the point of entry by the estimated arrival time.

1/ Further study is required on whether a longer or shorter time period is desirable or feasible.

"(d) The inspected Party shall provide parking, security protection, servicing and fuel as required for the airplane of the inspection team at the point of entry when such airplane is under charter to the Technical Secretariat. Such aircraft shall not be liable for landing fees, departure tax, and similar charges. The Technical Secretariat shall bear the cost of such fuel, security and servicing. 1/

"[9. In the case of routine inspections pursuant to Articles IV, V and VI, if the inspectors intend to conduct another inspection within the same inspected State Party or host State the inspection team shall return to the point of entry which it used to enter the State and await notification by the Technical Secretariat to the inspected State Party of the next inspection.]

"VI. The conduct of inspections

"1. Upon arrival at the site and prior to the commencement of the inspection, the inspection team shall be briefed, with the aid of maps and other documentation as appropriate, by facility representatives on the facility, the activities carried out there, safety measures and administrative arrangements necessary for the inspection. The time spent for the briefing shall be limited to the minimum necessary, in any event not exceeding 3 hours, and shall not be counted within the duration of the inspection.

"2. In carrying out their activities, Inspectors and inspection assistants shall observe safety regulations, established at the inspection site, 2/ including those for the protection of controlled environments within a facility and for personal safety. Individual protective clothing and equipment shall normally be provided by the Technical Secretariat. 3/ 4/ [For inspections pursuant to Article IX of the Convention, at the inspected Party's request, the clothing and equipment shall be left at the site. The inspected Party shall reimburse the Technical Secretariat for the cost of any clothing and equipment left by it.]

"1/ The Technical Secretariat will need to negotiate arrangements for costs of such services.

"2/ Consideration will need to be given with regard to those areas which for safety reasons preclude or limit the entrance of personnel (e.g unexploded munitions, hazardous areas of destruction facilities).

"3/ Agreements between the Technical Secretariat and States Parties should specify that all protective clothing and equipment meet pre-agreed safety standards or a State Party may require the team to use the clothing and equipment of that Party.

"4/ For safety reasons, the inspected State Party should have the right to provide appropriate alternative equipment and protective clothing of its own for the inspection team, provided this does not hinder the conduct of the inspection.

"3. Inspectors shall have the right throughout the period of inspection to communications with the Headquarters of the Technical Secretariat. For this purpose they [may use their own equipment and/or] may request that the inspected Party provide them with access to other telecommunications. 1/ The inspection team shall have the right to use its own 2/ two-way system of radio communications between personnel patrolling the perimeter and other members of the inspection team. Communication systems should conform to power and frequency instructions established by the Technical Secretariat.

"4. The inspection team shall, in accordance with the relevant Articles and Annexes of this Convention as well as with facility agreements, have the right to:

- unimpeded access to the facility inspected. The items to be inspected will be chosen by the inspectors;
- interview any facility personnel in the presence of representatives of the State Party receiving the inspection [with the purpose of establishing relevant facts. Inspectors shall only request information and data which are necessary to the conduct of the inspection, and the inspected Party shall furnish such information upon request. The in-country escort shall have the right to object to questions posed to the facility personnel if those questions are deemed not relevant to the inspection. If the inspection team chief objects and states their relevance, the questions shall be provided in writing to the inspected Party for reply;]
- have samples taken at its request and in its presence by representatives of the State Party receiving the inspection or take samples itself, if so agreed in advance with those representatives;
- perform on-site analysis of samples or request that appropriate analysis be performed in their presence;
- transfer, if necessary, samples for analysis off-site at a laboratory designated by the Organization in accordance with agreed procedures;
- afford the opportunity to the State Party receiving the inspection to be present when samples are analysed;
- ensure that samples transported, stored and processed are not tampered with;

"1/ The issue of communications requires further consideration.

"2/ See footnote 4 on previous page.

- inspect documentation and records it deems relevant to the conduct of its mission;
- have photographs taken at its request by representatives of the State Party receiving the inspection. Photographic cameras shall be capable of producing instant development photographic prints. Inspectors shall allow the inspected Party, upon its request, to take the pictures desired by the Inspectors. Two photographs will be taken of each item requested by the Inspectors. The inspected Party and the Inspectors shall each receive one.

"5. The State Party receiving the inspection shall:

- have the right to accompany the International Inspectors at all times during the inspection and observe all their verification activities;
- have the right to retain portions of all samples taken and be present when samples are analysed on-site; 1/
- 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 Technical Secretariat. 2/

"6. Inspectors shall have the right to request clarifications in connection with ambiguities that arise during an inspection. Such request shall be made promptly through the in-country escort. The in-country escort shall provide the inspection team, during the inspection, with such clarifications as may be necessary to remove the ambiguity. In the event questions relating to an object or a building located within the inspection site are not resolved, the object or building shall be photographed for the purpose of clarifying its nature and function. If the ambiguity cannot be removed during the inspection, the Inspectors shall notify the Technical Secretariat immediately. The Inspectors shall include the question, relevant clarifications and a copy of any photographs taken in the inspection report.

"1/ The feasibility of retaining portions of all samples taken should be further discussed.

"2/ The question has to be considered when the inspected State Party should be provided with an opportunity to comment on the inspection report drafted upon conclusion of the inspection.

"The text of the preceding pages 187-199 reflects the results of the work undertaken on the Protocol in the course of this session. With the aim of facilitating further consideration of the issues involved, it was accepted to include the text of the following pages which have not been considered this session.

"[7. Periods of inspection may be extended by agreement with the in-country escort, by no more than (xx hours). Post-inspection procedures shall be completed by the inspection team at the inspection site within (xx hours)]. 1/

"[8. An inspection team conducting routine inspections pursuant to Articles IV, V and VI shall include no more than (xx) Inspectors and (xx) inspection assistants.] 2/

"[9. At least two Inspectors on each team must speak the language of the Convention which the inspected Party has agreed to work in. 3/ 4/ Each inspection team shall operate under the direction of a team leader and deputy team leader. Upon arrival at the inspection site, the inspection team may divide itself into subgroups consisting of no fewer than two Inspectors each.]

"[10. In the case of inspections conducted pursuant to Articles IV, V, VI and IX, upon completion of the post-inspection procedures, the inspection team shall return promptly to the point of entry at which it entered the inspected State and it shall then leave, within 24 hours, the territory of that State.] 5/

"1/ The view was expressed that, as no fixed period was foreseen for routine inspections, this paragraph might be superfluous. The view was also expressed that for some kinds of routine inspections there cannot be any time limit without changing the substance of agreed provisions of Articles IV and V and their Annexes.

"2/ The view was expressed that routine inspection effort expressed in inspection man-days should be agreed between the inspected State Party and the Technical Secretariat and not be provided for in the Convention.

"3/ Consideration should be given to include provision in the Convention for the selection by States Parties of what language of the Convention they will operate in for the conduct of inspections and submission of reports to the Technical Secretariat.

"4/ The Technical Secretariat should also make arrangements for interpreters for national languages of States Parties, to the extent possible, to facilitate inspections.

"5/ The view was expressed that this paragraph could not apply to routine inspections.

"VII. Inspection equipment and continuous monitoring by instruments

"1. There shall be no restriction by the State Party receiving the inspection on the inspection team bringing on to the inspection site such instruments and devices which the Technical Secretariat has determined to be necessary to fulfil the inspection requirements.

"This includes, inter alia, equipment for discovering and preserving evidence related to the compliance with the Convention, equipment for recording 1/ and documenting the inspection, as well as for communication with the Technical Secretariat 2/ and for determining that the inspection team has been brought to the site for which the inspection has been requested. The Technical Secretariat shall to the extent possible, prepare and, as appropriate, update a list of standard equipment which may be needed for the purposes described above and regulations governing such equipment which shall be in accordance with this Protocol. 3/ 4/

"2. The equipment shall be in the property of the Technical Secretariat and be designated and approved by it. The Technical Secretariat shall, to the extent possible, select that equipment which is specifically designed for the specific kind of inspection required. Designated and approved equipment shall be specifically protected against unauthorized alteration.

"3. The State Party receiving the inspection shall have the right, without prejudice to the time frames set forth in part V to inspect the equipment at the point of entry, i.e. to check the identity of the equipment. To facilitate such identification, the Technical Secretariat shall attach documents and devices to authenticate its designation and approval of the equipment. The State Party receiving the inspection may exclude equipment without the above-mentioned authentication documents and devices. Such equipment shall be kept at the point of entry until the inspection team leaves the respective country. 5/

"1/ The possible use of photographic or imaging equipment requires further consideration.

"2/ The issue of communication requires further consideration.

"3/ Further consideration needs to be given to when and how such equipment will be agreed and to what extent they will need to be specified in the Convention.

"4/ The relationship between equipment for routine inspections and challenge inspections and provisions for their respective uses will need to be considered.

"5/ A view was expressed that consideration should be given to the possibility for the State Party receiving the inspection to check, in exceptional circumstances, any piece of equipment to ascertain that its characteristics correspond to the attached documentation.

"4. In cases where the inspection team finds it necessary to use equipment available on site not belonging to the Technical Secretariat and requests the State Party to enable the team to use such equipment, the State Party receiving the inspection shall comply with the request to the extent it can. 1/

"5. Where applicable, the Technical Secretariat shall have the right to use continuing monitoring systems and seals as set forth in the Convention and in facility agreements between States Parties and the Technical Secretariat. It shall have the right to carry out necessary engineering surveys, construction, emplacement, maintenance, repair, replacement and removal of such systems and seals. In such cases the State Party receiving an inspection shall, at the request of and at the expense of the Technical Secretariat, provide the necessary preparation and support for the establishment of continuous monitoring systems.

"6. The inspection team shall verify during each inspection that the monitoring system functions correctly and that emplaced seals have not been tampered with.

"VIII. Inspection Report

"1. Within ... days after the inspection, Inspectors shall submit to the Technical Secretariat a report 2/ 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.

"2. 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 receiving the inspection.

"3. 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.

"1/ A view was expressed that the possibility of agreed procedures should be considered in this regard.

"2/ Further consideration needs to be given on when and how the receiving State/facility will be able to comment on the contents of the report.

"4. 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.

"IX. Challenge Inspections conducted pursuant to Article IX

"1. "(a) Inspections under Article IX shall only be performed by Inspectors especially designated for this function. In order to designate Inspectors for inspections under Article IX, the Director General shall, by selecting Inspectors from among the full-time Inspectors for routine inspection activities, establish a list of proposed Inspectors. It shall comprise a sufficiently large pool of International Inspectors having the necessary qualification, experience, skill and training, to allow for rotation and availability of Inspectors.

"(b) The designation of Inspectors shall follow the procedures provided for under Chapter I of this Protocol.

"2. The Director General shall select the members of an inspection team. 1/ Each inspection team shall consist of not less than [5] Inspectors and shall be [kept to a minimum necessary for the proper execution of its task] [not more than ... members]. No national of the requesting State Party, the State Party receiving the inspection, or another State Party cited by the requesting State Party as having been involved in the case to be inspected shall be a member of the inspection team.

"[3. If so requested by the State Party requesting the challenge inspection, the site to be inspected may only be specified upon arrival of the inspection team at the point of entry.]

"4. Upon receipt of the notification of the request for inspection [and upon the specification of the site to be inspected] and pending the arrival of the inspection team at the inspection site, the State Party receiving the inspection shall ensure that no action is taken at the site to clean up, conceal or remove material of relevance, alter facility records or otherwise jeopardize the proper conduct of the inspection, while keeping possible disruption to the normal operation of the facility to a minimum.

"5. "(a) The Technical Secretariat may, as far as feasible, dispatch an advance team to monitor how the obligations under paragraph 7 above are fulfilled and to prepare for the securing of the site, prior to the arrival of the remainder of the inspection team. The State Party receiving the inspection shall arrange for the earliest possible arrival of the advance team and shall assist it in its activities at the site.

.....
"1/ The detailed procedure for selection needs to be addressed later.

"(b) In securing the site, upon arrival and up to the completion of the inspection, the inspection team shall be permitted to patrol the perimeter of the site, station personnel at the exits and inspect any means of transport of the inspected Party leaving or entering the site, in order to ensure that there is no removal or destruction of relevant material.

"6. In the course of the pre-inspection briefing, the State Party receiving the inspection may indicate to the inspection team the equipment, documentation or areas it considers sensitive and not related to the purpose of the inspection. The Inspectors shall consider the proposals made to the extent they deem them adequate for the conduct of their mission.

"7. The Inspectors shall have the [unimpeded] access to the site they deem necessary for the conduct of their mission.

"8. In carrying out the inspection in accordance with the request, the inspection team shall use only those methods necessary to provide sufficient relevant facts to clarify doubts about compliance with the provisions of the Convention, and shall refrain from activities not relevant thereto. It shall collect and document such evidence as is related to the compliance with the Convention by the State Party receiving the inspection but shall neither seek nor document information which is clearly not related thereto, unless the State Party receiving the inspection expressly requests it to do so. Any material collected and subsequently found not to be relevant shall not be retained. 1/

"9. The inspection team shall be guided by the principle of conducting the inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of its mission. 2/ It shall, to the extent it deems them appropriate, take into consideration and adopt proposals which may be made by the State Party receiving the inspection, at whatever stage of the inspection, to ensure that sensitive equipment or information, not related to chemical weapons, is protected.

"10. Challenge inspections shall not last longer than ...

"11. Within ... days after the inspection the report by the Inspectors shall be submitted to the Head of the Technical Secretariat. He shall promptly transmit the report to the requesting State, the requested State and to the Executive Council.

"1/ It has been pointed out that the operational meaning of this paragraph would be largely contingent on the specificity of the request, which needs to be considered in the context of paragraph 4, p. 193.

"2/ Possible standardization of procedures to facilitate the implementation, inter alia, of this principle may be considered in the context of a manual for Inspectors to be elaborated by the Technical Secretariat.

"Also with the aim of facilitating further consideration of the issues involved one delegation submitted the following material related to parts VII - IX above for equal consideration in conjunction with them

"Section VII, paragraph 1, the second paragraph should also include the following equipment in the inter alia equipment: 'Temporary and permanent monitoring equipment and seals for emplacement, and equipment for discovering and preserving information.'

"Section VII, paragraph 3, should also include the following: 'Equipment and supplies shall be examined by the in-country escort in the presence of the inspection team members to ascertain to the satisfaction of the inspected party that the equipment and supplies cannot perform functions irrelevant to the inspection requirements of the Convention. If it is established upon examination that the equipment or supplies are unconnected with these inspection requirements, then they shall not be cleared for use and shall be impounded at the point of entry until the departure of the inspection team from the country where the inspection is conducted. Storage of the inspection team's equipment and supplies at the point of entry shall be in tamper-indicating containers provided by the inspection team within a secure facility provided by the inspected party. Access to each secure facility shall be controlled by a 'dual key' system requiring the presence of both the inspected party and representative of the inspection team to gain access to the equipment and supplies. The Technical Secretariat may allow a State Party to maintain equipment storage, as described here, in lieu of bringing it in for each inspection.'

"Section VII, paragraph 6 should be more specific regarding what a State Party shall be responsible for providing for monitoring systems. Language suggested follows:

"In support of the establishment of continuous monitoring systems for routine verification activities, the inspected State Party shall, at the request of and at the expense of the Technical Secretariat, provide the following:

"(1) All necessary utilities for the construction and operation of the monitoring systems, such as electrical power and heating;

"(2) Basic construction materials;

"(3) Any site preparation necessary to accommodate the installation of continuously operating systems for monitoring;

"(4) Transportation for necessary installation tools, materials and equipment from the entry point to the inspection site.'

"An additional paragraph should be added after paragraph 6, which states that:

"Seals placed by Inspectors on facilities and monitoring devices shall only be removed in the presence of Inspectors except in extraordinary circumstances. If for some reason a seal must be removed, the Party shall immediately notify the Technical Secretariat and Inspectors will return as soon as possible to validate the inventory and replace the seal."

"After section VII, a new section VIII on collection, handling and analysis of samples should be added. Proposed language follows:

"VIII. Collection, handling and analysis of samples

"A. In cases of alleged use of chemical weapons, Inspectors have the right to collect samples themselves. The inspected Party(ies) shall assist in sample collection upon request. In all other inspections, except as specified in ..., representatives of the inspected Party shall take samples at the request of the Inspectors and in the presence of the Inspector:. Samples shall be taken pursuant to procedures set forth in articles, annexes and agreements between the Technical Secretariat and States Parties.

"B. Where possible, Inspectors shall perform on-site analysis of samples using approved equipment brought by the inspection team.

"C. The inspected Party has the right to be present during sample analysis and to retain duplicates of samples.

"D. Inspectors may transfer, if necessary, samples for analysis off-site at laboratories designated by the Technical Secretariat. 1/ The inspection team shall be responsible for the security and preservation of the samples, and for the maintenance of a detailed history chronicling the chain of custody of the samples, until the samples are delivered to the designated analytical laboratories, at which time responsibility will pass to the Technical Secretariat.

"E. The Technical Secretariat shall:

"(a) select and certify the laboratories designated to perform different types of analysis;

"(b) oversee the standardization of equipment and procedures at these designated laboratories and mobile analytical equipment and procedures, and monitor quality control and overall standards in relation to the certification of these laboratories and mobile equipment/procedures; and

"1/ Transportation of toxic samples and existing international transportation regulations will need to be addressed.

"(c) select from among the designated laboratories those which shall perform analytical or other functions in relation to specific investigations.

"F. Samples shall be analysed in at least two designated laboratories. The Technical Secretariat shall oversee the expeditious processing of the analysis. The samples shall be accounted for and any unused samples 1/ or portions thereof shall be returned to the Technical Secretariat.

"G. The Technical Secretariat shall compile the results of the laboratory analysis of samples and include them in the final inspection report. The Technical Secretariat shall include in the report detailed information concerning the equipment and methodology employed by the designated laboratories.

"For the current section VIII on inspection report, we suggest adding a new first paragraph to read as follows:

'1. During the post-inspection procedures, the inspection team shall provide the in-country escort with a list of any samples to be taken off-site by the inspection team for analysis.'

1/ Consideration should be given to the retention of unused samples taken during challenge inspection for which the findings were inconclusive.

"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 undiminished security. (The level of such stockpiles shall be agreed upon).

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. Another view was expressed that the final version of this paragraph depends on what is agreed in Article IV.

"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,
- 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 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.

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

"1. Factors related to the listed chemical

"(a) Toxicity of the end-product.

"2. Factors related to the facility

"(a) Multipurpose 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 terminology of this material might have to be revised on the basis of the present stage of negotiations.

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

"REPORT ON HOW TO DEFINE 'PRODUCTION CAPACITY' 1/

"During the 1987 session, consultations were held with Lt. Col. Bretfeld (German Democratic Republic), Dr. Cooper (United Kingdom), Prof. Kusmin (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 Annex 2 to Article VI, paragraph 2 in Annex 3 to Article VI, paragraph 1 (iv), and in the case of 'Possible factors identified to determine ... Schedule 2 chemicals', contained in Appendix II.

"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 =

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

or in the case of dedicated units not yet in operation

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

"1/ As this material was developed prior to the elaboration of the Annex on Chemicals and the current text of Annex 1 to Article VI terminology and concepts therein do not fully reflect the present stage of negotiations.

"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 remain 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 [...], 1/ 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 Annex 1 to Article VI 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. 2/

"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).

"1/ Work during the 1989 session led to the deletion of Schedule [...] and the creation of Schedule 2 part B.

"2/ The current delimitation of 'production capacity' of the single small-scale facility is expressed in terms of mode of operation and volume of reaction vessels in Annex 1 to Article VI.

"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.

"REPORT ON INSTRUMENTAL MONITORING OF NON-PRODUCTION IN FACILITIES
DECLARED UNDER ANNEX 2 TO ARTICLE VI

"During the 1988 session, consultations were held on instrumental monitoring of non-production in facilities declared under the Annex to Article VI 2. This report summarizes the results of the consultations, as seen by the rapporteur, Dr. Rautio (Finland).

"It was suggested that it is preferable to have only a few general paragraphs in the Convention regarding instrumental monitoring. Detailed provisions for a particular facility will be included in the facility attachment tailored for each facility according to the guidelines presented in the Model Agreement.

"It was also suggested that depending on a number of factors laid out in CD/831 and possibly the preference of the facility, the facility may be:

- "(i) monitored with on-site instruments and visits by Inspectors; or
- "(ii) monitored only by visits of Inspectors, but at a higher frequency than if there were also monitoring by on-site instruments.

"Inspectors and instrumental monitoring should be considered complementary. Instruments cannot replace Inspectors but they could reduce the need for inspection. In cases where instrumental monitoring is not feasible or desirable, the number of inspections might need to be higher than if instruments were used. Instrumental monitoring would be needed in cases where continuous monitoring is required.

"Specific verification objectives

- "(i) Facilities declared under Annex to Article VI 2 are not used to produce any chemical listed in Schedule 1.
 - "(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.
 - "(iii) The chemicals listed in Schedule 2 are not diverted or used for purposes prohibited by the Chemical Weapons Convention.
- "(i) Monitoring the non-presence of chemicals in Schedule 1

"The objective would necessitate either continuously-operating chemical sensors or sampling and subsequent analysis of the samples, preferably on-site. Off-line analysis of the samples during an on-site inspection could be adequate. If all production at facilities producing chemicals in Schedule 2 were declared, then detection of any undeclared chemical would indicate an anomaly.

"Infra-red spectrometers are already available for in-line process monitoring. Their potential and reliability for verification purposes will have to be tested carefully. Whether it is possible to establish sets of common spectrometric properties for various groups of chemicals in Schedule 1 remains to be determined, for example.

"For the time being, on-line instruments such as process chromatographs and mass spectrometers requiring sample transfer lines from the process stream to the instrument are too prone to malfunctions without frequent servicing.

"A prototype of a sampling device has been demonstrated for sampling at programmed intervals of microgram quantities that can be analysed later by a mobile mass spectrometer during on-site inspections. Further development of the sampling device is necessary.

"Monitoring of a particular facility for the non-presence of chemicals listed in Schedule 1 could be restricted to those corresponding to chemicals listed in Schedule 2 being produced by the facility.

"(ii) Monitoring production quantities

"The least intrusive way of verifying the quantities of declared chemicals that are produced would be to measure production volumes and to make a qualitative test of the chemical produced. Indirect methods for production control by recording temperature/pressure and time/temperature profiles were considered more intrusive.

"Sometimes it may be sufficient to monitor 'simple' physical parameters not directly related to the chemical structure of the compounds (e.g. energy consumption). Instruments required for measuring physical parameters are available. The most advantageous way of measuring the volume of production should be considered individually for each facility.

"(iii) Monitoring non-diversion

"Diversion of chemicals in Schedule 2 by further processing on-site to chemicals in Schedule 1 could be detected with composition-indicating instruments by monitoring what goes in and out of product storage tanks.

"Confidentiality problems connected with instrumental monitoring

"It was pointed out that successful, non-intrusive instrumental monitoring might in some cases necessitate modifications of the facility. On the other hand, it was noted that 'sensitive' parameters such as temperature and pressure might not need to be monitored. On-site analyses in the presence of facility personnel of the samples collected by the automatic sampling devices and destruction of the analytical samples after the analysis would facilitate keeping the confidential information within the facility. The samples could be analysed either for the non-presence of chemicals in Schedule 1 or for the presence of declared chemicals while not going into the details of the production process.

"It was also suggested that data generated by instruments could be stored on-site and retrieved by inspectors during on-site visits so that no direct data produced by the sensors would need to be transmitted to the Technical Secretariat. What would need to be transmitted, however, is information (yes/no answer) that the sensors are working properly. This could be done via telephone lines, which would keep the cost low.

"Storage of data on-site would allow easy access for the Inspectors to the data and the operators would have higher level of confidence in the protection of data than if the data were transmitted off-site. New techniques such as write-only lasers are under way for reliable data storage.

"There should be fewer confidentiality problems in instrumental monitoring of dedicated facilities producing chemicals listed in Schedule 2 because there is less confidential information than in multipurpose facilities and it is easy to verify that the product type is not changed. Probably very few dedicated plants producing chemicals in Schedule 2 exist.

"Most of the confidentiality problems are connected with the multipurpose facilities. The production of a variety of chemicals would increase the amount of data needed for verification. Inter alia, these facilities would have to prove the absence of chemicals listed in Schedule 2 when these are not being produced.

"Ownership of the instrumentation used for verification

"It was suggested that use of instruments already existing at the facility for process control should be maximized, but in a non-intrusive way. The possibility of using facility-owned instrumentation would depend on instruments available, the lay-out of the facility and of the reliability of the instruments installed. Therefore their use would have to be decided individually for each plant.

"If facility-owned instruments were to be used, personnel of the facility would be in charge of their service, maintenance and calibration. This would necessitate the right for the Inspectors to check the calibration and perhaps to install additional, parallel instruments, owned by the International Organization, (e.g. flow or loadmeters) for redundancy.

"Establishment of a group of international technical experts

"It was suggested that it would be advantageous to establish an informal international group of technical experts in the framework of the Conference already at this stage of the negotiations to facilitate exchange of information on efforts under way in a number of countries on development of verification techniques, procedures, and devices. The technical experts group might also be useful in co-ordinating national efforts, including national inspection trials to assure that as many open questions as possible could be answered as a result of the trials. Results from the national inspections could also be evaluated by the technical body.

"MODELS FOR AGREEMENTS

"A. MODEL FOR AN AGREEMENT RELATING TO FACILITIES PRODUCING,
PROCESSING OR CONSUMING CHEMICALS LISTED IN SCHEDULE 2

"1. Information on the facility producing, processing, or consuming chemicals listed in Schedule 2

"(a) Identification of the site and the facility

"(i) Site identification code

"(ii) Name of the complex/site

"(iii) Owner(s) of the complex/site on which the facility is located

"(iv) Name of the company/enterprise operating the facility

"(v) Exact location of the facility

"(1) Address and location (geographic co-ordinates) of the head-quarter building(s) of the site/complex

"(2) Location (including the geographic co-ordinates, specific building and structure number) of the plant/reactor within the site/complex

"(3) Location(s) of the relevant building(s)/structure(s) comprising the facility within the site/complex.

"These might include:

"(a) Headquarters and other offices

"(b) Operation Process Unit

"(c) Storage/handling areas for feedstock and product

"(d) Purification equipment

"(e) Effluent/waste handling/treatment area

"(f) All associated and interconnecting pipework

"(g) Control/analytical laboratory

"(h) Warehouse storage

"(i) Records associated with the movement of the declared chemical and its feedstock or product chemicals formed from it, as appropriate, into, around and from the site

"(j) Medical centre

"(vi) Other areas to which Inspectors have access.

"(b) Detailed technical information

"Design information to be obtained during the initial visit should, as relevant, include:

- "(i) Data on the production process (type of process: e.g. continuous or batch; type of equipment; the technology employed; process engineering particulars)
- "(ii) Data on processing with conversion into another chemical (description of the conversion process, process engineering particulars and end-product)
- "(iii) Data on processing without chemical conversion (process engineering particulars, description of the process and the end-product, concentration of processed chemical in the end-product)
- "(iv) Data on feedstocks used in the production of processing of declared chemicals (type and capacity of storage)
- "(v) Data on product storage (type and capacity of storage)
- "(vi) Data on waste/effluent treatment (disposal and/or storage; waste/effluent treatment technology; recycling)
- "(vii) Data on clean-up procedures and general maintenance and overhauls
- "(viii) Plan of the complex/site showing the location of the facility as defined in paragraph 1 (a) (v) and other areas as specified in paragraph 1 (a) (vi), including, with functions specified, for example, all buildings, structures, pipework, roads, fences, mains electricity, water and gas points
- "(ix) Diagram indicating the relevant material flow and sampling points at the facility.

"(c) Data on safety and health measures on-site

"(d) Identification of the required degree of confidentiality for information provided during the elaboration of the agreement.

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

"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 including safety measures

- "(ii) Identification and examination of any and all equipment at the facility
 - "(iii) Identification, verification and registration of any technological or other changes in comparison with the detailed technical information ascertained when the facility agreement was worked out
 - "(iv) Identification and examination of documentation and records
 - "(v) Installation, review, servicing, maintenance and removal of monitoring equipment and seals
 - "(vi) Identification and validation of measuring and other analytical equipment (examination and calibration using, as appropriate, independent standards,
 - "(vii) Taking of analytical samples and their analysis
 - "(viii) Investigation of indications of irregularities.
- "4. Monitoring with instruments on-site
- "(a) Specification of items and their locations
 - "(i) Instruments supplied by the Technical Secretariat
 - "(ii) Instruments at/supplied by the facility
 - "(b) Installation of the instruments and seals, as appropriate
 - "(i) Time schedule
 - "(ii) Advance preparations
 - "(iii) assistance provided by the facility during installation
 - "(c) Activation, initial testing and certification
 - "(d) Operation
 - "(i) Operating mode
 - "(ii) Routine testing provisions
 - "(iii) Service and maintenance
 - "(iv) Measures in case of malfunctions
 - "(v) Replacement, modernization and removal

"(e) Responsibilities of the State Party

"5. Instruments and other equipment to be used during the inspections

"(a) Instruments and other equipment brought in by the Inspectors

"(i) Description

"(ii) Examination, as appropriate, by the facility

"(iii) Use

"(b) Instruments and other equipment provided by the State Party

"(i) Description

"(ii) Testing, calibration and examination by the Inspectors

"(iii) Use and maintenance

"6. Sample-taking, on-site analysis of samples

"(a) Identification of routine sampling points from

- production or process unit

- stocks, including warehouse, feedstock, storage

"(b) Other sample-taking (including wipe samples, environmental and waste/effluent samples)

"(c) Sample-taking/handling procedures

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

"7. Removal of samples from the facility

"(a) in-house analysis off-site

"(b) other

"8. Records and other documentation

"(1) Records

"(a) Accounting records e.g., quantities of all relevant chemicals moved on to and off site

"(b) Operating records e.g., quantities of chemicals moved through the process unit

"(c) Calibration records as appropriate.

"(2) Other documentation

"(3) Location of records/documentation

"(4) Access to records/documentation

"(5) Language of records/documentation

"9. Confidentiality

"Identification of the required degree of confidentiality for information obtained during the inspection;

"10. Services to be provided

"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

"(d) Technical assistance

"(e) Communications

"(f) Power and cooling water supplies for instruments

"(g) Interpretation services

"For each type of services, 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. Updating, changes and revisions of the agreement

"12. Other matters

"Explanatory note

"During the review of the Model for an Agreement relating to facilities producing, processing or consuming chemicals listed in Schedule 4 the words facility, plant, operating process unit, site and complex have been understood as follows:

"1. Site. An area, whether or not within a retaining boundary, which is under the operational control of the HQ defined in para. 1 (a) V (1). A site may contain one or more plants.

"2. Complex. A large area comprising a number of autonomous sites which are not necessarily under the same operational control. There is doubt about the validity of this concept for this model for agreement.

"3. Plant. A relatively self-contained area/structure located on a site in which the production, processing or consumption of a particular type of chemical occurs (e.g., an organophosphorus plant, a packaging plant), or where particular types of operating units are grouped e.g., a multi-purpose plant. A plant may contain one or more operating process units.

"4. Operating Process Unit. The central array of equipment in a particular plant wherein the declared chemical is produced, processed or consumed. This might include reactor vessel, distillation and condenser units.

"5. Facility. All structures and buildings (referred to in para. 1 above) associated with the production, consumption and processing of the declared chemical.

"These might include:

"(a) Headquarters and other offices

"(b) Operation Process Unit

"(c) Storage/handling areas for feedstock and product

"(d) Purification equipment

"(e) Effluent/waste handling/treatment area

"(f) All associated and interconnecting pipework

"(g) Control/Analytic laboratory

"(h) Warehouse storage

"(i) Records associated with the movement of the declared chemical and its feedstock or product chemicals formed from it, as appropriate, into, around and leaving the site

"(j) Medical centre

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

"Proposal by the Co-ordinator of Cluster IV for the 1987 session

"1. Information on the single small-scale 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)

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

"(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)

"(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 Technical Secretariat 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 ^{1/}

"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

"(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

^{1/} The question of charges for the services needs to be discussed.

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

"Proposal by the Co-ordinator of Cluster IV for the 1987 session

"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.

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

"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;

"(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.

"OUTCOME OF THE OPEN-ENDED CONSULTATIONS ON THE EXECUTIVE COUNCIL

"Working basis on composition and decision-making process

"During the 1989 session, the Chairman of the Ad Hoc Committee carried out private and open-ended consultations on the composition and decision-making process of the Executive Council.

"This paper contains the preliminary outcome of these consultations. It is presented with the aim of facilitating the further consideration of this issue. It should be stressed that delegations involved in the consultations accepted, as a working basis only, a hypothetical Executive Council of 25 members, then proceeded to examine issues associated with the Executive Council on that basis. Neither the basic hypothesis nor the options discussed about size, composition, allocation of seats and decision-making process, nor any of the positions formulated during the consultations constitute agreement; they do not necessarily represent any delegation's national position.

"A. Size 1/

"1. The Executive Council shall be composed of (25?) 2/ States Parties to the Convention, (with ... members?) elected for a (3?)-year term.

"2. (8/9?) members shall be elected every (?) years(s). 3/

"3. Monthly rotating chairmanship / or Chairman elected for (1?) year by the Executive Council/or the Conference of the States Parties; / or the Chairman of the Conference of the States Parties shall serve as a non-voting Chairman of the Executive Council.

"B. Composition

"Taking into account the eligibility of each State Party to serve on the Executive Council and the need to ensure an equitable balance in membership, its composition:

"1. shall be based on the representation of the five regional groups of the United Nations;

"2. and on / the national capacity in the relevant 4/ chemical industry / and on / the political factor/

"1/ The possibility of a specific decision on change in size of the Executive Council to be provided for in advance has been discussed.

"2/ Proposals made range from 15 to 35.

"3/ The subjects of re-election and of non-elected members have been discussed.

"4/ The view was expressed that the word 'relevant' should be further discussed.

"C. Allocation of seats

"1. The allocation of seats could be made on the following basis:

- Each of the five regional groups will be allotted (37) seats; these will be filled by members elected by the Conference of the States Parties on the proposals by the regional groups.
- The remaining seats (107) will be filled (on proposal by the Executive Council,) in accordance with paragraph B.2 (by members elected by the Conference of the States Parties).

"2. A number of concrete formulae could be derived from A., B. and C.1 1/

"1/ The following concrete formulae have been discussed:

"(a) Allocation of 5 seats per regional group of the United Nations, taking into account the industrial and political considerations within each region.

"(b) Allocation of seats to the 5 permanent members of the United Nations Security Council, with the remaining seats apportioned equally among the 5 regional groups.

"(c) Allocation of 3 seats per regional group and 10 seats on the basis of industrial criterion to be determined.

"(d) Allocation of 5 seats to the 5 most industrially advanced States Parties in the world; allocation of one seat each to the industrially most advanced States Parties in the regions not covered by the first category; and allocation of the remaining seats to the 5 regional groups, with 4 seats for the 2 groups not covered by the second category.

"(e) Allocation of 3 seats per regional group and 10 seats on the basis of the political factor to be determined.

"(f) Allocation of 3 seats per regional group; and 10 seats on the basis of industrial criteria to be determined, with at least 3 of the latter being allotted to Latin America/Africa/Asia.

"(g) Allocation of 3 seats per regional group; allocation of 5 seats to the industrially most advanced States Parties; allocation of 5 seats taking into account the political factor following a 2-1-1-1 pattern.

"(h) (107) seats on proposal by the Executive Council 'amongst States Members whose presence in the Executive Council would be beneficial for the good functioning of the Convention'; allocation of 4 seats per regional group of which 2 seats to the industrially most advanced States Parties of each group not included in the former category.

"(i) Allocation of seats on the basis of the requirement of regional spread and the weight to be allotted to a country in relation to its industrial importance.

"D. Decision-making process

"1. Each member of the Executive Council has one vote.

"2. The decision-making process of the Executive Council could be based on: simple majority for matters of procedure; consensus for matters of substance; and after ... hours a majority of (...).

"3. Voting requirements other than a two-thirds majority could be developed in order to prevent any preponderance. */

"/ A view was expressed that, in order to prevent preponderance, the decision-making process should be such that no one regional group could impose a decision on others and, in turn, could not be imposed upon with a decision it does not agree with.

"SCIENTIFIC ADVISORY BOARD

"During the 1989 session, Working Group 3 undertook work on the Scientific Advisory Board. The following has emerged as a basis for further consideration of the issue.

"1. In Article VIII, Section B (b), paragraph 3, insert revised subparagraph viii, page 36:

"(viii) to establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Convention; including a Scientific Advisory Board to provide independent advice as necessary to the Director-General of the Technical Secretariat in areas of science and technology relevant to the Convention and, when requested, to the Conference of States Parties and to the Executive Council.

"2. In Article VIII, Section D, add paragraph 5 bis, page 39:

5 bis. The Director-General of the Technical Secretariat shall, in consultation with States Parties, appoint members of the Scientific Advisory Board who shall serve in their individual capacity. The Director General may also, in consultation with members of the Board, as appropriate, establish temporary working groups of scientific experts to provide recommendations on specific issues.

"CLASSIFICATION SYSTEM OF CONFIDENTIAL INFORMATION 1/

"During the verification activities under the Chemical Weapons Convention the proper balance should be observed between the degree of intrusiveness and the need to protect confidential information. Only when necessary data reporting and verification should rely on confidential information. Its handling shall not be in conflict with the existing international legal norms, namely with regard to the protection of intellectual property. In drawing the rules for handling and protection of confidential information the Director-General of the Technical Secretariat shall use the following classification, establishing the level of confidentiality of information:

"(a) Information, which could be released for public use through the official reports of the Organization to the United Nations or other institutions or upon request to States Non-Parties to the CWC, various organizations or individuals. The Executive Council shall determine the general parameters covering the release of information for public use, within which the Director-General of the Technical Secretariat shall consider and decide upon individual requests. Requests going beyond these parameters shall be referred to the Executive Council for decision. However, information from other classifications related to specified States Parties shall not be made public without the consent of the State Party concerned. The Director-General may disseminate any other information in accordance with a request by a State Party to which the information refers. This category shall cover, i.a., general information on the course of the implementation of the Convention.

"(b) Information with distribution limited to States Parties to the Convention. The main source of such information will be the Initial and Annual Declarations on the aggregate quantities of chemicals produced and number of facilities operating in individual States Parties. Data of such nature might be included in the reports to various bodies of the Organization. States Parties shall have easy access to such information and shall treat it as confidential (e.g. not to be offered to press). A routine distribution of this information shall be made to the Executive Council members and to the Technical Secretariat. Data, not contained in the regular reports, might be requested by States Parties. The Director-General shall respond positively to such requests, unless they contravene the agreed rules for the classification of confidential information.

"(c) Information limited to the Technical Secretariat, to be used primarily for the planning, preparation and carrying out of verification activities. This category shall comprise mainly detailed, facility-related information, obtained from the relevant declarations, facility attachments and conclusions from on-site inspections. The Director-General shall regulate the

"1/ This material shall be transferred to the Preparatory Commission/ Director-General of the Technical Secretariat for consideration in the elaboration of relevant regulations.

access to such information by the Technical Secretariat personnel on the 'need-to-know' basis. Respect by the International Inspectorate and other Technical Secretariat personnel for confidential nature of information obtained will be ensured through contracts or appropriate recruitment and employment procedures as well as agreed measures applied against the Technical Secretariat staff in case of breach of rules for the protection of confidential information. Most sensitive information might be stored under code numbers rather than names of countries and facilities. Information, achieved through generalization of the facility-related data, could be, in accordance with the agreed procedure, released for use by States Parties.

"(d) Most sensitive kind of confidential information, containing data required only for the actual performance of an inspection like, e.g. blueprints, specific data related to technological processes, types of records. Such information shall be limited to justified needs for protection of technological know-how and shall only be available to inspectors on the site. It shall not be taken from the premises.

* * *

"The rules for classifying and handling of confidential information should contain sufficiently clear criteria ensuring:

- inclusion of information into appropriate category of confidentiality;
- establishing justified durability of confidential nature of information;
- rights of States Parties providing confidential information;
- procedures allowing, if necessary, to move a kind of information from one confidentiality category to another;
- modifications, when necessary, of procedures for handling individual categories of information.

"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 and by the Chairman of Group C for the 1988 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, (paras. 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, as put together by the Chairman of the Ad Hoc Committee for the 1987 session. Under Part II (paras. 14-18), material is found on the process after the submission of the report, as put together by the Chairman of Group C for the 1988 session.

"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.

"1/ A time span of 24-48 hours from the request to the arrival has been discussed.

"2/ Situations could be envisaged, i.e. 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.

"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 ...].

"(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.

"PART II

"(The process after the submission of the report)

"14. The requesting State shall promptly notify the members of the Executive Council, through the Director-General of the Technical Secretariat, of its assessment on the result of the inspection [and, to the extent it deems appropriate, of the course of action it intends to take under the Convention].

"15. The Director-General of the Technical Secretariat shall provide to States Parties the inspection report, ^{1/} the assessment of the requesting State, and the views of the requested State and of other States Parties which may be conveyed to him for that purpose.

"16. When requested by any State Party, the Executive Council shall meet to assess the situation, taking into account the report, the assessment by the requesting State and the views of the requested State and of other States Parties. ^{2/}

"^{1/} The question of the stages of the inspection report and the decision by which some of the contents of the final report is provided to all parties needs further consideration.

"^{2/} A view was expressed that this paragraph is superfluous because the procedures for meetings of the Executive Council are to be set forth under the relevant provisions in Article VIII and possibly in Article IX.

"17.1/ The Executive Council shall, as it deems necessary, consider [and recommend] [and decide on] [whether there has been a violation of the Convention and] appropriate further actions to clarify or remedy the situation. [Such further actions may, inter alia, be designed to induce the requested State to bring itself into conformity with the Convention or to address the misuse or abuse of requests by the requesting State].

"18. The Executive Council shall [provide any report it may make] [report] on its consideration of the matter to States Parties. [If a breach of the Convention remains unrectified, the Executive Council shall refer the matter to the Conference of the States Parties, which should decide on sanctions including the withdrawal of rights and privileges]. 2/ 3/ [The [Executive Council or the] [Conference of the States Parties] shall, where appropriate, bring the matter to the attention of the Security Council of the United Nations].

"1/ The question of the procedure and decision-making of the Executive Council in connection with this paragraph needs to be considered.

"2/ The question of possible sanctions including the withdrawal of rights and privileges needs further careful examination in the context not only of challenge inspections but also of routine inspections and other elements of the Convention.

"3/ A view was expressed that the possibility of the withdrawal of rights and privileges of the requesting State Party which has abused or misused the request needs also to be considered.

**"OUTCOME OF THE OPEN-ENDED CONSULTATIONS ON
ARTICLE IX, PART 2**

"During the 1989 session, the Chairman of the Ad Hoc Committee carried out private and open-ended consultations on Article IX, Part 2 (on-site inspection on challenge). These consultations were based on the text contained in CD/881, Appendix II, pages 141-144.

"This paper contains the outcome of these consultations. The paper is presented with the aim of furthering the process of elaboration of Article IX.

"1. Each State Party has the right to request an on-site inspection in any other State Party in order to clarify (and resolve) any matter which causes doubts about compliance with the provisions of the Convention, or any concern about a matter pertaining to the implementation of the Convention and which is considered ambiguous, and to have this inspection conducted anywhere, at any time and without delay by a team of inspectors designated by the Technical Secretariat. The inspection shall be mandatory, with no right of refusal. A requesting State is under the obligation to keep the request within the scope of the Convention. Throughout the inspection, the requested State has the right and is under the obligation to demonstrate its compliance with the Convention.

"2. The request shall be submitted by the requesting State to the Director-General of the Technical Secretariat, **/ who shall immediately notify the State to be inspected and inform the members of the Executive Council (as well as all other States Parties). The requesting State Party shall, as precisely as possible, specify the site to be inspected ***/ and the matters on which reassurance is required, including the nature of the suspected non-compliance, as well as indicate the relevant provisions of the Convention about which doubts of compliance have arisen.

"3. The mandate of the team of inspectors for the conduct of the inspection is the request put into operational terms, and must conform with the request. The team shall conduct the requested on-site inspection with the purpose of establishing relevant facts. The inspection team shall have the access to the site it deems necessary for the conduct of the inspection. It shall conduct the inspection in the least intrusive manner consistent with the effective and timely accomplishment of their task. The time-frame within which the team shall arrive at the site, secure it the way it deems necessary, have access

**/ A view was expressed that the request should be channelled through a Fact-finding Panel.

***/ It has been pointed out that there is a need to discuss ways and means to prevent misuse of such requests.

****/ Possible specification of the site in two steps to be further discussed.

to it and perform and conclude the inspection, and the relevant procedures, as well as the relationship of the representative of the requesting State to the inspection team and to the requested State are specified in (the Annex to this Article and in) the Protocol on Inspection Procedures.

"4. The requested State shall be under the obligation to admit the inspection team and the representative of the requesting State into the country, to assist the team throughout the inspection and to facilitate the task of the inspection team. In keeping with its right and obligation, the requested State may propose to the inspection team ways and means for the actual conduct of the inspection and also the protection of sensitive equipment or information not related to the Convention. The inspection team shall consider the proposals made to the extent it deems them adequate for the conduct of its mission.

"5. In the exceptional case that the requested State proposes arrangements to demonstrate compliance, alternative to a full and comprehensive access, it shall inform the inspection team and make every effort, through consultations with the requesting State / and the inspection team / to reach agreement on the modalities for establishing the facts and thereby clarify the doubts. If no agreement is reached within 24 hours,

- the inspection shall be carried out in accordance with the request,
- or the inspection team shall carry out the inspection in accordance with the inspection mandate as it deems necessary;
- or the inspection team shall take the decision;
- or the inspection team shall carry out the inspection in accordance with the guidelines set by the Director-General of the Technical Secretariat.

"6. The Director-General of the Technical Secretariat shall promptly transmit the report of the inspection team, which shall be strictly factual (and contain, if necessary, individual views of inspectors), to the requesting State, to the requested State and to the Executive Council (and to all States Parties; further consideration is needed as to how much of the report is to be provided to all States Parties in view of the sensitivity of information possibly contained therein). He shall further transmit to the Executive Council the assessment/views of the requesting State and then provide to all States Parties this assessment/views, the views of the requested State and of other States Parties which may be conveyed to him for that purpose. When requested by any State Party, the Executive Council/Conference of the States Parties shall meet to review the situation and consider appropriate further action to redress the situation aimed at ensuring that the Convention is being complied with.

"Article XI Assistance and protection against chemical weapons

"1. For the purposes of this Article, protection against chemical weapons, which contributes to the undiminished security of States Parties, covers inter alia, the following areas: detection equipment and alarm systems, protective equipment, decontamination equipment and decontaminants, medical antidotes and treatments and advice on any of these protective measures. [Assistance means the co-ordination and delivery of such protection to States Parties.]

"2. Nothing in this Convention shall be interpreted as impeding the right of any State Party to the Convention to conduct research into, develop, produce, acquire, transfer or use means of protection against chemical weapons, for purposes not prohibited by the Convention.

"3. [All States Parties to the Convention undertake to facilitate, and shall have the right to participate in, the fullest possible] [Nothing in this Convention shall be interpreted as impeding the right of States Parties to] exchange [of] equipment, material and scientific and technological information concerning means of protection against chemical weapons.

"4. The Technical Secretariat shall establish and maintain, for the use of any requesting State Party, a data bank containing freely available information concerning various means of protection against chemical weapons as well as such information as may be provided by States Parties.

"The Technical Secretariat shall also, within the resources available to it, and at the request of a State Party, provide experts for advice and assist it in identifying how its programmes for the development and improvement of a protective capacity against chemical weapons could be implemented.

"5. [Each State Party has the right to request and shall receive assistance and protection against use or threat of use of chemical weapons, (hereinafter referred to as 'assistance') from the Organization and States Parties] [Each State Party has the right to request from other States Parties protection against chemical weapons, and from the Organization, assistance in this regard] if it considers that

"(i) chemical weapons have been used against it;

"(ii) it faces actions or activities by any State which are prohibited for States Parties to this Convention. ^{1/}

"^{1/} It is understood that if a State Party considers that it faces actions or activities by another State Party which might be otherwise incompatible with the purposes and objectives of the Convention, it has the right to request clarification in accordance with paragraphs 3-7 of Article IX.

"6. [Each State Party undertakes to provide or support assistance] [as it may deem appropriate]. [For this purpose it may elect:

"(i) to contribute to the voluntary fund for assistance;

"(ii) to conclude, if possible within six months after the entry into force of the Convention, agreements with the Organization concerning the procurement, upon demand, of medical aid, medical treatment, protection equipment, services and technical advice;

"(iii) to declare within six months after the entry into force of the Convention the kind of assistance and protection it might provide in response to an appeal by the Organization.

"The Organization shall [be empowered to] establish a voluntary fund, conclude agreements and receive declarations to implement the provisions set forth in this paragraph.]

"7. The Organization shall [provide] [process a request for] assistance in accordance with the following provisions:

"(a) the request shall be addressed to the Director-General of the Technical Secretariat and shall be accompanied by relevant [reliable and] specific information [on the nature of the circumstances];

"(b) the Director-General of the Technical Secretariat shall:

"(i) immediately inform the Executive Council, all States Parties [and the United Nations Security Council] about the request;

"(ii) initiate within [24] hours an investigation [1/2/3/ in order to provide the foundation for [any] action by [the Organization] [or States Parties]. The investigation shall, as appropriate and in conformity with the request and the information accompanying it, establish facts related to the request as well as to the types and scope of assistance [and protection] necessary.

"1/ The relationship between this investigation and any concurrent Article IX investigation by the Organization need further consideration and discussion.

"2/ A view was expressed that the relationship with, and co-ordination between, this investigation and investigative activities of other international organizations, e.g. United Nations and The Red Cross, need further consideration and discussion.

"3/ The ability of the Organization to investigate actions involving a non-State Party needs further consideration.

"The investigation shall be carried out in accordance with the procedures ... (to be developed). 1/2/

"(c) In case the information available from the ongoing investigation and other reliable sources would give sufficient proof that there are victims of use of chemical weapons and immediate action is indispensable, the Director-General of the Technical Secretariat shall provide such information to the Executive Council and all States Parties and [initiate] [initiate contacts and co-ordinate] emergency measures of assistance [in close consultation with the Executive Council] [with the prior consent of the Executive Council]. 3/

"(d) After submission of the investigation report [and if requested by a State Party], the Executive Council shall meet within [24] hours to consider it [and shall take action not later than eight hours following the start of the consideration]. [On the basis of the report] [Following this consideration], the Executive Council shall [decide on the provision of assistance in conformity with paragraph 6] [decide on the utilization of resources available in conformity with paragraph 6] [and] [make recommendations to States Parties on the provision of assistance].

"[The decision of the Executive Council shall be taken by a simple majority]. The report of the investigation and [the decision taken by] [any recommendation of] the Executive Council shall be communicated to all States Parties.

"(e) The Director-General of the Technical Secretariat shall [implement the decision of the Executive Council] in close co-operation with the requesting State Party, other States Parties and relevant international agencies [and] [co-ordinate the collection and distribution of assistance].

"1/ In elaborating the procedures, appropriate elements of the inspection procedures under Article IX, including the time frames set forth therein, as well as the experience gained through investigations by the Secretary-General of the United Nations concerning the possible use of chemical weapons, shall be taken into account.

"2/ The need for quick and timely reporting, including interim reporting if necessary, as well as for speedy conclusion of the investigation has to be further elaborated.

"3/ In order to make emergency measures more effective, it has been proposed that sets of material be prepared and put as first-aid kit at the disposal of the Director-General of the Technical Secretariat.

"Article XI: Economic and technological development 1/

"1. The provisions of this Convention 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. The States Parties to this Convention, subject to its provisions, shall:

"(a) have the right, individually or collectively, to conduct research with, to develop, produce, acquire, retain, transfer and use chemicals;

"(b) undertake to facilitate, and have the right to participate in, the fullest possible exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited by this Convention;

"(c) not impose any restrictions [on a discriminatory basis] which would impede development and promotion of scientific and technological knowledge in the field of chemistry.

"This provision shall be without prejudice to the generally recognized principles and applicable rules of international law concerning peaceful chemical activities [including those concerning any proprietary rights and environmental or health protection].

"1/ Some delegations expressed the view that this Article required further consideration. In particular, in their view, 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.

"Article XIII: Amendments

"1. Any State Party may, in accordance with the agreed procedures, propose amendments to any provision of this Convention.

"2. [No amendments may be made to [any provision] [Provisions ...] during the 10-year destruction period provided for under Articles IV and V. However, if deemed necessary during this period, a Conference of the States Parties may unanimously adopt amendments to these Articles. These amendments shall enter into force only after ratification instruments of all States Parties present and voting at the Conference of the States Parties have been deposited.]

"3. Any amendment to the present Convention shall be adopted by a majority of [3/4] [4/5] [9/10] of States Parties [present and voting], without prejudice to paragraph 2, enter into force [for all States Parties] [for States ratifying or acceding to them] upon the deposit of the instruments of ratification by the same majority [including all original States Parties to the 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.]

"4. (a) The text of any proposed amendment shall be communicated to the Depositary not less than 60 days prior to a session of the Conference of the States Parties and shall be promptly communicated by him to all States Parties. [The State Party proposing an amendment may also communicate it simultaneously to the Director-General of the Technical Secretariat and the Executive Council.]

"(b) Proposed amendments shall be taken up at the next session of the Conference of the States Parties. However, if deemed necessary, the Conference of the States Parties may, by a majority of two-thirds of States Parties present and voting, convene a special session to discuss and take a decision on proposed amendments. 1/

"5. The provisions of this Article shall be without prejudice to the special modification procedures provided for in Annexes 2/

"1/ A view was expressed that it is to be discussed whether sessions of the Conference of the States Parties or Review Conferences are appropriate forums in which to consider amendments to the Convention.

"2/ A view was expressed that a differentiated amendment mechanism is required to meet the special needs of various provisions of the Convention. It is understood that this Article might be limited to general amendment procedures which would be applied unless otherwise provided in relevant parts of the Convention. It is to be further discussed which provisions should be subject to strict amendment procedure and which might be amended in a simplified way.

"Articles XII, XIV and XX of the preliminary structure of a
convention on chemical weapons

"During the 1988 session, the Chairman of the Ad Hoc Committee initiated and carried out open-ended consultations, as well as private consultations with interested delegations, on the final provisions of the Convention.

"The following discussion paper constitutes an attempt by the Chairman of the Ad Hoc Committee for the 1988 session to summarize the views expressed during these consultations. The paper is presented with the aim of facilitating further consideration of Articles XII, XIV and XX. 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.

"Article XII: Relation to other international agreements

"Commentary

"(a) Views were expressed that Article XII is not needed. In this case the relationship between the CW Convention and other international agreements would be regulated by general rules of international law, as well as by the rules of the Vienna Convention on the Law of Treaties.

"(b) Some delegations are in favour of a reference to specific international agreements, i.e. the Geneva Protocol of 1925 and BW Convention.

"(c) It has been suggested that a general reference to other international agreements be included.

"(d) It might be possible to combine the approaches reflected in paragraphs (b) and (c) above thus having references both to specific and other unnamed international agreements.

"Possible wording for Article XII

"1. None.

"2. Nothing in this Convention shall be interpreted as in any way limiting or detracting from the [obligations] [rights and obligations] assumed by any State 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 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.

"Each Party to this Convention that is also 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.

or/and

"3. This Convention shall not affect the rights and obligations of States Parties which arise from other agreements compatible with this Convention.

- or alternatively -

"None of the provisions of this Convention shall suspend or modify the commitments undertaken by States Parties pursuant to other international instruments related to this Convention.

"Article XIV: Duration, Withdrawal

"Commentary

"There seems to be a common understanding that this Convention should be of unlimited duration.

"A wide range of opinions was expressed in regard to possible withdrawal of States Parties from the Convention and the procedures thereof.

"(a) Views were expressed that the right of withdrawal should not be provided.

"(b) Some delegations supported the idea that the right of withdrawal should not be exercised within a fixed, comparatively long period of time.

"(c) Several delegations held the view that the withdrawal should depend on certain extraordinary circumstances. In the opinion of some delegations such circumstances might be differentiated according to their urgency and consequently different periods for withdrawal be granted. ^{1/} In this context a view was expressed that the Organization should be notified of the intention to withdraw and take appropriate steps within its competence to remedy the situation and prevent such a withdrawal.

"(d) The opposite view was based on the premise that the right of withdrawal should be granted and be exercised in a very short period of time with few formalities, if any.

"(e) The view was expressed that there should be no reference to the right of withdrawal in the CW Convention.

"(f) One delegation proposed that this Article should deal only with the question of duration, which would depend on the destruction of all chemical weapons by States Parties.

"Possible wording for Article XIV

"1. This Convention should be of unlimited duration.

"2. "(a) States Parties shall not withdraw from this Convention;

- or alternatively -

"(b) States Parties shall not withdraw from this Convention within the period of destruction of chemical weapons and chemical weapons production facilities;

- or alternatively -

^{1/} No specific suggestions in regard of the said periods have been made.

"(c) States Parties shall not withdraw from this Convention within ... (other agreed period of time);

- or alternatively -

"(d) Any State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention if, in the opinion of the withdrawing State there have arisen extraordinary circumstances connected with the content of this Convention which affect its supreme interests;

- or alternatively -

"(e) Any State Party may withdraw from this Convention at any time;

- or alternatively -

"(f) None.

"3. "(a) In exercising their right of withdrawal subject to paragraph 2 (b), (c), (d), (e), (f) above, States Parties shall give notice to the Depositary, the Security Council of the United Nations and the Executive Council of the Organization. Such notice shall include a statement of the reasons for the decision to withdraw.

"(b) The Executive Council of the Organization shall promptly investigate and assess the reasons for the decision to withdraw and take appropriate measures within its competence to remedy the situation, including, inter alia, convening of a special session of the Conference of the States Parties. 1/

"4. The withdrawal shall take effect ... [agreed period(s) of time] after the deposit of the notification by the State Party concerned. 2/

- or, as an alternative to paragraphs 3 and 4 above -

"In exercising its right of withdrawal subject to paragraph 2 (d) above, a State Party shall give notice 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/ It is to be discussed whether special provisions regarding the competence of the Executive Council and Conference of the States Parties in cases of purported withdrawal are needed and if so, what would be their content and place in the Convention.

"2/ The question of possibly setting several periods for the purpose of different circumstances relating to withdrawal, instead of a single period, requires further consideration.

"5. "(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. 1/

"(b) A State Party shall not, by reason of its withdrawal from this Convention, be discharged from its financial [and] [or such] other obligations (not being incompatible with the supreme interests which induced it to withdraw) which accrued while it was a Party to the Convention.

- or, as an alternative to paragraphs 2-5 above -

"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.

- or alternatively -

"Article XIV: Duration

"This Convention shall be of a permanent nature and shall remain in force indefinitely, but obligations deriving from the provisions of this Convention will cease, if after 90 days of the end of the period of destruction as stipulated in Article [...], the Conference of the States Parties is not in a position to declare that all chemical weapons have been destroyed and are subsequently banned from all States Parties.

"Article XX: Languages, authentic texts, depositary, registration

"Commentary

"(a) There is a general agreement that the Secretary-General of the United Nations should be designated as the Depositary.

"(b) The view was expressed that all functions of the Depositary should be dealt with in one place.

"(c) It is also to be further discussed whether to place relevant provisions within the framework of Articles XV, XX or a separate article might be needed.

"(d) Provisions for languages, authentic texts and registration as given below, were not objected.

"1/ Views were expressed that this provision would not be necessary.

"Possible wording for Article XX

"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 hereby designated as the Depositary, who shall send duly certified copies thereof to the Governments of all signatory and acceding States.

"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 amendments thereto [any notice of withdrawal and of the date when the latter takes effect], [and of the notification specified in Article XIV, para. 3]. 1/

"3. This Convention shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

Done at ...

- or alternatively -

"Article XX: Depositary, Registration

"1. Depositary 1/

"(a) The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention and shall:

"(1) notify all signatory and acceding States of;

"(a) the date of each signature, and the date of deposit of each instrument of ratification or accession;

"(b) "(i) any amendment to this Convention proposed by any State Party to the Convention;

"(ii) any amendment adopted;

"(iii) the date of entry into force of any amendment;

"(2) transmit duly certified copies of this Convention to the Governments of all signatory and acceding States.

"2. Registration

"This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

...

"1/ It is to be discussed if other functions might be entrusted to the Depositary with regard to the special needs of the Convention.

"Article XXI: Languages, Authentic Texts

"The original of the Convention with its Annexes, 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.

"IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention.

"Done at ...

"The question of the settlement of disputes was further discussed in Working Group 2 in 1989.

"Note:

"In the course of consultations by the 1988 Chairman of the Ad Hoc Committee on the Final Clauses, the status of Annexes to the Convention, as well as of the provisions on reservations have been raised.

"1. It is to be further discussed whether a separate article on the status of Annexes is needed.

"Possible wording for the provision on the status of Annexes

'Annexes Nos. ... form an integral part of this Convention'.

"2. Several delegations held the view that neither reservations nor exceptions to the Convention should be provided, while some expressed views that such right might be included with respect to some provisions which were not clearly indicated.

"The view was expressed that in regard to reservations, due attention should be paid to interpretative statements.

"It is to be discussed whether to place the provision on reservations within the framework of Articles XV to XIX or to elaborate a separate article for this purpose.

"Possible wording for the provisions on reservations

"1. No reservations or exceptions, however phrased or named, [including interpretative statements or declarations], may be made to this Convention [unless expressly permitted by other provisions of the Convention].

"2. The provision in paragraph 1 above does not preclude a State when signing, ratifying or acceding to this Convention, from making statements or declarations, however phrased or named, provided that such statements or declarations do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State.

- or alternatively -

"This Convention shall not be subject to reservations.

"Material on the Preparation Period

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"I. OBJECTIVE OF WORK

"1. The general objective of the work connected with the preparation period is to ensure:

"(a) the entering into force of the Convention without undue delay, and to create the conditions necessary for its implementation from the very beginning;

"(b) the promotion of a universal adherence to the Convention. 1/

"II. MEASURES CONNECTED WITH THE NEGOTIATIONS

"1. The provision of relevant data will be instrumental for the elaboration of procedures, the identification of thresholds and the assessment of costs.

"States should be encouraged to participate in the exchange of such information. Further discussion to increase the compatibility of such information might be necessary. The outline for the provision of data to the Preparatory Commission, as contained in attachment 2, could be used as starting point for such a discussion.

"2. The transmission of material not being part of the text of the Convention to the Preparatory Commission has to be arranged for in advance.

"A register should be established by the Secretariat of the Ad hoc Committee, which will include documents relevant to the further preparation of the implementation of the Convention. An example for the possible structure of such a register is comprised in attachment 3.

"III. INFORMATION AND CO-OPERATION REQUIREMENTS FOR SIGNATORIES PRIOR TO THE ENTRY INTO FORCE OF THE CONVENTION

"The work to be accomplished by the Preparatory Commission will be complex and manifold. The correct functioning of the implementation mechanism of the Convention will depend to a large extent on the results which this body will achieve in the course of its activities. The contributions of signatories to the Convention will be instrumental to this end. 2/

"1/ Further consideration of specific activities on this subject will be necessary.

"2/ See the attachment 1 on preparation activities.

"The following requirements will have to be met:

"1. Information on the progress of the ratification process

"2. Information on

CW stockpile facilities

CW production facilities

CW destruction facilities

Production of chemicals included in Schedules 1, 2, 3 1/

National Authorities

"3. Co-operation in the following fields:

acquisition and testing of instruments and devices for monitoring and inspection activities;

designation of instruments for routine and challenge inspection;

designation and installation of off-site laboratories and elaboration of respective procedures;

preparation for the designation of inspectors;

training of inspectors for verification activities (routine and challenge inspection);

prenegotiation of facility agreements related to facilities to be inspected under Articles IV, V and VI;

preparation for designation of points of entry.

"4. In order to ensure that these requirements will be met in the appropriate time-frames, concrete arrangements might be necessary. 2/

"1/ An outline for the provision of such data is attached to this paper.

"2/ The legal status of the Preparatory Commission and the obligations of States Signatories thereto needs further consideration.

"ATTACHMENT 1

"Overview of some activities of the Organization to be carried out after entry into force of the Convention, the ensuing preparatory work to be accomplished prior to this date and the information and co-operation requirements arising for signatories

Provision	Activity of the Organization	Time to start after entry into force	Preparatory work	Information and co-operation requirements
III, IV, V	Declarations to receive, compile and distribute to States Parties i.e. general and detailed declarations on CW stocks, CW production facilities, general and detailed plans for CW destruction and destruction/conversion of production facilities	30 days	Establishment of administrative framework for declaration and data as well as preparation for the study, compilation and dissemination of data and declaration to States Parties and other units of the Secretariat	Information on the progress in the process of ratification to enable planning for the date when the Convention enters into force
		6 months or 9 months		
VI	Declarations on activities not prohibited by the Convention (relevant chemicals and facilities which produce, process or consume them)	30 days resp. annually		
IV (3)	Verification of declaration on CW at the location of each stockpile	Immediately after 30 days	Recruitment and training of (...) inspectors & supporting staff	Information on CW stocks, their size and number of locations
IV (3)	Verification of non-removal of CW-stockpiles (continuous presence of inspectors and monitoring with instruments)	30 days/ continuously	Development and procurement of monitoring instruments and devices for the inventory control procedure	Acquiring and testing of monitoring instruments and devices

"ATTACHMENT 1 (continued)

IV (6)	Verification of destruction (continuous presence of inspectors and monitoring with instruments during active destruction phase)	After 1 year or earlier until the end of destruction	Recruitment and training of (...) inspectors & supporting staff, development and procurement of instruments	Number of destruction facilities. Approximate time of operation, operation schedules, acquiring and testing of instruments and devices
V (5)	Verification of declarations of CW production facilities	Immediately after 30 days	Recruitment and training of (...) inspectors & supporting staff	Information on CW production facilities, their number and location
V (6)	Inspection and continuous monitoring of closure of CW production facilities (periodic & on-site instruments)	3 months until destruction	See above & development and procurement of instruments	See above & acquiring and testing of instruments
V (8)	International verification of destruction of CW production facilities	Not later than 12 months until the end of destruction	Recruitment and training of (...) inspectors & supporting staff	Support in training activities
V (9)	International verification of temporary conversion of a CW production facility into a CW destruction facility	See above	See above	Information about intention of conversion

"ATTACHMENT 1 (continued)

VI Annex VI (1) II, 4	Initial visits to SSPFs and "other facilities"	Immediately after 30 days	Recruitment and training of (...) inspectors & supporting staff	Information on SSPFs and "other facilities" in operation upon entry into force
	Systematic on-site verification of SSPFs and "other facilities" through on-site inspection and monitoring with instruments	Immediately after 30 days	See above & development and procurement of instruments	See above & acquiring and testing of instruments
VI Annex VI (2), 9	Initial visits	Immediately after 30 days	Recruitment & training of (...) inspectors & supporting staff development and procurement of instruments	Information on facilities producing, processing or consuming chemicals listed in Schedule (2), acquiring and testing of instruments
Annex VI (2), 5	Systematic on-site verification on routine basis			
IV Annex IV, II, 3	Conclude agreements concerning storage facilities	Within (6) months	Establishment of administrative framework for agreements and negotiations, further refinement of models for agreements, pre-negotiation of such agreements with States Parties which will be needed during the first year	Pre-negotiation of agreements on facilities under Articles IV, V, VI respectively with the Preparatory Commission
IV Annex IV, V, 5	Conclude agreements concerning on-site verification of CW destruction facilities resp. combined plans for destruction and verification	Earlier than 12 months		

***ATTACHMENT 1 (continued)**

V Annex V, V, 2	Conclude agreements concerning on-site verification of declarations and systematic monitoring of closure and verification of destruction of CW production facilities.	Within (6) months	See above	See above
VI Annex VI (1), II, 5	Conclude agreements concerning on-site verification of SSPFs and "other facilities"	Immediately after 30 days	Further elaboration of the model for an agreement, prenegotiation of agreements with signatories	Prenegotiation of agreements with the Preparatory Commission
VI Annex VI (2), 11	Conclude agreements concerning on-site verification of facilities producing etc. chemicals listed in Schedule (2)	(6) months	Prenegotiation of agreements with signatories	Prenegotiation of agreements with the Preparatory Commission
IV Annex IV, II, 7 and V, 7 VI (2) 14	Samples analysis in off-site laboratories designated by the Organization	Immediately aft 30 days	Setting up a scheme of standardized equipment for off-site laboratories, designation of off-site laboratories and procedures for transport and handling of samples	Co-operation in the designation of off-site laboratories, installation of such laboratories pursuant to the schemes of the Preparatory Commission

"ATTACHMENT 1 (continued)

Guidelines on the International Inspectorate (routine and challenge)	Designation of inspectors and inspection personnel	Immediately	Indication to signatories which inspectors are chosen for designation	Indication to the Preparatory Commission whether the inspectors might be acceptable
	Agreement on points of entry	Immediately	Preliminary agreement	Preliminary agreement
IX, 2	Carrying out of challenge inspections	Immediately	Training of inspectors for challenge inspections	Support in training activities
IX, 2	Designation of instruments for purposes of challenge inspection	Immediately	Development, procurement, testing, preliminary designation	Acquiring and testing of instruments
VII	Communicate with National Authorities	Immediately	Preparation of a list of names, addresses, communication lines	Providing data on National Authorities

"ATTACHMENT 2

"Nature of data to be submitted

"Such data would include, inter alia:

- "1. Information on CW stockpile facilities
 - number of facilities
 - size of each facility (agent tons, square km)
 - aggregate amount (agent tons)
- "2. Information on CW production facilities
 - number of facilities
 - preliminary plans for their destruction
- "3. Information on CW destruction facilities
 - number of facilities
 - preliminary plans for the destruction of CWs
 - (time-frames for the first active destruction phase)
- "4. Production of Schedule-1-chemicals
 - "4.1 Information on SSF
 - location of the facility
 - "4.2 Information on 'other facilities' producing above 100 g
 - number of facilities
 - location of the facilities
- "5. Production etc. of Schedule-2-chemicals
 - number of facilities
 - location of the facilities
 - names of chemicals produced etc. at each facility
 - production etc. amount per annum at each facility (in ranges) 1/
- "6. Production etc. of Schedule-3-chemicals
 - number of facilities
 - location of the facilities
 - names of chemicals produced etc. at each facility
 - production etc. amount per annum at each facility (in ranges) 1/
- "7. Others

"1/ Dependent on the thresholds finally agreed upon in the text of the Convention.

"ATTACHMENT 3

"Possible structure of a register for material of relevance for the further preparation and eventual implementation of the Convention"

- "(A) Documents tentatively agreed upon, but not forming part of the draft (possible example: model for agreements on facilities).
- "(B) Recorded understandings related to the work of the Preparatory Commission and/or the Organization.
- "(C) Problems on which further work is required after the negot'ations have been terminated.
- "(D) Information on intentions of Governments concerning voluntary contributions for the Preparatory Commission, the Organization and States to assist in the preparation of the implementation of the Convention.
- "(E) Studies, data-base, technical expertise related to the activities of the Organization in the implementation process (example: experience on trial inspections, data provided).
- "(F) Other documents.

"SANCTIONS

"The question of sanctions was considered by the Working Group on Legal and Political Questions during four meetings. Document CW/Group 2/16 was presented to the Working Group on 7 July 1989. On the basis of that document, some 40 interventions were made during the discussion on sanctions, from which the following emerged:

- A number of delegations were of the view that the Chemical Weapons Convention should contain a provision on sanctions. It was also understood that the Organization, through one of its organs, should take action in order to redress and repair any situation which would be in contradiction with the provisions of the Convention. 1/
- It was argued by several delegations that not all violations would fall into the same category. They suggested that there might be a distinction between serious violations and minor or technical ones. 2/
- In connection with this classification, some delegations were of the view that automatic measures may be laid down in the Convention to cover cases of minor violations.
- It was also agreed by all delegations that the existence of a provision on sanctions within the Convention or the failure to implement it should not affect the rights of States Parties to carry out unilateral actions amounting to sanctions as long as they are kept within the bounds of International Law.
- It was suggested by some delegations that sanctions may imply the withdrawal or restriction of rights and privileges from States Parties. In this respect, certain rights and privileges were mentioned such as: the right to membership in organs of the Organization; the right to Challenge Inspections, the right to have nationals as inspectors. However, it was understood by delegations that in no way should the withdrawal of rights and privileges amount to the withdrawal of the right of membership in the Organization.
- The question of what type of sanctions in addition to withdrawal or restriction of rights and privileges may be suggested has yet to be considered.

"1/ The view was expressed that divergent views remain on the feasibility of sanctions and the effectiveness of their deterrence of non-compliance.

"2/ A view was expressed that the nature of a violation depends upon the context of the situation and, depending on the context, a technical violation may be a serious one.

- Some delegations held that the nature of sanctions (mandatory or voluntary) should depend on the nature of each specific case. It was suggested that a differentiation between violations of technical matters and the violation of other provisions may be useful, where, according to many delegations, mandatory sanctions should be carried out with regard to the latter category.
- There was a degree of uncertainty concerning the modalities by which to establish the occurrence of a breach or violation. One view supported the idea that the Organization should establish the existence of a violation on the basis of information arising from the verification activities which it conducts. A second view was that it is very difficult to entrust the Organization with the role of a Tribunal in establishing breaches or violations; however there could be a distinction between violations of technical matters, where establishing the facts will be automatic and self-evident, and the violations of other provisions. A third view was that sanctions should not depend on the formal establishment of a breach or violation; they should rather be used to enforce demands of the Organization vis-à-vis States Parties to bring their activities in line with their obligations under the Convention.
- The view was expressed that the Organization itself, through the Conference of States Parties or the Executive Council, should decide on sanctions according to a machinery which is yet to be considered.
- There is a common understanding that the efforts to incorporate into the Convention a provision on sanctions should not in any way aim at creating a mechanism parallel to that of the Security Council, nor should they undermine its prerogative to address any major breach of the Convention which is likely to endanger the maintenance of international peace and security or to constitute a threat to or breach of the peace and to impose appropriate sanctions under chapter VII of the United Nations Charter. However, a view was expressed that in many cases the Security Council was unable to perform its duties, and that, in the case of the Organization of Chemical Weapons Convention, such a situation would be fatal.
- Although the issue of how a provision on sanctions may be incorporated in the Convention has not yet been settled, a preference was expressed for a separate article, while some delegations find it more appropriate to combine it with other articles.
- There was no agreement on whether to impose sanctions on non-parties or not. A view was expressed that the universality of the Convention does not only mean membership of a great number of States Parties to the Convention but also erga omnes adherence to the principle

objectives of the Convention due to its sui generis nature. Hence, there has to be a mechanism to control and sanction any such activities by non-parties which may endanger the system established by the Convention. Another view was that non-parties should not be sanctioned for non-compliance with obligations they have not undertaken. The question of rights and duties of third parties with regard to the Convention has yet to be discussed in detail.

- It was argued that should the Organization fail to impose sanctions collectively, the Convention would suffer great damage.
- The discussion of the question of sanctions has clearly shown the highly delicate political nature of the problem, which needs to be further addressed in order to clarify more the issues involved and try to find appropriate solutions to them."

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 by the Conference, in accordance with its programme of work, during the periods 6-10 March and 3-7 July 1989.

89. The list of documents presented to the Conference during its 1989 session under the agenda item is contained in the report submitted by the Ad hoc Committee referred to in the following paragraph.

90. At its 531st plenary meeting, on 31 August 1989, the Conference adopted the report of the Ad hoc Committee re-established by the Conference under the agenda item at its 493rd plenary meeting (see paragraph 9 above). That report (CD/954) is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. At its 493rd plenary meeting on 9 March 1989, the Conference on Disarmament adopted the following decision:

'In the exercise of its responsibilities as the multilateral disarmament negotiating forum in accordance with paragraph 120 of the Final Document of the First special session of the General Assembly devoted to disarmament, the Conference on Disarmament decides to re-establish an Ad Hoc Committee under Item 5 of its agenda entitled 'Prevention of an arms race in outer space'.

'The Conference requests the Ad Hoc Committee, in discharging that responsibility, to continue to examine, and to identify, through substantive and general consideration, issues relevant to the prevention of an arms race in outer space.

'The Ad Hoc Committee in carrying out this work, will take into account all existing agreements, existing proposals and future initiatives as well as developments which have taken place since the establishment of the Ad Hoc Committee, in 1985, and report on the progress of its work to the Conference on Disarmament before the end of its 1989 session.'

"2. In that connection a number of delegations made statements regarding the scope of the mandate.

"II. ORGANIZATION OF WORK AND DOCUMENTS

"3. At its 493th plenary meeting on 9 March 1989, the Conference on Disarmament appointed Ambassador Luvsandorjiin Bayart (Mongolia) as Chairman of the Ad Hoc Committee. Mr. Vladimir Bogomolov, Political Affairs Officer, United Nations Department for Disarmament Affairs, served as the Committee's Secretary.

"4. The Ad Hoc Committee held 17 meetings between 14 March and 24 August 1989.

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

"6. In addition to the documents of the previous sessions ^{1/}, the Ad Hoc Committee had before it the following documents relating to the agenda item submitted to the Conference on Disarmament during the 1989 session:

- | | |
|--------|--|
| CD/891 | Letter dated 17 February 1989 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Representative of Canada to the Conference on Disarmament transmitting a compendium comprising plenary statements and working papers relating to the 1988 session of the Conference on Disarmament; |
| CD/898 | 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'; |

^{1/} The list of documents of the previous sessions may be found in the 1985, 1986, 1987 and 1988 reports of the Ad Hoc Committee, and in the special report to the third special session of the General Assembly devoted to disarmament (CD/642, CD/732, CD/787, CD/870 and CD/834, respectively).

- CD/905 Letter dated 21 March 1989 from the Permanent Representative of the Mongolian People's Republic addressed to the Secretary-General of the Conference on Disarmament transmitting a working paper entitled 'Review of proposals and initiatives of the States Members of the Conference on Disarmament under agenda item 5, "Prevention of an Arms Race in Outer Space"');
- CD/OS/WP.28
- CD/908 Letter dated 31 March 1989 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Representative of Venezuela transmitting a list of existing proposals on the prevention of an arms race in outer space;
- CD/OS/WP.29
- CD/OS/WP.30 Proposals and Comments by Member States of the Conference on Disarmament concerning the participation of technical and other experts in the work of the Ad Hoc Committee on Prevention of an Arms Race in Outer Space, submitted by the German Democratic Republic;
- CD/OS/WP.31 Programme of Work;
- CD/915 Legal problems raised by the militarization of outer space
CD/OS/WP.32 submitted by Chile;
- CD/927 ASAT components and ways of verifying their prohibition,
CD/OS/WP.33 submitted by the German Democratic Republic;
- CD/933 Letter dated 13 July 1989 from the Permanent Representative of the German Democratic Republic addressed to the Secretary-General of the Conference on Disarmament transmitting a working paper entitled 'Survey of International Law relevant to immunity and protection of objects in space and to other basic principles of outer space activities';
- CD/OS/WP.34
- CD/937 Letter dated 20 July 1989, addressed to the Secretary-General of the Conference on Disarmament by the Representative of France transmitting a working paper entitled 'Prevention of an arms race in outer space: proposals concerning monitoring and verification and satellite immunity';
- CD/OS/WP.35
- CD/OS/WP.36 Proposals by Sweden relating to prevention of an arms race in outer space;
- CD/939 Proposal for Amendment 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, submitted by Peru;
- CD/OS/WP.37

- CD/941 Letter dated 1 August 1989 addressed to the
CD/OS/WP.38 Secretary-General of the Conference on Disarmament by the
Permanent Representative of the Polish People's Republic
transmitting a working paper entitled 'Confidence-building
Measures related to Item 5';
- CD/OS/WP.39 Creation of an International Space Monitoring Agency,
submitted by the USSR;
- CD/945 Letter dated 1 August 1989 addressed to the
CD/OS/WP.40 Secretary-General of the Conference on Disarmament by the
representative of France transmitting a working paper
entitled 'Outer Space and Verification: Proposal for a
Satellite Image Processing Agency (SIPA)'.

"III. SUBSTANTIVE WORK DURING THE 1989 SESSION

"7. Following an initial and extensive exchange of views and consultations on the programme and organization of work held by the Chairman with various delegations, the Ad Hoc Committee, at its 4th meeting on 6 April 1989, adopted the following programme of work for the 1989 session:

- '1. Examination and identification of issues relevant to the prevention of an arms race in outer space;
2. Existing agreements relevant to the prevention of an arms race in outer space;
3. Existing proposals and future initiatives on the prevention of an arms race in outer space.

In carrying out its work, the Ad Hoc Committee will take into account developments which have taken place since the establishment of the Committee in 1985.'

"8. With regard to the organization of work, the Ad Hoc Committee agreed that it would give equal treatment to the subjects covered by its mandate and specified in its programme of work. Accordingly, the Committee agreed to allocate the same number of meetings to each of those subjects, namely, issues relevant to the prevention of an arms race in outer space, existing agreements and existing proposals and future initiatives.

"9. The work of the Ad Hoc Committee was governed by the mandate which aims at the prevention of an arms race in outer space.

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

"10. During the debates in the Committee, member States had an opportunity to exchange views and express positions on different subjects relevant to the prevention of an arms race in outer space. Many delegations defined the

subjects discussed, inter alia, as follows: determination of the scope and objectives of multilateral work under the agenda item; the status of outer space as the common heritage of mankind which should be used exclusively for peaceful purposes; the absence at present of weapons in space; the relationship between the prevention of an arms race in outer space and arms limitation and disarmament measures in other areas; the role of the bilateral negotiations and their interaction with the multilateral activities in this field; the identification of the functions performed by space objects, and of the threats confronting them; vulnerability and immunity of satellites; their role and use for purposes of reliable verification; a concept of a comprehensive international verification system; questions relating to compliance and the need for information on how outer space is being used and on national space programmes of military significance; the need for identification and elaboration of mutually agreed legal terms; examination of sufficiency and adequacy of the existing legal régime; various approaches to reach a common understanding of what the existing legal norms do with regard to outer space activities; and functioning of the existing legal instruments.

"11. There was general recognition of the importance of the bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America and it was stressed that bilateral and multilateral efforts were complementary. One delegation observed that the bilateral negotiations have little relation to the more general question of the prevention of an arms race in outer space because they are limited to issues connected with the interpretation of and compliance with the 1972 Treaty between the United States of America and the Union of the Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems. Many delegations emphasized that those negotiations did not diminish the urgency of multilateral negotiations and reaffirmed that, as provided for in General Assembly resolution 43/70, 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. They also stressed that the scope of the work of the Conference on Disarmament was global and larger than the scope of the bilateral negotiations. Some other delegations, while recognizing the need for the Conference to play a role with respect to problems relating to the prevention of an arms race in outer space, stressed 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. It was also stated that despite the special responsibility and obligation of the two principle space Powers, the regulation of outer space and the prevention of an arms race in that environment could not be left entirely to bilateral negotiations between the two major Powers and at the propitious time, the Conference on Disarmament would have to play its role in this field.

"12. Many delegations, reiterating that outer space is the common heritage of mankind and should be reserved exclusively for peaceful uses to promote the scientific, economic and social development of all nations, stressed the

over-riding importance and urgency of preventing an arms race in outer space. They pointed out that the exploration and use of outer space should be carried out in the interests of maintaining international peace and security and promoting international co-operation and mutual understanding. They stated that military competition between the two major powers was being extended into outer space, leading to the development, testing and possible deployment of weapons systems and their components adaptable for use in or from space. In their view, the introduction of weapons into space would result in an irreversible competition in the field of space weaponry which would have dangerous consequences for international peace and security, give the arms race a qualitatively new dimension, undermine existing agreements and jeopardize the disarmament process as a whole. It would also, in their opinion, create obstacles to the peaceful uses of outer space to promote scientific, economic and social development. They suggested that legal norms as a general rule should not be allowed to lag far behind the relevant technological developments and that, since this general rule is more valid with respect to space law, this necessitated strengthening the outer space legal régime. They, therefore, were of the view that as a result of the work carried out in previous years, attention should be devoted to proposals for measures to prevent an arms race in outer space. They believed that the various ideas and suggestions that had been advanced provided sufficient points of convergence to move forward in that area. Accordingly, many delegations held that the Ad Hoc Committee should proceed with a more structured and goal-oriented examination of the subject.

"13. The Group of Socialist States considered that the commitment to the pursuit of peace made it necessary to end an arms race on the Earth and to prevent it from spilling over into outer space. They recalled that resolution 43/70 of the United Nations General Assembly had reiterated once again that 'the Conference has 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' and had requested the Conference to re-establish an Ad Hoc Committee 'with an adequate mandate' with a view to undertaking such negotiations. With the content of the 'adequate mandate' referred to by the General Assembly being subject to different interpretations, in the view of this group, intensive and fruitful work was possible and needed even under the present mandate, since the Committee had accumulated a lot of proposals and initiatives that should be further pursued. Such issues as a moratorium and a ban on ASAT weapons and guarantees of the immunity of space objects, the establishment of an international space inspectorate and other verification mechanisms, were well identified and ripe for practical solutions given political will on the part of all member States. They also favoured the establishment of a group of experts to consider various aspects of the prevention of an arms race in outer space. The consideration of these and other issues would not, in their view, preclude the search for comprehensive solutions of the type envisaged in documents CD/476 and CD/274. They expressed their conviction that the Conference could and should make a significant contribution towards the achievement of this objective.

"14. Stressing that arms control and disarmament are not ends in themselves but means to a more important goal, that of enhanced security, some delegations noted that a large majority of space activities consists of military activities and noted that many such activities clearly had stabilizing roles and were vital components of deterrence and strategic stability. They noted that military systems deployed in space accomplished a variety of support missions and that they played a vital role in the strategic relationship of the two major Powers. They considered that, while the Ad Hoc Committee had had very substantial discussions, fundamental divergences persisted and the work was still in an exploratory phase. In their view, the prevention of an arms race in outer space was linked to and should take into account progress in other fields of arms limitation and disarmament, in particular the reduction of nuclear weapons. These delegations continued to underline the importance of issues relating to verification of and compliance with existing and future agreements and held that those issues required a more thorough examination. They also stressed the need for detailed information on national space programmes that had military implications. One delegation pointed out that the aim of the Committee should be to consider different approaches to the subject and to make sure that each participant understood the concerns and the interests of other States. That delegation did not believe that the Committee was in a position to begin negotiations as there were still too many unanswered questions. When negotiations come, they might not be in this forum since some issues, such as ballistic missile defence, were better dealt with bilaterally. It noted that some other delegations maintained that the conclusion of agreements to prevent an arms race in outer space was a matter of great urgency. The delegation believed that improved security must be pursued whether on earth or in space but it did not believe that the threat of an arms race in outer space was imminent. It also noted that the predicted proliferation of anti-satellite weapons had not happened.

"15. Some delegations reckoned that discussions on definitions so far had been unsatisfactory and had shown that without consensus about the basic assumptions and without agreement upon the technical, juridical and doctrinal meaning of a definition, any attempt to achieve clarity in conformity with intended treaty obligations would remain academic. The view was expressed that the Committee should discuss the existing military activities in space and look at the value and utility of such activity. Among other pertinent subjects for discussion, interference with the functions of space objects and the implications of the potential for such interference, re-usable launchers and their implications; the expansion of industry and commerce into outer space and its relationship with any future arms control initiatives were mentioned.

"16. One delegation also stated that before the Ad Hoc Committee could properly entertain proposals for future initiatives on the prevention of an arms race in outer space it should first examine in detail which issues before it were relevant to its work and if the agreements already in existence contribute to preventing an outer space arms race. The same delegation noted

that its country remained committed to multilateral approaches to arms limitations and disarmament where appropriate and it had made a serious attempt to identify measures that might be feasible and desirable as the basis for negotiating further multilateral arms control agreements that apply to outer space, but it had identified no appropriate measures that would enhance international security and were both feasible and verifiable. This delegation also noted that a fundamental framework must first be established on a bilateral level. It rejected the concept of 'space strike weapons' and phrases 'dedicated' and 'non-dedicated anti-satellite systems' for being part of a selective approach which did not give an accurate picture of the threats against space objects and of the military and strategic situation relevant to outer space.

"17. One delegation held that outer space, as the common heritage of mankind, should be used only for peaceful purposes and in the interests of human welfare. It considered that to prevent an arms race in outer space has become a new priority item in the field of disarmament. That delegation had always held that the effective way to prevent an arms race in outer space was to ban all types of space weapons. In the view of this delegation, the major space Powers, which bore a special responsibility for the prevention of an arms race in outer space and were the sole countries to possess and continue to develop space weapons, should commit themselves not to test, develop, produce and deploy space weapons and to destroy all their existing space weapons. It held that on this basis, an international agreement or agreements on the complete prohibition of space weapons could be concluded through negotiations. It also stressed that it was imperative to start substantive negotiations on the prevention of an arms race in outer space as soon as possible. That delegation believed that, though the work of the Ad Hoc Committee had scored some achievements, it had failed to make substantive progress. 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 directly related to preventing the 'weaponization' of outer space.

"18. Some delegations maintained that they had been and continued to be supporters of using outer space for peaceful purposes and implementing far-reaching and comprehensive initiatives aimed at the prevention of an arms race in outer space, which would include such important measures as prohibition of ASAT systems and space-to-Earth arms, and creation of a system of control over the non-placement of arms in outer space. One delegation reiterated its conviction that a world secure for all could not be built on the basis of extending the arms race to new spheres, in particular to outer space. Weaponization of space would lead to a dangerous rivalry in the field of space arms, which would have irreversible consequences for international peace and security and for maintaining strategic stability. It would impart a qualitatively new nature to the arms race, would undermine existing agreements and endanger the disarmament process as a whole. Of greatest importance for preventing such an outcome was strict compliance with the ABM Treaty.

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

"19. The Ad Hoc Committee recognized that activities in the exploration and use of outer space should be carried out in accordance with international law. The importance of the principles and provisions of international law relevant to the prevention of an arms race in outer space was stressed.

"20. Some delegations underlined the central role that the Charter of the United Nations played in the legal régime applicable to outer space. In that connection they stressed the special significance of paragraph 4 of Article 2 and Article 51. They noted that Article 2(4) prohibits the threat or use of force against the territorial integrity or political independence of any State. Complementing Article 2(4), Article 51 permits States to exercise their inherent right of individual or collective self-defence. These delegations thus concluded that when read together, these two Charter provisions strictly prohibit the use of force in all instances except self-defence. Accordingly, they believed that these provisions afforded a substantial degree of protection to space objects. Other delegations reaffirmed the importance of the United Nations Charter, but, at the same time, reiterated that its provisions concerning the non-use of force could not, in and of themselves, be sufficient to preclude an arms race in outer space - just as they had not done so on Earth - since they did not address the question of the development, testing, production and deployment of weapons in space. These delegations recalled that the legal provisions of these articles had not diminished the universally-recognized need to negotiate disarmament agreements and even to ban specific types or whole classes of weapons, such as biological, nuclear, chemical and radiological weapons. In their view, Article 51 of the Charter could not be interpreted as justifying the use of space weapons for any purposes or the possession of any type of arms based on the use of space weapons. They also stressed that Article 51 could not be invoked to legitimize the use or threat of use of force in or from outer space. In this context, they noted that the objective agreed upon by consensus, both at multilateral and bilateral levels, was not to regulate an arms race in outer space but to prevent it, and that any attempt to justify the introduction of weapons in that environment contradicted that objective. This was, they maintained, all the more true because they believed it had been officially stated that there was mutual recognition in the bilateral negotiations between the United States and the Union of Soviet Socialist Republics that there is no absolute weapon - offensive or defensive. Accordingly, these delegations believed that in the context of the work of the Ad Hoc Committee the value of statements on the existing degree of protection to space objects should be assessed against their relevance to the achievement of the common objective to prevent an arms race in outer space. It was noted, on the other hand, that the reference to the prohibition of the use or threat of use of force as reflected in the preamble of the United Nations Charter was explicit and applied without restriction to all activities in outer space.

"21. Another delegation stated that Article 2(4) of the Charter constitutes the point of departure for the international efforts aimed at preventing an arms race in outer space, because any act conducive to turn outer space into the scenario of an arms race constitutes a contravention of that provision, in the sense that the action of developing, producing and stationing weapons in space configures a threat to the territorial integrity and the independence of all the other States Members of the United Nations. That delegation also stated that the right to legitimate self-defence enshrined in Article 51 of the Charter does not authorize any State to extend its military power into space nor to use that environment as an arena to station its instruments of destruction, endangering the security and integrity of other States. It was also stressed by that delegation that in the opinion of the majority of countries, the Outer Space Treaty has a serious juridical vacuum, inasmuch as it does not cover other weapons, different to nuclear weapons and weapons of mass destruction, which are being developed for their incorporation in strategic defence systems. The same delegation further stressed that as a result of this vacuum, the Outer Space Treaty has not been sufficient to stop certain countries from initiating activities which may lead to the launching of an arms race in outer space. That delegation concluded that the Treaty does not contain provisions capable of putting a check to the effort currently being deployed to create elements of a strategic defence which will work from space, or will accomplish their missions in space.

"22. Some delegations pointed out that as a result of the work accomplished in the past years, the Committee had at its disposal a sound analysis of the existing international law of outer space and a number of constructive proposals. Three delegations belonging to the group of socialist States submitted a document entitled 'Survey of international law relevant to immunity and protection of objects in space and to other basic principles of outer space activities' (CD/933-CD/OS/WP.34). The document was aimed to show that, though the existing legal régime for outer space was adding to the protection of space objects, it did not guarantee all-embracing protection and it was crucially important that all States strictly comply with these agreements. Further codification and development of existing rules of international law relating to the protection of space objects would contribute an essential step towards preventing an arms race in outer space. These additional measures could encompass steps providing for building confidence and for prohibiting the weaponization of outer space.

"23. One delegation pointed out that the legal régime in outer space continued to be the object of considerable interest and concern as many nations had not ratified or acceded to existing international agreements pertaining to outer space, thus raising questions regarding the extent and coverage of that legal régime. Despite widespread recognition that the current régime placed some legal restraints on most types of weapons in outer space, there remained concern that the task of precluding the introduction of destabilizing military options into space had not been completed. The purpose of work in the legal field should be to analyse the arms control and disarmament implications of conflicting positions with a view to promoting a commonly-shared understanding of what existing treaty law and customary principles of law say in terms of

prohibition of certain activities in outer space. This exercise would also have to focus on the question to what extent, as far as space is concerned, there is a need to go beyond existing treaty law and broader norms regarding the use of force in general.

"24. A number of delegations, while acknowledging the value of the restraints imposed by the existing legal régime, which placed some barriers to the arms race in outer space through limitations on certain weapons and military activities in that environment, reiterated that in some areas there were loopholes. They noted that the 1967 Outer Space Treaty, because of its limited scope, left open the possibility of the introduction of weapons in space, other than nuclear weapons or other weapons of mass destruction, in particular anti-satellite weapons and space-based anti-ballistic missile systems. Furthermore, in their opinion, current developments in space science and technology, coupled with on-going military space programmes, underscored the inadequacy of existing legal instruments to prevent an arms race in outer space. They, therefore, held that there was an urgent need to supplement and amplify the existing legal régime and that, consequently, it was imperative to strengthen, improve and broaden the legal régime applicable to outer space with a view to the effective prevention of an arms race in outer space in all its aspects. Some other delegations stressed that as long as the analysis of the existing legal prescriptions remained restricted to the continuously repeating and deploring of deficiencies and lacunae without attempting to agree upon the real need for and adequate approach to the improvement and completion of a comprehensive legal régime, the work of the Committee would remain selective, deliberately incomplete and without substantial reward.

"25. Some other delegations stressed that there was already a body of international law governing activities in outer space which provided a considerable measure of prohibition and protection. They believed it was important to have a full understanding of the scope of the existing legal régime, of the inter-relationship of its provisions and of aspects related to adherence, compliance and enforcement. Some of those delegations believed that the examination of that régime in the Ad Hoc Committee confirmed that there continued to be a need to arrive at a common understanding of what were permitted and prohibited uses of outer space.

"26. In addition to sharing some of the views reflected in the first two sentences of the above paragraph, one delegation reiterated that the existing legal régime for arms control in outer space was equitable, balanced and extensive. It placed some legal restraints on virtually every type of weapon in outer space. It had been far more successful in preventing an arms race than any comparable legal régime on Earth. That delegation viewed this régime as wide-ranging and logical, not full of gaps and holes, but containing mutually reinforcing legal constraints, not ineffective but practical and workable. In its opinion, any problems associated with the existing legal régime would be inherent in any legal régime for arms control in outer space, no matter how much it was developed, elaborated or amended. A legal régime by itself was not sufficient to prevent an arms race in outer space because compliance with, enforcement of and participation in that régime were needed.

Apart from that, this delegation believed that many of the proposals noted or listed in CD/905 and CD/908 were founded on an inadequate appreciation or a flawed understanding of the existing legal régime. It considered that such proposals were either redundant or perhaps even prejudicial to the legal controls that were already in place. One delegation also noted that, contrary to the apprehensions noted about 'current developments in space science and technology, coupled with ongoing military space programmes,' great advances in data processing, sensors, microelectronics, materials, propulsion, and directed energy have opened a window to a potentially safer era, with a growing likelihood of effective, non-nuclear defences against ballistic missiles. This delegation stated that if these advances can be fully developed, the nuclear or chemically-armed ballistic missile, by far the most dangerous instrument of war to use the medium of space, would no longer be an 'absolute weapon'.

"27. Some delegations expressed serious concern that one space Power went ahead with its strategic defence programme by having conducted a number of experiments which would lead to growing mistrust and might intensify the arms race. Some delegations noted that from the above commentary it could be concluded that no other country had any programme comparable to the strategic defence programme.

"28. One delegation further stated that such a conclusion would be far from correct, as one other major space Power has also been pursuing since the 1960s its own research and experimental work into advanced technologies for strategic defence, which are precisely the same types of technologies being researched and experimented with in the strategic defence programmes of this delegation's country. This same delegation further noted that in November 1987, a statement was made by high level officials of the other major space Power that practically their country was doing all that this delegation's country was doing in this field. These officials also stated that their country would not build or deploy such a strategic defence programme. This same delegation believes, however, that it is capabilities rather than declared intentions that count. This same delegation also noted that one other major space Power is also doing far more than his own country on strategic defences.

"29. Many delegations however expressed concern about all such development efforts.

"30. In this connection one delegation pointed out that the country it represents has no SDI-type programme comprising space-based ABM components, that it has no intent to deploy 'strategic defence' in space and calls upon the other major space Powers to act in the same way.

"31. Some delegations pointed out that agreements to prevent an arms race in outer space could be verifiable at present and that the rapid development of technology was helpful in devising increasingly reliable technical means of verification. These delegations also believed that the process of consideration of and negotiations on specific proposals to prevent an arms race in outer space would reveal which terms might need to be clarified or

even strictly defined, in order to eliminate any unacceptable degree of uncertainty or ambiguity that might exist in the interpretation of their meaning.

"32. A view was expressed by some delegations that the Committee should come to a common understanding of individual legal instruments relevant to outer space and the extent of the coverage both of single instruments and in the inter-relationship. According to this view, this would require reaching agreement on the meaning of basic terms, such as peaceful uses, militarization and stabilizing and this could, in turn, assist the Committee in determining what constituted permitted or prohibited uses of space, following which the Committee could, for example, examine the scope for identifying relevant thresholds of intolerance in, for example, satellite functions. In the opinion of those delegations the Committee should be able to identify and reach agreement on a range of measures to ensure better compliance with the existing legal régime and compile a list of confidence-building measures relevant to outer space. Apart from broadening participation in existing legal instruments, in their view the Committee could look into the possibility of identifying measures for greater transparency of military-related uses of space, which would make a valuable contribution to the collective search for creating better conditions for political stability.

"33. Various delegations believed that the present legal régime governing outer space was no longer adequate to guarantee the prevention of an arms race occurring in outer space. It was noted that General Assembly resolution 43/70 recognized the urgency of preventing an arms race in outer space and requested the Conference on Disarmament to undertake negotiations for the conclusion of binding agreement or agreements, as appropriate. While recognizing the significant role played by that régime and the need to consolidate and strengthen it and its effectiveness, several delegations called for the total prohibition of the development, production, stationing, stock-piling and use of space weapons and the destruction or transformation of existing weapons.

"34. One delegation maintained that the existing international treaties on outer space were characterized by the specific situation at the time of their adoption and were therefore limited from an historic perspective. These international legal instruments, despite their significance, could no longer meet contemporary needs and they were no longer adequate for the prevention of an arms race in outer space. They had no clear-cut provisions on the banning of the arms race in outer space, did not prohibit all space weapons, and contained no provisions on the demilitarization of outer space.

"35. One delegation responded that because of the primary set of restraints in existing international legal instruments, those weapons that pose the greatest threat are covered by the legal régime. This delegation further noted that there is no indication that any activities currently underway in space are detracting from stability, but rather that current activities are contributing to stability by enhancing capabilities for deterrence and verification. This delegation stated that the most threatening situations for international peace remain on earth.

"36. Many delegations were of the view that all States, in particular the space Powers, should become parties to the multilateral treaties in force that contained 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

"37. Some delegations, stressing the urgency of forestalling the introduction of weapons in space, discussed comprehensive proposals for the prevention of an arms race in outer space, such as those calling for a treaty prohibiting the use of force in outer space or from space against Earth, a treaty prohibiting the stationing of weapons of any kind in outer space and amendments to the 1967 Outer Space Treaty. In this context, some of these delegations considered that the various definitions of space weapons that had been put forward provided a good basis for working towards a comprehensive prohibition of weapons that were not yet outlawed under the existing legal régime. They also suggested that with the assistance of experts it should be possible to formulate a definition that would not only describe space weapons but also list their components.

"38. A proposal was submitted (CD/OS/WP.37) to amend Article IV of the Outer Space Treaty so as to make its prohibition applicable to any kind of weapons and to contemplate the negotiation of an Additional Protocol for the purpose of prohibiting the development, production, storage and deployment of anti-satellite-weapons systems which are not stationed in outer space. According to that proposal those amendments to the Treaty would be complemented by a second additional protocol to deal with the verification system to ensure faithful compliance with the obligations assumed by the States Parties which may be a mixed system based principally on a multinational or international approach and on a national approach in accordance with the means of verification available to each State Party.

"39. One delegation expressed the view that the general objective should aim at establishing one legal régime for outer space as well as the Moon and other celestial bodies. It maintained that this could only be realized through a clear-cut provision declaring that outer space shall be used exclusively for peaceful purposes.

"40. One delegation recalled that the previous year it had submitted a proposal contained in document CD/851 seeking to amend Article IV of the Outer Space Treaty. That delegation stressed that that proposal has, as its point of departure, the recognition, largely shared by a vast sector the Conference and reflected in previous reports of the Ad Hoc Committee that the Outer Space Treaty has an important juridical vacuum and is inadequate to prevent an arms race in outer space because it does not prohibit the stationing in space of weapons other than nuclear and mass destruction weapons. It maintained that those other weapons not covered by the Outer Space Treaty are denominated in

this proposal and currently they give rise to the deepest concern because they are the subject of research and development, with a view to being incorporated into strategic defence systems.

"41. Some other delegations were not in favour of such approaches on the grounds that they did not give an accurate picture of all the threats confronting space objects and overlooked other significant factors of the military and strategic situation relevant to outer space. These delegations also held that proposals should be examined bearing in mind questions relating to compliance, verifiability, practicability and utility. One delegation held that it would be undesirable if proposed initiatives restricted the development of peaceful industry in space and that proposals therefore should be examined from this perspective as well.

"42. One delegation suggested that States parties to multilateral treaties related to activities in outer space could make declarations recognizing the compulsory jurisdiction of the International Court of Justice in all legal disputes concerning these agreements. In the view of that delegation such a declaration could be accompanied by a strong appeal to States not parties to these treaties to adhere to them as soon as possible.

"43. Many delegations, noting that existing legal restraints whether bilateral or multilateral did not preclude the emergence of non-nuclear ASAT weapons, stressed the importance of a ban and limitations on anti-satellite weapons. Various delegations further elaborated previously advanced proposals. Thus, one delegation made an expert presentation and submitted a document (CD/927-CD/OS/WP.33) on basic provisions of a treaty on ASAT components and ways of verifying their prohibition, which contained comments on the problems of definitions and categorization of conventional ASAT weapons and indicated possibilities for effective verification of future agreements. The document also contained the following recommendations: advance notice of launch activities; on-site inspection of objects to be launched; prohibition of experiments, including collisions or explosions of space objects; no high velocity fly-by tests; observance of keep-out zones/minimum approach distances; advanced notice on manoeuvring activities of space objects; essentially improved registration and catalogue of space objects, including small debris and international exchange of data of space objects. Another delegation submitted another document entitled 'Review of proposals and initiatives of the States members of the Conference on Disarmament under agenda item 5', prepared on the basis of the official documents and records of the United Nations General Assembly and the Conference on Disarmament, as well as on statements made by the member States (CD/905-CD/OS/WP.28). The delegation hoped that the review would promote in-depth analysis of their complex political, military, scientific, technical and international legal problems, taking into account the necessity of examining avenues which could lead to future multilateral negotiations in the Conference on Disarmament aimed at the prevention of an arms race in outer space. Another delegation reiterated that it has all along stood for the banning of all space weapons, which naturally includes ASAT weapons. In the view of this delegation,

in order to facilitate consideration and negotiation of the issue of the prevention of an arms race in outer space, the banning of ASAT weapons, as a first step, has a certain practical significance.

"44. One delegation highlighted some of the legal issues surrounding the establishment of keep-out zones in outer space. With reference to Articles I, II and IX of the Outer Space Treaty, it pointed out that there was today agreement that the two principles of freedom and non-appropriation in relation to outer space existed independently of the Treaty, having already acquired the status of customary rules of international law. This delegation was joined by some others in further noting that the relevant provisions of the Treaty reinforced the principle that exclusive rights did not exist in outer space even though the practical capabilities of some users might be greater than others. All of these delegations believed that although the situation would be different in the case of a multilateral agreement regarding keep-out zones the fact was that the unilateral declaration of keep-out zones, having specific spacial dimensions would be equivalent to an attempt to exercise sovereignty and would be in breach of existing international law.

"45. One delegation introduced a working paper (CD/OS/WP.36) containing proposals for urgent measures to prevent an arms race in outer space. It pointed out that both major space powers had devoted considerable resources to research on ballistic missile defences (BMD) and the issue of BMD was of relevance also to the Conference on Disarmament, since all States would be affected by the destabilizing implications. Furthermore, this delegation stated that since the major space Powers had tested dedicated ASAT systems, other States, too, could consider strengthening their military capacities by acquiring ASAT capabilities and that the spread of advanced missile technology could promote such a development. It thought that the risk of an arms race in outer space could be partly attributed to the fact that the existing body of international law was not sufficient to prevent such a development. In the view of this delegation, various bilateral agreements between the two major powers indicated the vital stabilizing function attributed by them to securing, inter alia, the protection of early warning satellites. It suggested that the existing de facto moratorium by the two major space Powers on testing of dedicated ASAT systems should, as an immediate measure, be formalized and that production, as well as deployment of dedicated ASATs, be prohibited without delay and that such existing systems be dismantled. Furthermore, the delegation proposed that an agreement should be negotiated to ban the testing in an ASAT mode of various types of non-dedicated systems. The delegation stated that the question of verification of compliance with the proposed measures was of crucial importance and should be systematically studied by experts in the field, with on-site inspection, satellite tracking and data collection being examples of methods of verification. It believed that the establishment of an international system for monitoring satellites should be the focal point of studies by experts. The delegation had earlier proposed the setting up of an expert group under the auspices of the Conference on Disarmament. It considered that the proposals concerning confidence-building measures, including rules of the road, which had been made in the Conference, and more recently, by experts in the Committee, should be

given systematic consideration. It maintained that because of the risks of vertical and horizontal proliferation of dedicated and non-dedicated ASAT capabilities, as well as the dangers posed by possible non-intentional harmful interferences with satellites, the Committee should, as of its next session, assume a new sense of direction to promote the task before it. The proposals made by the delegation were supported by many delegations.

"46. Another delegation noted that its objective in bilateral negotiations was to manage a stable transition to increased reliance on effective defences that threaten no one. It further stated that, together with a 50 per cent reduction in strategic weapons, a robust defence against ballistic missiles would enhance strategic stability by rendering a first strike ineffective. This delegation also noted that in the ASAT area another significant space Power has had the operational capability to attack satellites in near-Earth orbit with a ground-based orbital interceptor. This delegation noted that his country did not possess a comparable operational capability.

"47. In this connection another delegation stated that its country did have a land-based ASAT system, the testing of which was not complete and which, therefore, could not be called operational. In 1983 this country declared a unilateral moratorium on putting into space anti-satellite weapons of any type, which it continues to observe. It had proposed several times to the other major space Power that they should negotiate a mutual ban on the development, testing and deployment of ASAT systems and eliminate such systems that these Powers possessed. However, this proposal was not accepted.

"48. Some delegations considered that there were inherent difficulties in proposals for a ban or limitations on ASAT weapons and referred, in particular, to the diversity and characteristics of the potential threats to space objects, the existence of weapon systems that had an ASAT capability, the limitations of various notions for purposes of defining and prohibiting ASATs, problems of verifiability and the close link between questions relating to ASATs and matters under consideration in the bilateral negotiations. Beyond that, one delegation also elaborated on the various legal restraints that the existing legal régime already imposed on the nature, deployment and use of ASATs.

"49. Various delegations were of the view that consideration should be given to the questions of the protection of satellites and a number of proposals and ideas were examined. Some delegations considered that attempts to establish a protection régime based on a categorization of satellites would give rise to many difficulties and advocated the granting of immunity to all space objects without exception, with the understanding that space weapons would be subject to an unconditional ban. Other delegations were of the view that certain distinctions should be made for the purpose of immunizing satellites and various possibilities were mentioned in terms of their functions, purposes and orbit. In this connection, some delegations held that a protection régime called for improvements in the system of registration of space objects to

permit the identification of the nature and missions of protected space objects. Some delegations stressed in particular that immunity should not be extended to satellites that perform military missions.

"50. One delegation, in introducing a working paper (CD/OS/WP.35), made a presentation at the expert level on the use of outer space for monitoring and verification and on satellite immunity. It first considered that the general conditions for the prevention of an arms race in outer space ruled out measures, such as a comprehensive ASAT ban, which would be delusive or unsuitable for multilateral treatment. It then recalled its proposal for an agency for the processing and interpretation of space images, as a first phase of the international satellite monitoring agency (ISMA) proposed at SSOD-I, underlining that such an agency for the processing and interpretation of space images was not intended to be an embryo of a verification system of universal competence. It finally described the principle of non-interference with non-aggressive space activities as the basis for securing the legal immunity of satellites. The implementation of such a principle would, in the view of that delegation, require a strengthening of the 1975 Registration Convention as well as the elaboration of a space code of conduct. In order to manage the information on the characteristics of space objects, a computerized trajectography centre could be established to reconcile the constraints of confidentiality with the gathering of all the necessary information on satellites' trajectories. This centre would be the instrument of a confidence-building régime.

"51. Another delegation pointed out that placing at the disposal of the international community the results of national satellite monitoring would be a major confidence-building and transparency measure in relations among States, a measure of international verification. In the view of that delegation the possible use of space monitoring would provide the international community with necessary information in the field of verification of the majority of multilateral agreements on confidence-building measures, limitation of armaments and disarmament, which were already in force or being elaborated, as well as for verification of compliance with the agreements on the settlement of regional conflicts and ending local wars. This delegation noted that at the first stage, in the course of the implementation of the tasks before space monitoring means, States possessing such means could provide the international community with the information within a 5-metre resolution limit or less. It was also declared that this State could agree to lift totally the limitations on the level of resolution of the information provided for the international community. This delegation further suggested to set up a group of experts, as proposed by another delegation (CD/OS/WP.30) and assign it the task of preparing a report on the perspectives of satellite monitoring to be submitted to the Conference on Disarmament.

"52. Various other possible measures relating to the security of satellites were mentioned, such as multilateralizing the immunity provided for in certain bilateral agreements to satellites that served as national technical means of verification, a 'rules-of-the-road' agreement, the reaffirmation and further

elaboration of the principle of non-interference with peaceful space activities and 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.

"53. One delegation noted that international legal instruments already existed to ensure the immunity of satellites. This delegation stated that these instruments prohibited the use of force and the threat of the use of force against satellites except in cases of self-defence. This delegation noted, however, that these instruments were not intended to compromise the inherent right of sovereign States to take adequate measures to protect themselves in the event of the threat or use of force.

"54. In the view of a number of delegations, it was imperative to create a coherent set of confidence-building measures in relation to activities in outer space and this could be achieved by initiating a process of data exchange (along the lines of CD/OS/WP.25). Stressing the non-compulsory character of possible measures, one delegation subjected to detailed analysis several articles of the Outer Space Treaty and Registration Convention, which contained 'points of contact' or 'starting points' capable of serving as a framework for this set of measures.

"55. One delegation expressed its conviction that its concept of a 'rules-of-the-road' agreement would be a useful contribution to the creation of a solid future space order as well as the prevention of an arms race in outer space. In its view, the main components of that agreement would be: restrictions on very low altitude overflight by manned or unmanned spacecraft; new stringent requirements for advanced notice of launch activities; specific rules for agreed and possibly defended keep-out zones; grant or restriction of the right of inspection; limitation on high-velocity fly-bys or trailing of foreign satellites; established means by which to obtain timely information and consultations concerning ambiguous or threatening activities. More detailed views on those components were contributed by an independent expert from that country.

"56. Many delegations focussed on the importance of transparency in the activities of States and of accurate information on how outer space was being used. The view was expressed by some delegations that there was a need for expert examination of the parameters on which information should be provided and it was suggested that a group of experts be set up for that purpose. Some delegations believed that strengthening of the Registration Convention would be a valuable confidence-building measure, and they discussed various ways and means of improving the system of notification established thereunder with a view to assuring the availability of timely and adequate information on the nature and purposes of space activities.

"57. In this connection, one delegation suggested the concept of separate protocol negotiated in the Committee on exchange of information on and notification of outer space activities. The same delegation proposed some verification measures which could include verification of notified launches on the basis of mutual invitation or ad hoc mutual inspection without the need of

any international structures. This delegation considered that the Conference might adopt measures not having the character of legal documents but expressing a political commitment and contributing to building confidence, aimed at strengthening the international legal régime applicable to outer space and at increasing the transparency of outer space activities, particularly having military or military related functions. The delegation suggested that these measures could be approved by the Conference as a part of its report on the work on item 5 (CD/941-CD/OS/WP.38).

"58. Some delegations considered that questions concerning the Registration Convention fell within the competence of the Committee on the Peaceful Uses of Outer Space. In addition, one delegation noted that the Registration Convention had been negotiated to establish an international register of space objects to give practical effect to the Convention on International Liability for Damage caused by Space Objects and held that the introduction of changes in the former entailed a high probability of introducing confusion into the latter. Some delegations pointed out that the Registration Convention, as mentioned in its preamble, has to be seen in the context of developing international law governing the exploration and use of outer space and therefore had direct relevance to the work of the Ad Hoc Committee.

"59. Referring to its proposal concerning declarations that weapons have not been deployed in outer space on a permanent basis, one delegation explained that the initiative was aimed at generating a climate of confidence in the field of the prevention of an arms race in outer space. Some delegations welcomed the proposal and recalled that the usefulness of unilateral declarations as confidence-building measures had been acknowledged in various fields of arms limitation and disarmament. Supporting this proposal, one delegation belonging to the Group of Socialist States recalled that it had stated that it would not be the first to place weapons in outer space.

"60. Another delegation, commenting on the problems that in its view this proposal raised, noted that there were many kinds of weapon systems that could be used against space objects and that not all of them need necessarily be placed in space. It pointed out that those were the kinds of issues that were under discussion in the bilateral negotiations.

"61. Some delegations recognized the importance of verification in the context of measures to prevent an arms race in outer space and considered that it should be possible to assure verification of compliance with agreements through a combination of national technical means and international procedures. Other delegations noted that the Outer Space Treaty contained some verification provisions. 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. Reference was made to the proposed international satellite monitoring agency and to international co-operation for the use of Earth monitoring satellites for the verification of arms limitation and disarmament agreements.

"62. One delegation, sharing the view that the key to efficiency in the field of disarmament, including that of outer space, was reliable verification, called for a comprehensive international verification system. In its view, among appropriate means and methods, a very important though not necessarily exclusive role should be attributed to reconnaissance satellites under the control of an international verification organization. That delegation underlined that the most urgent task in preventing an arms race in outer space was to create safe conditions for monitoring from space by means of a comprehensive treaty regulating States' activities in outer space and prohibiting all means and methods being utilized on the surface, in the atmosphere or in outer space, which might be suitable to interfere with the normal functioning of satellites or to destroy them physically, whether they had been dedicated for monitoring civilian or military purposes or not. Results and data obtained by such a monitoring system should be freely available for all States Parties.

"63. Delegations of the Group of Socialist States underlined that the non-deployment of weapons in space should be effectively verified. One of them pointed to the proposal to establish an international inspectorate with the aim to verify that no weapons were placed on objects launched into outer space. Some delegations stressed that the role and use of satellites for purposes of verification should be explicitly recognized by international law. They considered it necessary to elaborate common standards, requirements and procedures for an international satellite data exchange for the purposes of verification, which could be done effectively at an expert level under the auspices of the Ad Hoc Committee. These delegations expressed their conviction that there are already the necessary preconditions for activating a multilateral negotiating process in the direction of the prevention of an arms race in outer space. These delegations believe that in the 'outer space' area of disarmament a step-by-step advancement towards comprehensive agreements through implementing a range of specific and mutually acceptable measures promoting greater confidence and openness would open up promising prospects. Not being disarmament measures as such, they bring closer the possibility of implementing radical measures in the area of real disarmament and limitation of military activities. They eliminate mutual suspicion and mistrust and create a favourable atmosphere for a joint quest of compromise solutions on a non-confrontational basis. In this regard, these delegations expressed the view that a number of concepts of confidence-building measures introduced in the Ad Hoc Committee of the Conference on Disarmament on the prevention of an arms race in outer space are worthy of thorough examination, in particular, the proposal to elaborate a multilateral code of conduct of States in outer space ('rules-of-the-road') and the proposals on the use of space-based remote-sensing techniques for monitoring compliance of international agreements.

"64. One delegation noted in a technical presentation that although inspection of satellites while they were on earth could contribute to verification, there were certain constraints on the conduct and effectiveness of such inspections and that observation of spacecraft while they were in space will become increasingly relevant to, and a fundamental aspect of, verification.

"65. Several delegations noted that the problem of preventing arms in outer space could be considered on the basis of the proposal on the international space inspectorate. Some of them thought that the related problem of detecting arms already put into space could be tackled on the basis of other proposals and the PAXSAT concept seemed to be worthy of attention. Some delegations believed that the establishment of an international space monitoring agency (ISMA) might in future become a crucial component of an international verification régime.

"66. Further developing its proposal put forward at SSOD.III in 1988 one delegation expounded in a working paper (CD/OS/WP.39) its views on the creation of an international agency for space monitoring (ISMA). This delegation specified the eventual tasks, functions, possible structure and basic principles of ISMA, as well as requirements to future space monitoring systems of such an international body which would provide the international community with information on compliance with multilateral disarmament agreements and reduction of international tension, as well as carry out monitoring of the military situation in the areas of conflict. Along with military and political aspects, ISMA's activities could also have an economic effect in terms of supplying the interested States with satellite data for the benefit of their economic development. Having presented details of the step-by-step approach to the creation of ISMA, this delegation consented to the idea that an agency for the processing and interpretation of space images would be created at the first stage of such a process.

"67. One delegation introduced a working paper (CD/945-CD/OS/WP.40) giving details of the proposal for an agency for the processing and interpretation of space images which it had presented to the third special session of the General Assembly devoted to disarmament in 1988. According to that proposal, such an agency would appear as the first phase of an International Satellite Monitoring Agency as proposed in 1978; it would serve to collect, process, interpret and distribute remote sensing data received from existing satellites, for the benefit of the international community, including the verification of disarmament agreements; it would also train photographic interpretation experts and conduct studies and research.

"68. 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 and unwieldy 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, the vastness of space and the possibilities of concealment on Earth posed special problems.

"69. Some delegations stated that verification of agreements not yet in existence, whose terms could not be anticipated, between parties still unknown, were not generic tasks that could be given immediately to

international entities. One of them further noted that the ABM Treaty, the Outer Space Treaty and the Registration Convention, constituted significant elements of this Treaty régime. This delegation believed, moreover, that ill-conceived arms control proposals actually might be dangerous and, if implemented, destabilizing because they could circumvent the development or compromise the effectiveness of strategic defence capabilities that threaten no one. This delegation further stated that although strategic deterrence is accomplished today primarily through reliance on the threat of offensive nuclear weapons, it believes that it would be preferable to rely instead on a balance of offensive retaliatory forces and defensive weapons which threaten no one. This delegation stated that it was convinced that defences that are militarily effective, survivable and cost effective at the margin, would create a safer future in which nuclear missiles become less and less capable of threatening destructive attack. Accordingly, this delegation noted that it would continue to explore the possibility that greater reliance on effective defences against ballistic missiles could, in the future, provide a safer, more stable basis for deterrence of war than the sole reliance on the threat of nuclear retaliation. This delegation also stated that to provide a fully effective layered defence, some elements of a ballistic missile defence system might need to be based in space. This delegation stated that the programme of research, development and testing related to this layered defence system was in full compliance with the 1972 ABM Treaty.

"70. One delegation underlined that satellite monitoring, verification and communications for various purposes had nothing in common with development and testing of space arms' components for their eventual deployment in space. This delegation indicated that weaponization of outer space would inevitably lead to destabilization of the strategic situation, undermining of international security and atmosphere of confidence and co-operation, disruption of the prospects of further arms limitation and disarmament measures.

"71. One delegation submitted a working paper on proposals and comments by Member States of the Conference concerning the participation of technical and other experts in the work of the Ad Hoc Committee (CD/OS/WP.30). The delegation suggested that experts, being members of the delegations, should participate in the Committee's work during a fixed period agreed upon by delegations in formal meetings of the Committee. It also held that it should be possible to conduct informal open-ended expert discussions where experts could impart their knowledge and experience. It suggested that the following issues might require particular expert consideration: the increase of exchanges of data and information, going beyond the Registration Convention, which are needed to promote confidence-building in the area of space activities of States; 'rules of the road' and a code of conduct for outer space; technical means and methods, including the use of satellite technology, for verification applicable to agreements on the prevention of an arms race in outer space; definitions and terminology under consideration in the Committee.

A number of delegations continued to support the establishment of a group of governmental experts to provide technical expertise and guidance in the consideration of issues before the Ad Hoc Committee. In the view of these delegations the participation of several experts from different countries during the Summer Session of the Ad Hoc Committee was well received and some progress was achieved concerning the involvement of experts in the work of the Committee.

"72. Some delegations welcomed the presence of several scientific and technical experts and noted with satisfaction the contribution they made in increasing the Committee's technical knowledge. In this context many delegations continued to support the establishment of a group of governmental experts to provide technical expertise and guidance in the consideration of issues before the Ad Hoc Committee.

"73. Taking note of the contribution of scientific and technical experts, one delegation declared that as the Committee, at the current stage, was still exploring basic issues, philosophies and approaches, such expert contributions would, of necessity, be ad hoc and the need to increase the Committee's technical knowledge did not require the creation of an expert sub-group.

"74. Some delegations noted with satisfaction that at the 1989 session the Ad Hoc Committee gave detailed consideration to concrete proposals for measures aimed at the prevention of an arms race in outer space. In their opinion, the examination of specific proposals had served to identify areas of possible convergence of views and thus provided a good basis for practical work on measures to prevent an arms race in outer space. Recognizing the complexity of the subjects under consideration and the need for further analysis, they held that relevant issues, including those concerning the legal régime applicable to outer space, could be addressed in the context of the consideration of specific proposals. These delegations stressed that after four years of exchanging views on general and abstract issues, they considered that the phase of academic discussions had been amply exhausted and that it was necessary to concentrate every effort on the identification and development of measures aimed at fulfilling the central object of item 5 of the agenda, which is the prevention of an arms race in outer space. Those delegations were of the view that the Ad Hoc Committee should adopt an action-oriented approach to its mandate. They believed that the work of the Committee should continue in that direction.

"75. Some other delegations were of the view that it was necessary to continue the examination of issues relevant to the prevention of an arms race in outer space that had not been sufficiently explored. They believed that much more detailed examination had to be done before it would be possible to undertake further activities. They considered that given the divergence of views on substantive and political issues, the broad scope of individual topics and the highly technical nature of the subject, the Committee had carried out work

which contributed to a better understanding of the subject, but that much remained to be accomplished within the terms of the current mandate and programme of work. They also noted that much of the discussions held on proposals clearly showed the persistence of radically different approaches to the issues and that consensus did not exist on them. Consequently, the Committee needed to continue to study all the subjects covered by the mandate in order to establish a common body of knowledge and understanding, and common definitions of the scope and specific objectives of multilateral efforts for the prevention of an arms race in outer space.

"76. Many delegations, while recognizing the importance of substantive consideration of relevant issues, emphasized that such consideration should be an integral part of the multilateral process of elaborating concrete measures aimed at the prevention of an arms race in outer space and that it could be done in the context of considering specific proposals. They reaffirmed that the objectives of multilateral efforts in this field are clearly set out in the Final Document of the first special session of the General Assembly devoted to disarmament. They also recalled the relevant resolutions adopted by the General Assembly. In this context, these delegations stressed the indispensable role of the Conference on Disarmament as the single multilateral negotiating body on disarmament and the inscription of item 5 on its agenda. Delegations of Socialist States shared the views expressed in this paragraph.

"IV. CONCLUSIONS

"77. There continued to be general recognition in the Ad Hoc Committee of the importance and urgency of preventing an arms race in outer space and readiness to contribute to that common objective. The work carried out by the Committee since its establishment and during 1989 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 and the presentations by delegations contributed to a better understanding of a number of problems and to a clearer perception of the various positions. It was recognized once more that the legal régime applicable to outer space by itself does not guarantee the prevention of an arms race in outer space. There was again 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'. The Ad Hoc Committee gave a preliminary consideration to a number of new 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.

"78. It was agreed that no effort should be spared to assure that substantive work on this agenda item will continue at the next session of the Conference. It was recommended that the Conference on Disarmament re-establish the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space with an adequate mandate at the beginning of the 1990 session, taking into account all relevant factors, including the work of the Committee since 1985."

F. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

91. The item on the agenda entitled "Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons" was considered by the Conference, in accordance with its programme of work, during the periods 3-7 April and 31 July-4 August 1989.

92. The list of documents presented to the Conference during its 1989 session under the agenda item, is contained in the report submitted by the Ad hoc Committee referred to in the following paragraph.

93. At its 525th plenary meeting on 10 August 1989, the Conference adopted the report of the Ad hoc Committee re-established by the Conference under the agenda item at its 484th plenary meeting (see paragraph 9 above). That report (CD/938) is an integral part of this report and reads as follows:

"I. Introduction

"1. At its 484th plenary meeting on 7 February 1989 the Conference on Disarmament decided to re-establish for the duration of its 1989 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 1989 (CD/885).

"II. Organization of work and documents

"2. At its 485th plenary meeting on 9 February 1989, the Conference on Disarmament appointed Ambassador A) Shams Ardekani of the Islamic Republic of Iran as Chairman of the Ad Hoc Committee. Mr. J. Gerardi-Siebert, Political Affairs Officer, United Nations Department for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

"3. The Ad Hoc Committee held 10 meetings between 15 February and 27 July 1989.

"4. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee during the 1989 session: Austria, Finland, Ghana, Greece, Ireland, New Zealand, Norway, Oman, Portugal, Spain, Switzerland, Syrian Arab Republic, Tunisia and Zimbabwe.

"5. The following new document was submitted to the Conference in connection with the item during the 1989 session:

"The Chairman presented a 'non-paper': 'Reflexions on Negative Security Assurances'.

"III. Substantive Work

"6. In the general exchange of views, a number of delegations reiterated their belief that the most effective guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the prohibition of nuclear weapons. In their view, the non-nuclear-weapon States have voluntarily renounced the nuclear option in the expectation that States possessing nuclear weapons would follow suit. It was therefore necessary that the concerned nuclear-weapon States should respond in a positive manner to the repeated call of the non-nuclear-weapon States for security assurances which were necessary for an effective non-proliferation régime. These delegations felt that there was agreement among the majority of the United Nations States to the idea of an international Convention to provide effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, as was reflected in resolution 4869 of the General Assembly adopted with no vote against it. This resolution appealed, inter alia, to all States, especially the nuclear-weapon States, to demonstrate the political will to reach an agreement on a common formula that could be included in an international instrument of a legally binding character. These delegations were of the view that this resolution, as well as those previously adopted by the General Assembly on this issue, should be the starting point of the Committee negotiations. They also felt that the general consensus on the

common formula approach should not be undermined and efforts should be made to resume the search for a situation agreeable to all, in particular, a review of position was required by the nuclear-weapon States, who should realize the necessity of responding positively to the legitimate concerns of security of the non-nuclear-weapon States.

"7. A number of delegations, including a nuclear-weapon State, shared the belief that the most effective and reliable guarantee against the use or threat of use of nuclear weapons was nuclear disarmament and the complete elimination of nuclear weapons. They held the view that pending the achievement of that objective, various interim measures should be taken to strengthen the security of non-nuclear-weapon States, such as the prohibition of the use of nuclear weapons by an appropriate international convention, the assumption of a policy of non-first use that would preclude the use of nuclear weapons against all States, including the non-nuclear-weapon States, and the establishment of nuclear-weapon-free zones as an effective means of ensuring the necessary prerequisites for all nuclear-weapon States to assume obligations not to use nuclear weapons against States belonging to such zones. They referred to the unilateral declaration of non-first use of nuclear weapons made by two nuclear-weapon States. These delegations maintained their strong support, as reflected in resolution 43/68 of the General Assembly of the conclusion of an international legally-binding instrument to assure effectively the non-nuclear-weapon States against the use or threat of use of nuclear weapons. The nuclear-weapon State belonging to this group of delegations reaffirmed the continuing validity of its guarantee of non-use of nuclear weapons with respect to non-nuclear-weapon States which do not have these weapons in their territory, regardless of their adherence to an alliance. These delegations reaffirmed their readiness to participate, together with other delegations, in the search for a solution to the problem of negative security assurances based on a common formula which was to be included in an international legally-binding document. They hoped that all nuclear-weapon States, as well as other States, would be willing to show the required flexibility in order to find an acceptable solution to the issues involved.

"8. A number of delegations, including three nuclear-weapon States recalled their comprehensive views set forth previously in the Ad Hoc Committee. They welcomed the high level of interest of the international community in the question of assurances for non-nuclear-weapon States against the use or threat of use of nuclear weapons, and in this context noted the continued willingness of all to search for further improvements to the existing situation. They noted however that negative security assurances touch upon the fundamental security of all States and that, consequently, decisions in this area cannot be taken lightly. Given the wide range of security concerns faced by States and the variety of measures available to confront them, the search for a

single solution has eluded the Committee so far. None the less, these delegations pointed out their readiness to continue that search, although they did not accept the premise that without a single common formula nothing had been achieved. In this regard, they recalled that all five nuclear-weapon States had given solemn assurances about the non-use of nuclear weapons against non-nuclear-weapon States. They observed that most non-nuclear-weapon States, in practice, should find themselves covered by all five negative security assurances, even though the different concerns of the nuclear-weapon States had obliged them to word their assurances differently, and to vary the qualifications they had applied. While some of those delegations expressed particular sympathy for the view of members of the Committee who are parties to the Treaty on the Non-proliferation of Nuclear Weapons, that their own renunciation of nuclear weapons called for a response in an equally binding form, they pointed out that one of the difficulties in coming to a single common formula for negative security assurances is that the same assurances would be offered to all States, including those who refuse to give a binding form to their non-proliferation undertakings. These States reiterated that the existing assurances, whilst not enshrined in a treaty or convention, nevertheless were solemnly given and are not to be considered as having no weight; they stand as firm, credible and reliable commitments.

"9. 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 that had not done so would adhere to it without reservation.

"10. One nuclear-weapon State was of the view that the most effective guarantee of the security of non-nuclear-weapon States was the complete and total elimination of nuclear weapons and pending the achievement of this goal, 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. The same State considered it entirely reasonable and legitimate for the non-nuclear-weapon States to demand that nuclear-weapon States undertake not to use or threaten to use nuclear weapons against them, since they are committed themselves not to possess nuclear weapons in various ways. It endorsed the suggestion to conclude an international convention on the non-use or threat of use of nuclear weapons against non-nuclear-weapon States and supported the search for a common formula which met the needs of security of the non-nuclear-weapon States. This same State reiterated its unconditional guarantee not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. Further, it expressed the idea that the substantive element in any solution to this problem must be the effective guarantee that takes into consideration the reasonable demand for security of non-use or threat of use of nuclear weapons by non-nuclear-weapon States. It stated that it would welcome any constructive initiative agreeable to non-nuclear-weapon States.

"11. Discussions on the conclusions that could be drawn from the work of the Committee this session of the possibilities of reaching agreement on a common formula to guarantee non-nuclear-weapon States against the use or threat of use of nuclear weapons had again proven inconclusive. Some delegations underlined the importance of making progress on these issues, in the light of the forthcoming Fourth Review Conference of the States parties to the Treaty on the non-proliferation of nuclear weapons.

"IV. Conclusions and recommendations

"12. The Ad Hoc Committee reaffirmed that non-nuclear-weapon States should be effectively assured by the nuclear-weapon States against the use or threat of use of nuclear weapons pending effective measures of nuclear disarmament. Work on the substance of the effective arrangements and discussion on various aspects and elements of a solution, however, revealed that specific difficulties relating to differing perceptions of security interests of nuclear-weapon States and non-nuclear-weapon States persisted and that the complex nature of the issues involved continued to prevent agreement on a 'common formula'. At the same time, the discussion underlined that all delegations supported and expressed their readiness to continue the search for a common approach on the substance of negative security assurances and, in particular, on such a 'common formula'.

"13. Against the aforementioned background the Ad Hoc Committee recommends to the Conference on Disarmament that ways and means should continue to be explored to overcome the difficulties encountered in its work in carrying out negotiations on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. Accordingly, it was generally agreed that the Ad Hoc Committee should be re-established at the beginning of the 1990 session."

G. New types of weapons of mass destruction and new systems of such weapons; radiological weapons

94. The item on the agenda entitled "New Types of Weapons of Mass Destruction and New Systems of Such Weapons; Radiological Weapons" was considered by the Conference, in accordance with its programme of work, during the periods 3-7 April and 31 July-4 August 1989.

95. The list of documents presented to the Conference during its 1989 session under the agenda item is contained in the report submitted by the Ad hoc Committee referred to in the following paragraph.

96. At its 527th plenary meeting on 17 August 1989, the Conference adopted the report of the Ad hoc Committee re-established by the Conference under the agenda item at its 484th plenary meeting (see paragraph 9 above). That report (CD/946) is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. In accordance with the decision taken by the Conference on Disarmament at its 484th plenary meeting held on 7 February 1989, as contained in document CD/886, the Ad hoc Committee on Radiological Weapons was re-established, for the duration of the 1989 session, with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons. The Conference further decided that the Ad hoc Committee would report to it on the progress of its work before the conclusion of its 1989 session.

"II. ORGANIZATION OF WORK AND DOCUMENTATION

"2. At its 485th plenary meeting on 9 February 1989, the Conference on Disarmament appointed Ambassador Oswaldo de Rivero of Peru as Chairman of the Ad hoc Committee. Mr. Michael Cassandra of the United Nations Department for Disarmament Affairs served as Secretary of the Ad hoc Committee.

"3. The Ad hoc Committee held six meetings from 20 February to 7 August 1989. In addition, the Chairman held a number of informal consultations with delegations.

"4. At their request, the representatives of the following States not members of the Conference on Disarmament participated in the work of the Ad hoc Committee: Austria, Denmark, Finland, Greece, Ireland, New Zealand, Norway, Oman, Portugal, Qatar, Senegal, Spain, Switzerland, Turkey and Zimbabwe.

"5. 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 43/75 C and J adopted by the General Assembly at its forty-third session entrusting specific responsibilities to the Conference on Disarmament on this subject.

"6. The following official documents were presented to the Conference on Disarmament:

CD/928, dated 6 July 1989, submitted by the delegation of Hungary, entitled 'Suggested Scopes for the Prohibition of Radiological Weapons.'

CD/929, dated 6 July 1989, submitted by the delegation of Peru, entitled 'Draft Convention on Prohibition of attacks against nuclear installations.'

"7. The following working papers were presented to the Ad hoc Committee:

CD/RW/WP.83 dated 20 February 1989 entitled 'Programme of Work for the first part of the 1989 session'.

CD/RW/WP.84 dated 18 April 1989 entitled 'Programme of work for the second part of the 1989 session'.

CD/RW/WP.85 dated 24 July 1989 entitled 'Report of Contact Group B'.

CD/RW/WP.86 dated 31 July 1989 entitled 'Report of Contact Group A'.

"III. WORK DURING THE 1989 SESSION

"8. At its 1st meeting on 20 February 1989, the Chairman suggested that the Ad hoc Committee continue the same method of work adopted during the 1988 session: that is, that Contact Group A continue to consider the prohibition of radiological weapons in the 'traditional' sense and that Contact Group B continue to consider issues relevant to the prohibition of attacks against nuclear facilities. */ He also recommended that the work of the two groups should be pursued along the lines recommended in the 1988 report of the Ad hoc Committee (CD/864) that is to draw upon the two annexes contained in that report as a basis for its work. In that connection, he suggested the Contact Groups attempt to further clarify and make concise the different approaches to the two issues through the reduction of the existing alternatives as well as the footnotes in those annexes. The Ad hoc Committee decided to follow the recommendations of the Chairman as regards its method of work.

"9. At its 2nd meeting on 27 February, the Ad hoc Committee appointed Mr. Csaba Györfy of Hungary to co-ordinate the work of Contact Group A and Mr. Max Gevers of the Netherlands to co-ordinate the work of Contact Group B.

"10. Also at its 2nd meeting, the Ad hoc Committee held a general exchange of views which confirmed that delegations were interested in pursuing the mandate

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

of the Ad hoc Committee as had been agreed at the previous meeting. Thus, the work of the Ad hoc Committee was carried out in the Contact Groups as established above, except for the consideration and adoption of this report.

"11. On the basis of the work conducted within the Contact Groups, the two co-ordinators presented to the Ad hoc Committee, at its 6th meeting on 7 August 1989, their respective reports (CD/RW/WP.86 and 85), which are reproduced in Annexes I and II to this report, reflecting the current state of consideration of the issues before the Ad hoc Committee. It is understood that the contents of the Annexes are not binding on any delegation.

"IV. CONCLUSIONS AND RECOMMENDATIONS

"12. The work conducted by the Ad hoc Committee during its 1989 session was useful in that it contributed to clarify and make more concise the different approaches which continue to exist with regard to both the important subjects under consideration. It is recommended that the Conference on Disarmament should re-establish the Ad hoc Committee on Radiological Weapons at the beginning of its 1990 session and that the Ad hoc Committee should draw upon the Annexes to this report as a basis for its future work.

"ANNEX I

"Report of Contact Group A

"1. In accordance with the decision taken by the Ad Hoc Committee on Radiological Weapons at its 1st meeting, on 20 February 1989, Contact Group A was re-established to continue consideration of the issues relevant to the prohibition of radiological weapons.

"2. Contact Group A held seven meetings from 6 March to 31 July 1989. In addition, the Co-ordinator held a number of informal consultations with delegations.

"3. According to the guidelines set out during the 1st meeting of the Ad Hoc Committee, Contact Group A used as a basis for its substantive work the Co-ordinator's record as contained in the Report of the Ad Hoc Committee to the Conference on Disarmament in 1988 (CD/864, Annex I, Attachment). The Contact Group reviewed the possible elements for a convention on the subject contained therein.

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

"5. 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. It is recommended that it be appended to the Ad Hoc Committee's report to the Conference on Disarmament, as a basis for future work.

"Attachment

"POSSIBLE ELEMENTS FOR A (CONVENTION) TREATY ON THE
PROHIBITION OF RADIOLOGICAL WEAPONS 1/

"SCOPE

"Paragraph 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. 2/ 3/

"Paragraph 2

"First alternative

"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.

"Second alternative

"Each State Party to this Treaty undertakes never under any circumstances to employ deliberately, by its dissemination, any radioactive material, to cause destruction, damage, or injury by means of the radiation produced by the decay of such material.

"Paragraph 3

"Each State Party to this Treaty also undertakes never under any circumstances to dump radioactive wastes in the territory of another State for hostile purposes or in armed conflict. 4/

"1/ These elements are not intended to prejudice the eventual positions of delegations regarding the question of 'linkage'.

"2/ Views were expressed that such a provision was not necessary.

"3/ The term 'radiological weapon' is defined under 'Definitions'.

"4/ A view was expressed that the provisions contained in this paragraph are covered by paragraph 1 and by the two alternatives of paragraph 2.

"Paragraph 4

"First alternative

"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 it has undertaken not to engage in under the provisions of the Treaty.

"Second alternative

"Each State Party to this Treaty also undertakes not in any way to assist, encourage, or induce anyone to engage in the employment of radioactive material prohibited under the provisions of (para. 2, second alternative).

"Paragraph 5

"First alternative

"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 States Parties under this Treaty;

"(b) to prohibit and prevent diversion to radiological weapons, or to the employment prohibited by (para. 2, first alternative) of this Treaty of radioactive materials that might be used for such weapons or employment;

"(c) to prevent the loss of radioactive materials that might be used for such weapons or employment.

"Second alternative

"Each State Party also undertakes to take any measures which it considers necessary:

"(a) to prohibit and prevent the employment of radioactive material prohibited by (para. 2, second alternative);

"(b) to prohibit and prevent diversion to the employment prohibited by (para. 2, second alternative) of radioactive materials that might be used for such employment;

"(c) to prevent the loss of radioactive materials that might be used for such employment.

"DEFINITIONS 1/

"For the purposes of this Treaty the term 'Radiological Weapon' means: 2/

- "(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.
- "(ii) Any radioactive material specifically configured 3/ for employment, by its dissemination, to cause destruction, damage or injury by the decay of such material.

"PEACEFUL USES

"Paragraph 1

"First alternative

"Nothing in this Treaty should be interpreted 4/ 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 uses 5/ of nuclear energy for economic and social development in conformity with their priorities, interests and needs. 6/

"Second alternative

"Nothing in this Treaty shall be interpreted as affecting the inalienable rights of the States Parties to this Treaty to develop and apply their

"1/ A view was expressed that the alternative approach to the question of Scope, expressed in the second alternative of paragraph 2 and based on the criterion of the prohibition of the use of radioactive materials for hostile purposes did not require any definition.

"2/ A view was expressed that, for the purposes of this Treaty, it might be necessary to clarify what is meant by 'radioactive materials'.

"3/ Some delegations preferred 'prepared' or 'designed' to the word 'configured'.

"4/ A suggestion was made to insert 'or implemented' after 'interpreted'.

"5/ Some delegations suggested the deletion of 'peaceful'.

"6/ 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.

programmes for the peaceful uses of nuclear energy for economic and social development, consistent with the need to prevent the proliferation of nuclear weapons.

"Paragraph 2

"Each State Party to this Treaty undertakes to contribute to the fullest possible extent to the strengthening and promotion of international co-operation in the field of the exchange and utilization for peaceful purposes of nuclear technology, radioactive materials and sources of radiation 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.

"Paragraph 3

"Each State Party to the Treaty undertakes to contribute to the fullest possible extent and in accordance with their international undertakings to international co-operation and assistance to ensure the development and effective implementation of adequate measures of protection for all States against the harmful effects of radiation.

"Paragraph 4

"Nothing in this Treaty shall be interpreted as requiring or permitting a State Party to take measures which could affect the programmes of other States for the peaceful uses of nuclear energy or technology for their economic or social development. 1/

"CESSATION OF THE NUCLEAR ARMS RACE AND NUCLEAR DISARMAMENT

"Paragraph 1

"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/ 3/

"1/ A view was expressed that this commitment should provide for the fulfilment of nuclear safety conditions.

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

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

"OTHER MAIN ELEMENTS

"Paragraph 1

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

"Paragraph 2

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

"Paragraph 3

The implementation of the obligations under this Treaty shall be periodically reviewed as provided for in

"Paragraph 4

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 other international agreements.

"VERIFICATION AND COMPLIANCE 3/

"Paragraph 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.

"Paragraph 2

"First alternative

"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

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

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

"3/ Some delegations were of the view that the subject needs further consideration and reserved their right to express their view at a later stage.

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 (para. 4, first alternative) of this Treaty.

"Second alternative

"Consultation and co-operation pursuant to this paragraph may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a Consultative Committee of Experts as provided for in (para. 4, second alternative) of this Treaty.

"Paragraph 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.

"Paragraph 4

"First alternative

"For the purpose of the effective fulfilment of (para. 2, first alternative) 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.

"Second alternative

"For the purposes set forth in (para. 2, second alternative) the Depositary shall, within one month of the receipt of a request from any State Party, convene a Consultative Committee of Experts. Any State Party may appoint an expert to this Committee, whose functions and rules of procedure are set out in the Annex, which constitutes an integral part of the Treaty.

"Paragraph 5

"First alternative

"Each 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 (para. 1) 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.

"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 (para. 4, first alternative).

"If the possibilities for fact-finding pursuant to (paras. 2 and 6) have been exhausted without resolution of the problem, States Parties may request the Depositary to convene a meeting of the Consultative Committee of the States Parties to consider the matter.

"Second alternative

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

"Paragraph 6

"First alternative

"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.

"Second alternative

"Each State Party to this Treaty undertakes to co-operate to the fullest possible extent with the Consultative Committee of Experts, in accordance with the provisions of the Charter of the United Nations.

"Paragraph 7

"First alternative

"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 a violation of the Treaty.

"Second alternative

"Each State Party to the Treaty undertakes to provide or support assistance, in accordance with the provisions of the Charter of the

United Nations, to any State Party to the Treaty which so requests, if the Consultative Committee of Experts decides that such Party has been harmed or is likely to be harmed as a result of a violation of the Treaty.

"Paragraph 8

"The provisions of 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 (para. 4, first alternative)
of Verification and Compliance

"[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 (para. 4, first alternative)
of Verification and Compliance

"[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 1st 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 1st 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 1st 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

"to (para. 4, second alternative)
of Verification and Compliance

"1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to Article ... of the Treaty by the State Party requesting the convening of the Committee.

"2. The work of the Consultative Committee of Experts 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, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.

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

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

"5. Each expert shall have the right, through the Chairman, to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work.

"6. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.

"ANNEX II

"Report of Contact Group B

"1. In accordance with the decision taken by the Ad hoc Committee on Radiological Weapons at its 1st meeting on 20 February 1989, Contact Group B was re-established to continue consideration of the issues relevant to the prohibition of attacks against nuclear facilities.

"2. Contact Group B held seven meetings from 13 March to 24 July 1989. In addition, the Co-ordinator held a number of informal consultations with delegations.

"3. According to guidelines set out during the 1st meeting of the Ad hoc Committee, Contact Group B used as a basis for its substantive work the Co-ordinator's record as contained in the Report of the Ad hoc Committee to the Conference on Disarmament in 1988 (CD/864, Annex II, Attachment). The Contact Group reviewed the possible elements relevant to the prohibition of attacks against nuclear facilities contained therein.

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

"5. 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 report to the Conference on Disarmament, as a basis for future work.

"Attachment

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

"SCOPE

"Paragraph 1

"First alternative

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

"Second alternative

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

"Third alternative ***/

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

**/ This record does not prejudice the eventual positions of delegations relating to the question of 'linkage', or the positions of delegations on the question of the need of having additional legal protection for nuclear facilities. As to the latter, a view was expressed that additional discussion on existing international agreements pertaining to the question is needed.

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

***/ Some delegations stated that the third alternative of Scope based on the criterion of mass destruction read in conjunction with the first alternative of paragraph 2 of Definitions, paragraph 1 of Criteria, the first alternative of paragraph 1, paragraph 2, the first alternative of paragraph 3, and paragraphs 4 to 6 of Register as well as Special Marking constitute one complete and consistent set of elements to be included in a draft Treaty.

"Paragraph 2

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

"DEFINITIONS

"Paragraph 1

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

- "(i) any damage to, or the destruction of, a nuclear facility; or
- "(ii) any interference, interruption, impediment, stoppage or breakdown in the operation of a nuclear facility; or
- "(iii) any injury to, or the death of, any of the personnel of a nuclear facility.

"Paragraph 2

"First alternative

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

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

which are included in a Register maintained by the Depositary.

"Second alternative

"A nuclear facility means a nuclear reactor or any other facility for the production, handling, treatment, processing or storage of nuclear fuel or other nuclear material.

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

"CRITERIA

"Paragraph 1 */

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

- "(i) They shall be stationary on land; ***/ ****/
- "(ii) Nuclear reactors; designed for a thermal power which could exceed 1 [10] Megawatt, shall have reached their first criticality and shall not have been decommissioned;
- "(iii) Intermediate spent fuel storages; designed for storing radioactive material exceeding 10^{17} [10^{18}] Bq;
- "(iv) Reprocessing plants; designed for containing radioactive material exceeding 10^{17} [10^{18}] Bq;
- "(v) Waste deposits; containing radioactive material exceeding 10^{17} [10^{18}] Bq;
- "(vi) Installations for production or use of intensive sources of gamma radiation; designed to contain radioactive material whose gamma-radiation-dissipated power is equal to or greater than 6×10^{16} [10^{17}] Bq x Mev.

"Paragraph 2

"Additional specification suggested to the above specifications:

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

"DEPOSITARY

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

"*/ This provision calls for further discussion.

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

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

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

"REGISTER

"Paragraph 1

"First alternative

"The Depositary shall maintain a Register of nuclear facilities covered by this Treaty and shall transmit certified copies thereof to each State Party to the Treaty.

"Second alternative

"The Depositary shall maintain a Register of nuclear facilities covered by this Treaty and shall transmit certified copies thereof to each State Party to the Treaty. The register shall be updated at regular intervals.

"Paragraph 2 *'

"State Parties requesting that nuclear facilities under their jurisdiction be included in the Registrar 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, waste deposit including temporary waste storages or installations for production or use of important and intensive sources of gamma-radiation;

"(c) Detailed specifications as applicable in accordance with Paragraph 1 of Criteria of this Treaty. **/

"Paragraph 3

"First alternative

"Upon receipt of a request for an inclusion in the Register, the Depositary shall without delay initiate procedures to confirm that the information contained in the request is correct:

**/ A view was expressed that information in the Register should include 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.

***/ Views were expressed that this matter required further clarification.

"(a) Through, to the extent possible, documentation from the IAEA; and/or

"(b) Through other means, including mission to the facility, when necessary.

"For the purpose of carrying out the procedures in paragraph 3 (a) above the Depositary may, as it deems necessary, enter into agreement with the IAEA.

"For the purpose of carrying out the procedures in paragraph 3 (b) above the Depositary shall, with the 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.

"Second alternative

"Upon receipt of a request for an inclusion in the Register, the Depositary shall communicate it to all State Parties.

"Paragraph 4

"The Depositary shall include the facility in the Register as well as relevant details about the facility concerned, as soon as the information given in the request has been substantiated, and shall immediately notify State Parties to the Treaty of any new inclusion in the Register.

"Paragraph 5

"State Parties having nuclear facilities under their jurisdiction included in the Register shall immediately inform the Depositary of any change that may occur concerning the information given in the request.

"Paragraph 6 */

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

"SPECIAL MARKING

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

*/ Views were expressed that this provision calls for further discussion.

"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 this Treaty. Such complaint shall include all relevant information and all possible evidence supporting the validity of the complaint. This complaint procedure should not exclude others than through the depositary.

"Second alternative

"A State Party may lodge a complaint with the Depositary in case it believes that a nuclear facility on its territory has been attacked or is under threat of attack 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 shall initiate an investigation to ascertain facts relevant to the complaint. Such an investigation may include a fact-finding mission to or at the site of the nuclear facility concerned and to any other site as may be appropriate. The fact-finding mission shall submit its findings to the Depositary within ... days.

"Second alternative

"Within ... days of the receipt of a complaint from any State Party concerning an attack on a nuclear facility, the Depositary shall initiate an investigation of the alleged attack, including arrangements for a fact-finding mission on or at the site of the nuclear facility involved to ascertain the facts. The fact finding mission shall submit the summary of its findings of fact 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

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

"Paragraph 6

"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. */ **/

"Second alternative

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

"Third alternative

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

"Paragraph 7 ***/

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

"Paragraph 8

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

*/ 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."

97. The Conference continued to consider the question of new types of weapons of mass destruction and new systems of such weapons at its plenary meetings. In addition, the respective Presidents of the Conference held informal consultations on possible organizational arrangements that could be made to deal with the item. However, no agreement was reached on such arrangements.

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

H. Comprehensive programme of disarmament

99. The item on the agenda entitled "Comprehensive Programme of Disarmament" was considered by the Conference, in accordance with its programme of work, during the periods 10-14 April and 7-11 August 1989.

100. At its 531st plenary meeting on 31 August 1989, the Conference adopted the report of the Ad hoc Committee which resumed its work in accordance with the provisions of its mandate (see paragraph 9 above). That report (CD/955) is an integral part of this report and reads as follows:

"I. INTRODUCTION

"1. At the 484th plenary meeting of the Conference on Disarmament, on 7 February 1989, the President made a statement noting that the Conference on Disarmament did not need to take a decision on the re-establishment of the Ad Hoc Committee on the Comprehensive Programme of Disarmament, in view of its 1988 mandate. According to that mandate, the Ad Hoc Committee was to continue negotiations of the Comprehensive Programme of Disarmament with the firm intention of completing the elaboration of the Programme for its submission to the General Assembly as its mandate extended to the forty-fourth session of the General Assembly.

"II. ORGANIZATION OF WORK AND DOCUMENTS

"2. At the same plenary meeting, the Conference on Disarmament decided that Ambassador Alfonso García Robles (Mexico) would continue as the Chairman of the Ad Hoc Committee. Mr. J. Gerardi-Siebert, Political Affairs Officer, United Nations Department of Disarmament Affairs, served as Secretary of the Committee.

"3. The Ad Hoc Committee held 23 meetings between 7 February and 24 August 1989.

"4. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the meetings of the Ad Hoc Committee: Austria, Bangladesh, Democratic People's Republic of Korea, Denmark, Finland, Ghana, Greece, Holy See, Ireland, Malaysia, New Zealand, Norway, Portugal, Qatar, Republic of Korea, Senegal, Spain, Tunisia, Turkey and Zimbabwe.

"III. SUBSTANTIVE WORK DURING THE SECOND PART OF THE 1989 SESSION

"5. The Ad Hoc Committee continued negotiations on the Comprehensive Programme of Disarmament on the basis of the text annexed to the report submitted to the General Assembly (CD/867). 1/

"6. The Ad Hoc Committee concentrated its work on various outstanding issues. Contact groups were established and consultations held among interested delegations with a view to resolving differences concerning certain texts. Some progress was made towards harmonizing positions and narrowing areas of disagreement. However, in the time available, it was not possible to reconcile differences on a number of issues and, thus, complete the elaboration of the Programme in 1989. The results of the work are contained in the annex to this report. It was understood that delegations could not take final positions thereon until agreement was reached on outstanding points of difficulty and until the document was complete.

"IV. CONCLUSIONS

"7. Bearing in mind the terms of its mandate, the Ad Hoc Committee agreed to submit to the Conference on Disarmament the results of its work on the elaboration of the Programme for consideration at the forty-fourth session of the General Assembly, as contained in the annex. The Ad Hoc Committee also agreed that it shall resume work with a view to resolving the outstanding issues in the near future, when circumstances are more conducive to making progress in this regard.

"1/ The list of documents may be found in the reports of the previous Ad Hoc Working Group and in the reports of the Ad Hoc Committee which are an integral part of the reports of the Committee on Disarmament and of the Conference on Disarmament (CD/139, CD/292, CD/335, CD/421, CD/540, CD/728, CD/783 and Add.1, CD/832 and CD/867).

"Annex

"[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.

**/ The final text of this paragraph will be determined when the Conference on Disarmament adopts the Programme.

"II. Objectives

"Ultimate Objective

"1. The ultimate objective of the Comprehensive Programme of Disarmament is that general and complete disarmament under effective international control becomes a reality in a world in which international peace and security prevail. To that end all States, in carrying out their obligations, should seek to:

- strengthen international peace and security and respect the security of individual States in accordance with the Charter of the United Nations;
- establish peaceful international relations based on the primacy of international law 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;
- contribute to the safeguarding of the sovereignty and independence of all States;
- increase international confidence and relax international tensions;
- make, through the implementation of the Programme, an effective contribution to the establishment of conditions favourable to the economic and social development of all States, in particular developing States.

"Immediate Objectives

"2. The immediate objectives of the Comprehensive Programme of Disarmament should be to contribute to the strengthening of international peace and security so as to eliminate the risk of war, in particular nuclear war, by identifying measures to halt and reverse the arms race in all its aspects. To this end, the Programme will also aim to:

- maintain and further the momentum in the disarmament process set forth by the first special session of the General Assembly devoted to disarmament;
- facilitate the maintenance of international peace and security at the lowest possible level of armaments and armed forces;
- help promote and give impetus to further negotiations to expedite the halting of the arms race in all its aspects and bring about disarmament by indicating a concrete orientation to facilitate that process;

- encourage the strengthening of the results stemming from agreements and treaties relevant to the problems of disarmament;
- encourage States, through accurate, balanced, factual and objective information and education in all regions of the world, to further public understanding and support for efforts to halt the arms race in all its aspects and to achieve disarmament.

"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.

"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 or 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.

*/ One delegation reserves its position on the inclusion of the text following the first sentence in the chapter on principles.

"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 Charter 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.]

"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.

.....
"*/ Some delegations expressed the belief that the order of the items listed in this paragraph does not constitute an agreed order of importance.

"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.

.....

*/ 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) Bilateral and multilateral efforts for nuclear disarmament should complement and facilitate each other.

"(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

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

*/ 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.

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.]

"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 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

**/ 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.

****/ In this context, the notion of adjoining sea area is understood to refer also to ocean areas adjoining Europe.

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 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:

"/ Further formulations on confidence- and security-building measures and disarmament in Europe should be possible on the basis of work under way in Vienna.

"(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.

"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:

*/ One delegation reserves its position on the inclusion of the current text in the Comprehensive Programme of Disarmament.

"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. **/

"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.

*/ 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.

"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. **/

"(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.

*/ 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.

**/ One delegation reserves its position on this text.

"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 1990 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 of 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

*/ There was a proposal for the convening of a conference on the Mediterranean region (CD/CPD/WP.85).

peace and security in the region. To that end, implementation of all United Nations resolutions pertaining to colonialism, racism and apartheid is urgently required.]

"[(e) South Pacific:

"In view of the interest of States concerned to strengthen peace, security and co-operation in the area, steps should be taken in order to establish in the future a zone of peace and co-operation in the South Pacific. One positive development has been the entry into force of the Treaty of Rarotonga which together with the Treaty of Tlatelolco provides a sound basis to fulfil that goal as long as the States Parties are free to pursue the non-military nuclearization of the South Pacific. The Non-Aligned Movement has also endorsed this proposal since 1975 and it supports its implementation.

"The States of the South Pacific and other concerned States should co-operate to define and implement, as appropriate, such steps.]]

"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 PEACE AND SECURITY

"1. The Charter of the United Nations recognizes the role of disarmament in the maintenance of international peace and security.

"2. International peace and security is to be achieved through a range of measures, arrangements and procedures, including those related to disarmament, designed to reduce and eventually eliminate the risk of war and bring about settlement of international disputes by peaceful means.

"3. In a situation where international peace and security prevail all countries would be able to live free from fear of the threats of use or the use of force by other States, free from pressures seeking to undermine their sovereignty and the fundamental economic, political, social and civil rights of their peoples as enshrined in the Charter of the United Nations.

"4. Prior to, during, and after the implementation of the programme of general and complete disarmament under effective international control, all States should fulfil, in accordance with all relevant provisions of the Charter of the United Nations, their obligations and responsibilities to maintain international peace and security.

"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.] **/

"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.

"*/ 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.

"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 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.

.....

*/ Some delegations reserved their position on these paragraphs which represent the position of one group of States.

"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

101. During its 1989 session, the Conference also held an informal meeting on 18 July 1989 for consideration of further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and in the subsoil thereof.

J. Consideration and adoption of the annual report of the Conference and any other report as appropriate to the General Assembly

102. The item entitled "Consideration and adoption of the annual report to the forty-fourth session of the General Assembly of the United Nations" was considered by the Conference, in accordance with its programme of work, from 14 to 31 August 1989.

103. The present report, as adopted by the Conference on 31 August 1989, is transmitted by the President on behalf of the Conference on Disarmament.

El Ghali Benhima
Morocco
President of the Conference

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