

# CONFERENCE ON DISARMAMENT

CD/956  
Appendix I/Volume I  
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## REPORT OF THE CONFERENCE ON DISARMAMENT

### APPENDIX I

### VOLUME I

List and text of documents issued by the  
Conference on Disarmament

REPORT OF THE CONFERENCE ON DISARMAMENT

APPENDIX I

VOLUME I

List and text of Documents issued by the Conference  
on Disarmament

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Document No.	T i t l e
CD/515/Rev.5	Group of 21: Draft Mandate for an <u>Ad Hoc</u> Committee on item 3 of the agenda of the Conference on Disarmament
CD/819/Rev.1	Group of 21: Draft Mandate for an <u>Ad Hoc</u> Committee on item 2 of the agenda of the Conference on Disarmament - Cessation of the nuclear arms race and nuclear disarmament
CD/876	Letter dated 31 October 1988 addressed to the President of the Conference on Disarmament from the Permanent Representative of the Hungarian People's Republic transmitting the text of the 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
CD/877	Letter dated 12 January 1989 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	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/879	Letter dated 20 January 1989 from the Secretary-General of the United Nations to the President of the Conference on Disarmament transmitting the resolutions and decisions on disarmament adopted by the General Assembly at its forty-third session

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Document No.	T i t l e
CD/880	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	Report of the <u>Ad Hoc</u> Committee on Chemical Weapons to the Conference on Disarmament on its work during the period 17 January to 3 February 1989
CD/882	Letter dated 2 February 1989 from the Representative of the Union of Soviet Socialist Republics addressed to the President of the Conference on Disarmament, forwarding disarmament-related excerpts from the 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
CD/883	Letter dated 3 February 1989 addressed to the President of the Conference on Disarmament from the Permanent Representative of the German Democratic Republic transmitting the text of the 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
CD/884	Agenda for the 1989 session and Programme of Work for the Conference on Disarmament
CD/885	Decision on the re-establishment of an <u>ad hoc</u> committee on effective international arrangements to <u>assure non-nuclear-weapon</u> States against the use or threat of use of nuclear weapons
CD/886	Decision on the re-establishment of an <u>ad hoc</u> committee on radiological weapons
CD/887	Letter dated 13 February 1989 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Representative of the Czechoslovak Socialist Republic transmitting the text of the 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
CD/888 issued in English and Russian only	Letter dated 15 February 1989 addressed to the President of the Conference on Disarmament from the Permanent Representative of the People's Republic of Bulgaria transmitting the text of the 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

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Document No.	Title
CD/889	Decision on the re-establishment of the <u>Ad Hoc</u> Committee on Chemical Weapons
CD/890 CD/CW/WP.223	Hungary: Report on the first National Trial Inspection
CD/890/Add.1 CD/CW/WP.223/Add.1	Hungary: Report on the first National Trial Inspection - Facility Attachment
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/892	Letter dated 22 February 1989 addressed to the President of the Conference on Disarmament from the Permanent Representative of the People's Republic of Bulgaria transmitting the text of the Decision for Unilateral Reductions of the Armed Forces and the Military Budget of the People's Republic of Bulgaria
CD/893 CD/CW/WP.224	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 CD/CW/WP.225	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 the text of the Report on the National Trial Inspection carried out in the USSR to Test Procedures for the Systematic Verification of the Non-Production of Chemical Weapons in Industry
CD/895/Rev.1 CD/CW/WP.226/Rev.1	Brazil: National Trial Inspection - Technical Report
CD/896	Letter dated 6 March 1989 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Representative of the Mongolian People's Republic transmitting the text of a 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
CD/897	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



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Document No.	Title
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"
CD/899 CD/CW/WP.227	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 German Democratic Republic undertaken in a facility of the chemical industry"
CD/900 CD/CW/WP.229	Czechoslovakia: Report on the Conduct and Results of the National Trial Inspection
CD/901 CD/CW/WP.230	France: Convention on chemical weapons - Confidentiality
CD/902	Letter dated 16 March 1989 addressed to the President of the Conference on Disarmament from the Permanent Representative of the German Democratic Republic transmitting a working paper on the verification of a nuclear test ban
CD/903 and Corr.1 issued in English only	Fifth Report to the Conference on Disarmament of the <u>Ad Hoc</u> Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events - Technical Concepts for a Global System for International Seismic Data Exchange
CD/904	Progress Report to the Conference on Disarmament on the twenty-seventh session of the <u>Ad Hoc</u> Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events
CD/905 CD/OS/WP.28	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/906	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 the text of an Announcement concerning the withdrawal of Soviet Military Units from the Mongolian People's Republic
CD/907	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"

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Document No.	Title
CD/908 CD/OS/WP.29	Letter dated 31 March 1989 addressed to the Secretary-General of the Conference on Disarmament from the Permanent Mission of Venezuela transmitting a list of existing proposals on the prevention of an arms race in outer space
CD/909 CD/CW/WP.232	United Kingdom of Great Britain and Northern Ireland: Chemical Weapons Convention - <u>Ad hoc</u> Inspections
CD/910 CD/CW/WP.234	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	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 CD/CW/WP.235	Federal Republic of Germany: Report on a National Trial Inspection
CD/913 CD/CW/WP.240	France: National Trial Inspection
CD/914	Letter dated 13 April 1989 addressed to the President of the Conference on Disarmament from the Permanent Representative of the German Democratic Republic transmitting texts of the 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"
CD/915 CD/OS/WP.32	Chile: Legal problems raised by the militarization of outer space
CD/916 CD/CW/WP.242	France: Chemical Weapons Convention - The Scientific Advisory Council
CD/917 CD/CW/WP.243	Belgium: National Trial Inspection
CD/918	Letter dated 29 May 1989 from the Permanent Representative of the Socialist Republic of Romania to the United Nations Office at Geneva addressed to the Secretary-General transmitting an Appeal from the States Parties to the Warsaw Treaty to the Member States of the North Atlantic Treaty Organization

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Document No.	T i t l e
CD/919 issued in English, French and Russian only	Letter dated 7 June 1989 addressed to the President of the Conference on Disarmament from the Chargé d'affaires, Deputy Permanent Representative of the People's Republic of Bulgaria transmitting the text of the 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
CD/920	Programme of Work for the second part of the 1989 session of the Conference on Disarmament
CD/921 CD/CW/WP.245	United Kingdom of Great Britain and Northern Ireland: Verification of the Chemical Weapons Convention: Practice challenge inspections of military facilities
CD/922 CD/CW/WP.250	United States of America: Report on a United States National Trial Inspection Exercise
CD/923	Letter dated 20 June 1989 from the Representatives of Brazil, Peru and Venezuela to the Secretary-General of the Conference on Disarmament transmitting the text of the Amazon Declaration adopted in Manaus, Brazil, on 6 May 1989
CD/924 CD/CW/WP.251	Netherlands: Report on a National Trial Inspection
CD/925 CD/CW/WP.252	Netherlands: An attempt to verify non-production in a chemical plant
CD/926	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/927 CD/OS/WP.33	German Democratic Republic: Working paper on ASAT components and ways of verifying their prohibition
CD/928	Hungary: Working paper on suggested scopes for the prohibition of radiological weapons
CD/929	Peru: Draft Convention on the prohibition of attacks against nuclear installations

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Document No.	T i t l e
CD/930	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	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 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
CD/932	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/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/934	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 of Nuclear and Chemical Weapons, for a Substantial Reduction of Armed Forces, Armaments and Military Spending"
CD/935	Norway: Verification of a Comprehensive Nuclear Test Ban: The Norwegian Seismic Verification Programme - Summary of Research Results 1988/89

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Document No.	Title
CD/936	Norway: Verification of Alleged Use of Chemical Weapons - A new approach for verification procedures
CD/937 CD/OS/WP.35	Letter dated 20 July 1989 from the Representative of France addressed to the Secretary-General of the Conference on Disarmament transmitting a working paper entitled "Prevention of an Arms Race in Outer Space: Proposals concerning monitoring and verification and satellite immunity"
CD/938	<u>Ad Hoc</u> Committee on Effective International Arrangements to Assure Non-nuclear-weapon States against the Use or Threat of Use of Nuclear Weapons: Report to the Conference on Disarmament
CD/939 CD/OS/WP.37	Peru: 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
CD/940	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/941 CD/OS/WP.38	Letter dated 1 August 1989 addressed to the Secretary-General of the Conference on Disarmament by the Permanent Representa- tive of the Polish People's Republic transmitting a working paper entitled "Confidence-Building Measures Related to item 5"
CD/942	Letter dated 1 August 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 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
CD/943	Letter dated 1 August 1989 addressed to the President of the Conference on Disarmament by the Representative of the United States of America transmitting the text of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the 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
CD/944	Progress Report to the Conference on Disarmament on the twenty-eighth session of the <u>Ad Hoc</u> Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events

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Document No.	Title
CD/945 CD/OS/WP.40	Letter dated 1 August 1989 from the Representative of France to the Secretary-General of the Conference on Disarmament transmitting a working paper entitled "Space in the Service of Verification: Proposal concerning a Satellite Image Processing Agency"
CD/946	Report of the <u>Ad Hoc</u> Committee on Radiological Weapons
CD/947	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 Agency Safeguards as a Model for Verification of a Chemical Weapons Convention"
CD/948 CD/CW/WP.260	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 CD/CW/WP.261	Czechoslovakia: Data relevant to the Convention on the Complete and General Prohibition and Destruction of Chemical Weapons
CD/950 CD/CW/WP.263	Federal Republic of Germany: Report on a Trial Inspection to test the validity of a proposed format for <u>ad hoc</u> on-site verification
CD/951	Statement by the Group of 21 on the Government-Industry Conference against Chemical Weapons
CD/952 and Corr.1 in French only	Report of the <u>Ad Hoc</u> Committee on Chemical Weapons to the Conference on Disarmament
CD/953	Letter dated 21 August 1989 addressed to the President of the Conference on Disarmament by the Permanent Representatives of India, Mexico, Sweden and the Chargé d'affaires, a.i. of Argentina transmitting the text of the Joint Statement made on the occasion of the Fifth Anniversary of the Initiative for Peace and Disarmament on 22 May 1989
CD/954	Report of the <u>Ad Hoc</u> Committee on Prevention of an Arms Race in Outer Space
CD/955	Report of the <u>Ad Hoc</u> Committee on the Comprehensive Programme of Disarmament
CD/956	Report of the Conference on Disarmament to the General Assembly of the United Nations

Group of 21

Draft Mandate for an Ad hoc Committee on item 3  
of the agenda of the Conference on Disarmament

1. In the discharge of its responsibility as the single multilateral disarmament negotiating forum, in accordance with paragraph 120 of the Final Document of SSOD-I, the Conference on Disarmament decides to establish an ad hoc Committee under agenda item 3 entitled "Prevention of nuclear war, including all related matters".
2. The Conference requests the ad hoc Committee, as a first step, to consider all proposals relevant to agenda item 3, including appropriate and practical measures for the prevention of nuclear war. The ad hoc Committee will take into account all existing proposals and future initiatives and report on its work to the Conference on Disarmament before the end of its 1989 session.

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Group of 21

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

1. In the discharge of its responsibility as the single multilateral disarmament negotiating forum, in accordance with paragraph 120 of the Final Document of SSOD-I, the Conference on Disarmament decides to establish an Ad hoc Committee under item 2 entitled "Cessation of the nuclear arms race and nuclear disarmament".
2. The Conference requests the Ad hoc Committee, as a first step, to elaborate on paragraph 50 of the Final Document and to identify substantive issues for multilateral negotiations as follows:
  - (i) the elaboration and clarification of the stages of nuclear disarmament envisaged in paragraph 50 of the Final Document including identification of the responsibilities of the nuclear weapon States and the role of the non-nuclear weapon States in the process of achieving nuclear disarmament;
  - (ii) clarification of the issues involved in prohibiting the use or threat of use of nuclear weapons, pending nuclear disarmament, and in the prevention of nuclear war;
  - (iii) clarification of the issues involved in eliminating reliance on doctrines of nuclear deterrence;
  - (iv) measures to ensure an effective discharge by the CD of its role as the single multilateral negotiating body in the field of disarmament and in this context its relationship with negotiations relating to nuclear disarmament conducted in bilateral, regional and other restricted forums.
3. The Ad hoc Committee will take into account all existing proposals and future initiatives and report on its work to the Conference on Disarmament before the end of its 1989 session.

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# CONFERENCE ON DISARMAMENT

CD/876

31 October 1988

Original: ENGLISH

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LETTER DATED 31 OCTOBER 1988 ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT FROM THE PERMANENT REPRESENTATIVE OF THE HUNGARIAN PEOPLE'S REPUBLIC TRANSMITTING THE TEXT OF THE COMMUNIQUE 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

I have the honour to transmit herewith the text of the 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.

I would be grateful if you could arrange for the circulation of the Communiqué and the Statement as official documents of the Conference on Disarmament.

(Signed) István VARGA  
Ambassador  
Permanent Representative

COMMUNIQUE

on the Meeting of the Committee of Ministers for  
Foreign Affairs of the Warsaw Treaty

The Committee of Ministers for Foreign Affairs of the Warsaw Treaty on Friendship, Co-operation and Mutual Assistance held its regular meeting in Budapest, on 28 and 29 October 1988.

The meeting was attended by the Minister for Foreign Affairs of the Bulgarian People's Republic, Petar Mladenov, the Minister for Foreign Affairs of the Czechoslovak Socialist Republic, Jaromir Johanes, the Minister for Foreign Affairs of the Polish People's Republic, Tadeusz Olechowski, the Minister for Foreign Affairs of the Hungarian People's Republic, Peter Varkonyi, the Minister for Foreign Affairs of the German Democratic Republic, Oskar Fischer, the Minister for Foreign Affairs of the Socialist Republic of Romania, Ioan Totu and the Minister for Foreign Affairs of the Union of Soviet Socialist Republics, Eduard Shevardnadze.

The Ministers reviewed current developments in European and international situations. They stated that the assessments of the international situation and its perspectives voiced at this year's Warsaw meeting of the Political Consultative Committee are still valid today. The States Parties to the Warsaw Treaty will make every possible effort to bring about a real change in world politics towards strengthening peace, disarmament - nuclear disarmament in particular - and extensive mutually beneficial co-operation, on the basis of respect for equal rights, independence and sovereignty, non-interference in internal affairs and all other generally recognized principles and norms of international law.

They expressed their readiness to pursue dialogue with every State and with every political and social force to achieve this objective.

On the basis of the inviolability of frontiers and existing territorial and political realities, the meeting devoted particular attention to issues related to strengthening peace and co-operation in Europe. The participants re-emphasized their countries' endeavours for an early conclusion of the Vienna Follow-up Meeting of the Conference on Security and Co-operation in Europe with substantial results. This would create the conditions for starting negotiations as early as 1988 on the reduction of armed forces and conventional armaments and on confidence- and security-building measures in Europe, and would give impetus to the expansion of co-operation in the economic, trade, scientific, and technological spheres, in the fields of ecological security, and humanitarian issues, as well as to the enforcement of human rights.

A statement on confidence- and security-building measures and disarmament in Europe was adopted at the meeting.

The ministers noted that developments in settling regional conflicts have a favourable influence on the international situation.

The participants at the meeting expressed their firm determination to develop and deepen co-operation on international issues among the allied socialist countries.

The meeting of the Committee of the Ministers for Foreign Affairs was conducted in an atmosphere of friendship and comradely co-operation.

The next meeting will be held in Berlin.

## STATEMENT

on Confidence- and Security-Building Measures and  
Disarmament in Europe

The States Parties to the Warsaw Treaty believe that confidence- and security-building measures can facilitate, as significant means and stimulating factors, the reduction of military threat and the achievement of real disarmament, as well as the strengthening of peace and stability in relations among nations.

From the point of view of improving the political atmosphere the importance of measures adopted at the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe in September 1986 is becoming apparent to the extent of their implementation. The Stockholm Document demonstrates that important security issues can be solved by political will and mutual efforts by all interested States in the spirit of the new thinking. The resumption of the work of the Conference on Confidence- and Security-Building Measures and Disarmament in Europe and the further implementation of the Stockholm Document and its provisions broadens the perspectives for negotiations concerning both more significant confidence- and security-building measures and the reduction of armed forces and conventional armaments in Europe.

Further improvements of confidence- and security-building measures on the European continent is of particular significance today when the 23 States Parties to the Warsaw Treaty and NATO are preparing to enter into negotiations of unique scope and importance on armed forces and conventional armaments in Europe from the Atlantic to the Urals. In the view of the allied socialist countries military confidence- and security-building measures and efforts towards the reduction of armed forces and conventional armaments are interrelated. Further steps in the field of confidence- and security-building measures facilitate progress towards the reduction of armed forces and conventional armaments in Europe and the solution of other disarmament issues, which in turn would create favourable conditions to increased confidence.

The Ministers for Foreign Affairs of the States Parties to the Warsaw Treaty believe that the negotiations on confidence- and security-building measures in Europe should be continued as early as 1988. In order to reduce military confrontation and the risk of an armed conflict in Europe, to reduce and avert the danger of a surprise attack and to enhance mutual security, to lend a strictly defensive character to military activities and to increase their openness and predictability as well as to promote the implementation of disarmament measures, the negotiations should make it possible that the measures elaborated ultimately cover the activity of all elements of armed forces (ground, air and naval forces) of the States participating in the process of security and co-operation in Europe (CSCE). The creation, on an equal basis, of mechanisms and procedures for contacts and consultations would also serve these objectives.

Confidence- and security-building measures should be applied to all the military activities of the participating States that affect European security, or which constitute part of military actions taking place within the boundaries of Europe. These measures should be substantial, militarily effective and politically binding.

The military confidence- and security-building measures should be worked out and introduced gradually, taking into account the military and geographical realities in Europe and the level of mutual understanding among States.

Being an important element of the all-European process, the negotiations should be conducted on the basis of the Madrid Mandate including the objectives, the principles, the subject of negotiations, the zone of application of confidence- and security-building measures, the rules of procedure contained in the mandate, and should be in accordance with the concluding document of the Vienna Follow-up Meeting.

It would be expedient to continue efforts at the negotiations, to develop and expand the existing confidence- and security-building measures, and a new set of measures could also be worked out on the basis of proposals by the participating States.

Agreements to be reached in the course of the negotiations by the 23 and the 35 States respectively should be in harmony with each other and should complement and reinforce each other.

In the view of the States Parties to the Warsaw Treaty a new generation of confidence- and security-building measures could be worked out in the following main directions:

1. Constraining measures

These measures would apply to the size and number of simultaneous military exercise, the duration and frequency of military exercise, ban large-scale military exercise and restrict the redeployment of troops and technical equipment. Moreover, they would envisage the limitation of the number of combat-ready (alertness) military exercise and the number of troops engaged; they would affect the series of large-scale military exercise constituting a unified military exercise by concept, and would also envisage restraint on military activities in the vicinity of borders of the participating States.

2. New confidence- and security-building measures

These would include prior notification of independent activities by air and naval forces, invitation of observers according to appropriate parameters, inspection of such activities and agreement on restricting measures, modalities of exchange of annual calendars of such activities; extension of confidence- and security-building measures to the territories of all the countries participating in the CSCE process; creation of zones of confidence and security in Europe and the adjoining seas and oceans; and also the possibility of working out such confidence- and security-building measures that envisage more stringent régimes on the basis of the closeness to lines of contact between the military-political alliances or other States. Measures to avoid incidents on seas and oceans adjoining Europe and in the airspace thereof would also be co-ordinated.

Different aspects of military doctrines could be discussed and compared in the course of or in connection with the negotiations. Issues related to a freeze on and reduction of military budgets could also be explored.

The States Parties to the Warsaw Treaty believe that the establishment of a European Centre for reducing military threat and preventing surprise attack would signify a qualitatively new step in reinforcing mutual confidence. The task of such a centre would be to exchange information and maintaining contacts as well as to hold consultations primarily for the operative settlement of events which give rise to concern or suspicion.

3. Measures to increase the openness and predictability of military activities: inspection, exchange of information and consultations

These measures would cover regular exchange of data on armed forces and their activities, including forces deployed at military bases around Europe; exchange of information on the structure and substance of military budgets; refraining from new military bases on the territories of foreign States; setting-up observation posts at co-ordinated sites (points) within the zone of application of confidence- and security-building measures; creation of special operative communication links between the interested countries; improving conditions for inspection and working opportunities for observers; the use of the latest technical equipment; developing relations between political and military representatives of the participating States and broadening the present practice of exchange of military-diplomatic representations and military delegations.

Other measures promoting mutual understanding and enhancing confidence and security could also be adopted.

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The ideas and proposals by the States Parties to the Warsaw Treaty concerning confidence- and security-building measures are based on the defensive nature of their military doctrine. Their implementation is meant to make the military potentials of the participating States become strictly defensive in nature.

In connection with this, the States represented at the meeting stand for the elimination of military bases on foreign territories and reaffirm their position concerning the simultaneous dissolution of the military-political alliances.

In the opinion of the States Parties to the Warsaw Treaty, the convening of an all-European summit meeting to explore issues concerning the reduction of armed forces and conventional armaments in Europe, with the participation of the United States and Canada, would also contribute to the elaboration and implementation of new confidence- and security-building measures.

The States Parties to the Warsaw Treaty are ready to study other possible proposals aiming to enhance mutual confidence and security and to accelerate the process of disarmament in Europe.

# CONFERENCE ON DISARMAMENT

CD/877  
CD/CW/WP.218  
13 January 1989

Original: ENGLISH

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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" 1/

I have the honour to transmit herewith 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".

I should be grateful if you would arrange for this document to be issued and circulated as an official document of the Conference and as a working paper of the Ad Hoc Committee on Chemical Weapons.

Aldo Pugliese

Ambassador

Head of the Permanent Mission of Italy  
to the Conference on Disarmament

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1/ A limited distribution of this document in English only has been made to the members of the Ad Hoc Committee on Chemical Weapons. Additional copies may be obtained from the Mission of Italy to the Conference on Disarmament.

# CONFERENCE ON DISARMAMENT

CD/878

18 January 1989

Original: ENGLISH

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LETTER DATED 17 JANUARY 1989 ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT FROM THE CHARGE 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

I attach 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.

I would be grateful if this Statement could be distributed as a document of the Conference on Disarmament.

(Signed) Pavel Chlumský  
chargé d'affaires a.i.



STATEMENT

of the Government of the Czechoslovak Socialist Republic on issues concerning prohibition and elimination of chemical weapons

The Czechoslovak Socialist Republic is convinced that achievement of global prohibition and elimination of chemical weapons is one of the fundamental prerequisites of the disarmament process to which vital interests of all countries and nations of the world are linked. Prohibition and elimination of chemical weapons would strengthen universal security, reduce the risk of a war conflict and facilitate building of relations on realistic foundations of balance of interests. On the contrary, existence and perfection of chemical weapons pose a direct threat to stability and peace both in Europe and world wide.

In this context, it is disquieting that the efforts exerted for many years in the United Nations and at the Conference on Disarmament in Geneva with a view to concluding a Convention on the prohibition of chemical weapons and on their destruction have not yet produced the desired result.

In view of the especially grave danger that would result from accumulation, deployment and use of chemical weapons, including binary weapons, in Europe, the Czechoslovak Socialist Republic is determined to continue to strive for implementation of the proposal for the establishment of a chemical weapons-free zone in Europe which it has, jointly with the Government of the German Democratic Republic, addressed to the Government of the Federal Republic of Germany. In this regard, the Czechoslovak Socialist Republic proceeds on the basis of unity and mutually supportive nature of regional and global approaches to arms limitation and disarmament and also of the fact that progress in disarmament is closely linked with positive developments in all spheres of international relations.

This line guides also the Czechoslovak initiative aimed at establishing a zone of confidence, co-operation and good-neighbourly relations on the dividing line between the member States of the NATO and the Warsaw Treaty Organization put forward in February 1988 by the General-Secretary of the Central Committee of the Communist Party of Czechoslovakia, Milos JAKES.

Responding to the respective Declaration of the Communist Party of Czechoslovakia, the Socialist Unity Party of Germany and the Social Democratic Party of Germany, the Government of Czechoslovak Socialist Republic is ready to start without delay talks on removal of chemical weapons from or their non-deployment in Central Europe, as the case may be, inclusive of application of corresponding verification measures. Holding such talks would mean at the same time giving the needed impetus to acceleration of progress towards global prohibition of chemical weapons.

Conclusion of a convention on the complete and comprehensive prohibition of chemical weapons and the destruction of their stockpiles is considered by us to be one of the tasks of priority in the field of disarmament as were set forth at the latest session of the Political Consultative Committee of the States Parties to the Warsaw Treaty held in Warsaw in July 1988. In this connection, encouragement may be drawn also from certain positive results achieved during the consideration of the issue of prohibition of chemical weapons at the forty-third session of the General Assembly of the United Nations, especially the unanimous expression by United Nations member States of support for the formulation of the respective convention.

Significant step in this field will be the forthcoming Paris Conference of the States Parties to the Protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases and of bacteriological methods of warfare of 1925 and other interested countries. Guided by the desire to create favourable conditions for the conclusion of the Convention on the complete prohibition and the elimination of chemical weapons, the Government of the Czechoslovak Socialist Republic declares the following:

1. The Czechoslovak Socialist Republic does not either possess or manufacture or stockpile on its territory any chemical weapons. No facilities destined for development or manufacture of chemical weapons exist in the Czechoslovak Socialist Republic. Research and laboratory works conducted in the Czechoslovak Socialist Republic serve exclusively purposes of protection against effects of chemical weapons and peaceful objectives.
2. The Czechoslovak Socialist Republic attaches great importance to formulation of appropriate measures for systematic monitoring of chemical industry that would ensure with absolute reliability that no chemical weapons be manufactured and supports the endeavours of the Conference on Disarmament in Geneva at working out a solution to these issues. In this context the Czechoslovak Socialist Republic is ready to take part in experimental testing of agreed verification procedures.
3. In the context of multilateral exchange of data relating to the drafting of the Convention on the prohibition of chemical weapons and their destruction the Czechoslovak Socialist Republic will be willing to provide at the appropriate stage all the necessary information concerning civilian institutions producing substances to be subject to verification under the Convention.
4. Certain legal measures have been formulated in the Czechoslovak Socialist Republic to limit export of some dangerous dual-purpose chemicals with the view of preventing their misuse for manufacture of chemical weapons.
5. The Czechoslovak Socialist Republic is ready to become a founding State Party to the Convention on the prohibition of chemical weapons and on their destruction as soon as its drafting is completed at the Conference on Disarmament in Geneva.

The Czechoslovak Socialist Republic trusts that all States, for their respective parts, will make constructive efforts to achieve without delay a solution to the urgent problems of prohibition of chemical weapons and their destruction and the verification issues related thereto.

# CONFERENCE ON DISARMAMENT

CD/879  
3 February 1989

Original: ENGLISH

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LETTER DATED 20 JANUARY 1989 FROM THE SECRETARY-GENERAL  
OF THE UNITED NATIONS TO THE PRESIDENT OF THE CONFERENCE  
ON DISARMAMENT TRANSMITTING THE RESOLUTIONS AND DECISIONS  
ON DISARMAMENT ADOPTED BY THE GENERAL ASSEMBLY AT ITS  
FORTY-THIRD SESSION

I have the honour to transmit herewith the texts of the resolutions adopted by the General Assembly at its forty-third session, which entrust specific responsibilities to the Conference on Disarmament in 1989. The relevant provisions of those resolutions are reproduced in the Annex.

For the information of the Conference, you will also find attached the texts of other resolutions and of two decisions, dealing with or related to disarmament matters, which were adopted by the General Assembly at its forty-third session.

(Signed) Javier Pérez de Cuéllar

ANNEX

I. Resolutions dealing with disarmament matters

(A) Resolutions that entrust specific responsibilities to the Conference on Disarmament

At its forty-third session, the General Assembly adopted the following resolutions 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"

The Conference's attention should be drawn, in particular, to the following provisions contained in those resolutions:

(1) In resolution 43/63 A, operative paragraph 5 appeals to all States members of the Conference on Disarmament to promote the establishment by the Conference at the beginning of its 1989 session of an ad hoc committee with the objective of carrying out the multilateral negotiation of a treaty on the complete cessation of nuclear-test explosions; and operative paragraph 6 recommends to the Conference on Disarmament that such an ad hoc committee should comprise two working groups dealing, respectively, with the following interrelated questions: contents and scope of the treaty, and compliance and verification.

(2) In resolution 43/64, operative paragraph 2 urges that the following actions be taken in order that a comprehensive nuclear-test-ban treaty may be concluded at an early date: (a) The Conference on Disarmament should intensify its consideration of item 1 of its agenda entitled "Nuclear-test ban" and initiate substantive work on all aspects of a nuclear-test-ban treaty at the beginning of its 1989 session; (b) States members of the Conference on Disarmament, in particular the nuclear-weapon States, and all other States should co-operate in order to facilitate and promote such work; (c) The nuclear-weapon States, especially those that possess the most important nuclear arsenals, should agree promptly to appropriate verifiable and militarily significant interim measures, with a view to realizing a comprehensive nuclear-test-ban treaty; (d) Those nuclear-weapon States that have not yet done so should adhere to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water; operative paragraph 3 also urges the Conference on Disarmament: (a) To take immediate steps for the establishment, with the widest possible participation, of an international seismic monitoring network with a view to the further development of its potential to monitor and verify compliance with a comprehensive nuclear-test-ban treaty; (b) In this context, to take into account the progress achieved by the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events, including work on the routine exchange and use of wave-form data, and other relevant initiatives or experiments by individual States and groups of States; (c) To initiate detailed investigation of other measures to monitor and verify compliance with such a treaty, including an international network to monitor atmospheric radioactivity; and operative paragraph 4 calls upon the Conference on Disarmament to report to the General Assembly at its forty-fourth session on progress made.

(3) In resolution 43/68, operative paragraph 2 recommends that the Conference on Disarmament pursue intensive negotiations in its Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons at the beginning of its 1989 session, with a view to reaching such an agreement, taking into account the widespread support in the Conference for the conclusion of an international convention.

(4) In resolution 43/69, operative paragraph 2 notes with satisfaction that in the Conference on Disarmament there is no objection, in principle, to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, although the difficulties as regards evolving a common approach acceptable to all have also been pointed out; operative paragraph 4 recommends that further intensive efforts should be devoted to the search for such a common approach or common formula and that the various alternative approaches, including in particular those considered in the Conference on Disarmament, should be further explored in order to overcome the difficulties; and operative paragraph 5 recommends that the Conference on Disarmament should actively continue negotiations with a view to reaching early agreement and concluding effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention and giving consideration to any other proposals designed to secure the same objective.

(5) In resolution 43/70, operative paragraph 5 reiterates that the Conference on Disarmament, as the single multilateral disarmament negotiating forum, 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; operative paragraph 6 requests the Conference on Disarmament to consider as a matter of priority the question of preventing an arms race in outer space; operative paragraph 7 also requests the Conference on Disarmament to intensify its consideration of the question of the prevention of an arms race in outer space in all its aspects, taking into account all relevant proposals and initiatives, including those presented in the Ad Hoc Committee on the prevention of an arms race in outer space at the 1988 session of the Conference and at the forty-third session of the General Assembly; operative paragraph 8 further requests the Conference on Disarmament to re-establish an ad hoc committee with an adequate mandate at the beginning of its 1989 session, with a view to undertaking negotiations for the conclusion of an agreement or agreements, as appropriate, to prevent an arms race in outer space in all its aspects; operative paragraph 9 urges the Union of Soviet Socialist Republics and the United States of America to pursue intensively their bilateral negotiations in a constructive spirit aimed at reaching early agreement for preventing an arms race in outer space, and to advise the Conference on Disarmament periodically of the progress of their bilateral sessions so as to facilitate its work; and operative paragraph 12 requests the Conference on Disarmament to report on its consideration of this subject to the General Assembly at its forty-fourth session.

(6) In resolution 43/72, operative paragraph 2 requests the Conference on Disarmament, in the light of its existing priorities, to keep under review, with expert assistance, as appropriate, the questions of the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons with a view to making, when necessary, recommendations on undertaking specific negotiations on the identified types of such weapons; and operative paragraph 5 requests the Conference on Disarmament to submit a report on the results achieved to the General Assembly for consideration at its forty-fourth session.

(7) In resolution 43/74 A, operative paragraph 3 urges the Conference on Disarmament to pursue as a matter of continuing urgency its negotiations on a convention on the prohibition of the development, production, stockpiling and use of all chemical weapons and on their destruction.

(8) In resolution 43/74 C, operative paragraph 1 takes note with satisfaction of the Conference on Disarmament during its 1988 session regarding the prohibition of chemical weapons, and in particular appreciates the progress in the work of its Ad Hoc Committee on Chemical Weapons on that question and the tangible results recorded in its report; operative paragraph 3 urges again the Conference on Disarmament, as a matter of high priority, to intensify, during its 1989 session, the negotiations on a convention on the complete and effective prohibition of the development, production and stockpiling of all chemical weapons and on their destruction and to reinforce further its efforts by, inter alia, increasing the time during the year that it devotes to such negotiations, taking into account all existing proposals and future initiatives, with a view to the final elaboration of a convention at the earliest possible date, and to re-establish its Ad Hoc Committee on Chemical Weapons for this purpose with the mandate to be agreed upon by the Conference on Disarmament at the beginning of its 1989 session; and operative paragraph 4 requests the Conference on Disarmament to report to the General Assembly at its forty-fourth session on the results of its negotiations.

(9) In resolution 43/75 C, operative paragraph 2 recognizes that the Ad Hoc Committee on Radiological Weapons in 1988 made a further contribution to the clarification and better understanding of different approaches that continue to exist with regard to both of the important subjects under consideration; operative paragraph 3 takes note of the recommendation of the Conference on Disarmament that the Ad Hoc Committee on Radiological Weapons should be re-established at the beginning of its 1989 session; and operative paragraph 4 requests the Conference on Disarmament to continue its negotiations on the subject with a view to a prompt conclusion of its work, taking into account all proposals presented to the Conference to this end and drawing upon the annexes to its report as a basis of its future work, the result of which should be submitted to the General Assembly at its forty-fourth session.

(10) In resolution 43/75 J, operative paragraph 2 requests once again the Conference on Disarmament to intensify further its efforts to reach, as early as possible, an agreement prohibiting armed attacks against nuclear facilities.

(11) In resolution 43/75 K, the operative paragraph requests the Conference on Disarmament, at an appropriate stage of its work on the item entitled "Nuclear weapons in all aspects", to pursue its consideration of the question of adequately verified cessation and prohibition of the production of fissionable material for nuclear weapons and other nuclear explosive devices and to keep the General Assembly informed of the progress of that consideration.

(12) In resolution 43/75 Q, operative paragraph 3 requests the Conference on Disarmament to take into account, in the ongoing negotiation for a convention on the prohibition of radiological weapons, the deliberate employment of nuclear wastes to cause destruction, damage or injury by means of radiation produced by the decay of such material; and operative paragraph 5 further requests the Conference on Disarmament to include in its report to the General Assembly at its forty-fourth session the developments on the ongoing negotiations on this subject.

(13) In resolution 43/75 T, operative paragraph 4 requests the Conference on Disarmament to take into account, in the ongoing negotiation for a convention on the prohibition of radiological weapons, the dumping of radioactive wastes in the territory of other States; and operative paragraph 6 also requests the Conference on Disarmament to include in its report to the General Assembly at its forty-fourth session the developments on the ongoing negotiations on this subject.

(14) In resolution 43/76 E, operative paragraph 1 reiterates its request to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the draft Convention on the Prohibition of the Use of Nuclear Weapons annexed to the present resolution; and operative paragraph 2 also requests the Conference on Disarmament to report to the General Assembly at its forty-fourth session on the results of those negotiations.

(15) In resolution 43/78 B, operative paragraph 3 requests the Conference on Disarmament to commence negotiations on the item in its agenda concerning prevention of nuclear war and to consider, inter alia, the elaboration of an international instrument of a legally binding character laying down the obligation not to be the first to use nuclear weapons.

(16) In resolution 43/78 E, operative paragraph 3 again requests the Conference on Disarmament to establish an ad hoc committee at the beginning of its 1989 session to elaborate on paragraph 50 of the Final Document of the Tenth Special Session and to submit recommendations to the Conference as to how it could best initiate multilateral negotiations of agreements, with adequate measures of verification, in appropriate stages 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) Substantial reduction in existing nuclear weapons with a view to their ultimate elimination; and operative paragraph 4 requests the Conference on Disarmament to report to the General Assembly at its forty-fourth session on its consideration of this subject.

(17) In resolution 43/78 F, operative paragraph 1 notes with regret that, despite the fact that the Conference on Disarmament has discussed the question of the prevention of nuclear war for several years, it has been unable even to establish a subsidiary body to consider appropriate and practical measures to prevent it; and operative paragraph 3 again requests 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 that could be negotiated and adopted individually for the prevention of nuclear war and to establish for that purpose an ad hoc committee on the subject at the beginning of its 1989 session.

(18) In resolution 43/78 I, operative paragraph 1 takes note of the report of the Conference on Disarmament on its 1988 session; operative paragraph 2 reaffirms that the Conference on Disarmament plays a vital role in the field of disarmament for the world community; operative paragraph 3 reaffirms also its support for the efforts of the Conference on Disarmament in



fulfilling its tasks, and calls upon all Conference members and observer States to contribute as effectively as possible to this end; operative paragraph 4 requests the Conference on Disarmament to continue and to intensify its work on the various substantive items on its agenda; and operative paragraph 5 also requests the Conference on Disarmament to submit a report on its work to the General Assembly at its forty-fourth session.

(19) In resolution 43/78 M, operative paragraph 1 reaffirms the role of the Conference on Disarmament as the single multilateral disarmament negotiating forum of the international community; operative paragraph 2 notes with satisfaction that further progress has been made in the negotiations on the elaboration of a draft convention on the complete and effective prohibition of the development, production and stockpiling of all chemical weapons and on their destruction, and urges the Conference on Disarmament to intensify further its work with a view to completing negotiations on such a draft convention as soon as possible; operative paragraph 3 calls upon the Conference on Disarmament to intensify its work, to further its mandate more earnestly through substantive negotiations, within the framework of ad hoc Committees as the most appropriate mechanism, and to adopt concrete measures on the specific priority issues of disarmament on its agenda, in accordance with the Programme of Action set forth in Section III of the Final Document of the Tenth Special Session of the General Assembly; operative paragraph 4 urges the Conference on Disarmament to provide negotiating mandates to ad hoc committees on all agenda items, in keeping with the fundamental role of the Conference as identified in the Final Document of the Tenth Special Session; and operative paragraph 5 requests the Conference on Disarmament to submit a report on its work to the General Assembly at its forty-fourth session.

In the above-mentioned resolutions 43/70, 43/72, 43/75 C, 43/75 Q and 43/75 T, the General Assembly requested the Secretary-General to transmit to the Conference on Disarmament all relevant documents. They are the following:

- 43/70      A/43/27, A/43/506 and Corr.1 and Add.1-2, A/43/88-S/19427, A/43/125-S/19478, A/43/276, A/43/283, A/43/741, A/43/667-S/20212, A/43/838, A/43/893-S/20297, A/C.1/43/L.12 and Rev.1, A/C.1/43/L.27, A/C.1/43/L.30, A/C.1/43/L.36.
- 43/72      A/43/27, A/43/125, A/43/370, A/43/667-S/20212, A/43/709, A/43/840, A/C.1/43/L.38 and Rev.1.
- 43/75 C    A/43/27, A/43/622, A/C.1/43/L.9, A/C.1/43/L.25.
- 43/75 Q    A/43/142, A/43/276, A/C.1/43/L.62 and Rev.1-2, A/C.1/43/L.72 and  
and      Rev.1.
- 43/75 T

The relevant records of the consideration of the subjects covered by those resolutions transmitting documentation are contained in documents A/43/PV.4 to 31, A/43/PV.73, A/C.1/43/PV.3 to 25 and A/C.1/43/PV.35 and 42.

All those documents and records were distributed during the forty-third session of the General Assembly to all Members of the United Nations, including all members of the Conference on Disarmament.

(B) Other resolutions and decision dealing with disarmament matters

At the forty-third session, the General Assembly also adopted the following resolutions dealing with disarmament matters:

- 43/62 "Implementation of General Assembly resolution 42/25 concerning the signature and ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)"
- 43/63 B "Cessation of all nuclear-test explosions"
- 43/65 "Establishment of a nuclear-weapon-free zone in the region of the Middle East"
- 43/66 "Establishment of a nuclear-weapon-free zone in South Asia"
- 43/67 "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects"
- 43/71 A "Implementation of the Declaration on the Denuclearization of Africa"
- 43/71 B "Nuclear capability of South Africa"
- 43/73 "Reduction of military budgets"
- 43/74 B "Second Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction"
- 43/75 A "Bilateral nuclear-arms negotiations"
- 43/75 B "Relationship between disarmament and development"
- 43/75 D "Conventional disarmament"
- 43/75 E "Nuclear disarmament"
- 43/75 F "Conventional disarmament"
- 43/75 G "Objective information on military matters"
- 43/75 H "Implementation of General Assembly resolutions in the field of disarmament"
- 43/75 I "International arms transfers"
- 43/75 L "Naval armaments and disarmament"
- 43/75 M "Review Conference of the Parties to the Treaty on the Prohibition of the Employment of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-bed and the Ocean Floor and in the Subsoil Thereof"

- 43/75 N "Comprehensive United Nations study on nuclear weapons"
- 43/75 O "Bilateral nuclear-arms negotiations"
- 43/75 P "Confidence- and security-building measures and conventional disarmament in Europe"
- 43/75 R "Review of the role of the United Nations in the field of disarmament"
- 43/75 S "Conventional disarmament on a regional scale"
- 43/76 A "Disarmament and international security"
- 43/76 B "Nuclear-arms freeze"
- 43/76 C "World Disarmament Campaign"
- 43/76 D "United Nations Regional Centre for Peace and Disarmament in Africa"
- 43/76 F "United Nations disarmament fellowship, training and advisory services programme"
- 43/76 G "United Nations Regional Centre for Peace and Disarmament in Asia"
- 43/76 H "United Nations Regional Centre for Peace, Disarmament and Development in Latin America"
- 43/77 A "Scientific and technological developments and their impact on international security"
- 43/77 B "Third special session of the General Assembly devoted to disarmament"
- 43/78 A "Report of the Disarmament Commission"
- 43/78 C "International co-operation for disarmament"
- 43/78 D "Climatic effects of nuclear war, including nuclear winter: report of the Secretary-General"
- 43/78 G "Disarmament Week"
- 43/78 H "Guidelines for confidence-building measures"
- 43/78 J "Economic and social consequences of the armaments race and its extremely harmful effects on world peace and security"
- 43/78 K "Comprehensive programme of disarmament"
- 43/78 L "Consideration of the Declaration of the 1990s as the Third Disarmament Decade"
- 43/79 "Implementation of the Declaration of the Indian Ocean as a Zone of Peace"

- 43/80 "Israeli nuclear armament"
- 43/81 A "Compliance with arms limitation and disarmament agreements"
- 43/81 B "Study on the role of the United Nations in the field of verification"
- 43/82 "Implementation of the conclusions of the Third Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and establishment of a preparatory committee for the fourth Review Conference"

In addition, the General Assembly adopted decision 43/422 entitled "Contribution of the specialized agencies and other organizations and programmes of the United Nations systems to the cause of arms limitation and disarmament" and decision 43/423 entitled "Liability for the illegal transfer and/or use of prohibited weapons and weapons or substances which cause unnecessary human suffering", which contain procedural provisions on disarmament matters.

## II. Resolutions relating to disarmament matters

It should be noted that, at its forty-third session, the General Assembly adopted the following resolutions which are relating to disarmament matters:

- 43/6 "Observer status for the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in the General Assembly"
- 43/16 "Report of the International Atomic Energy Agency"
- 43/22 "Right of peoples to peace"
- 43/23 "Zone of peace and co-operation of the South Atlantic"
- 43/51 "Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this field"
- 43/55 "Effects of atomic radiation"
- 43/56 "International co-operation in the peaceful uses of outer space"
- 43/59 "Comprehensive review of the whole question of peace-keeping operations in all their aspects"
- 43/61 "Science and peace"
- 43/83 "Question of Antarctica"
- 43/84 "Strengthening of security and co-operation in the Mediterranean region"
- 43/85 "Strengthening of regional and international peace and security"

- 43/86 "Need for a result-oriented political dialogue to improve the international situation"
- 43/87 "Tenth anniversary of the adoption of the Declaration on the Preparation of Societies for Life in Peace"
- 43/88 "Review of the implementation of the Declaration on the Strengthening of International Security"
- 43/89 "Comprehensive approach to strengthening international peace and security in accordance with the Charter of the United Nations"
- 43/163 "Peaceful settlement of disputes between States"
- 43/164 "Draft Code of Crimes against the Peace and Security of Mankind"
- 43/170 "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization"
- 43/171 "Development and strengthening of good-neighbourliness between States"

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General Assembly

Distr.  
GENERAL

A/RES/43/62  
22 December 1988

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Forty-third session  
Agenda item 51

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/830)]

43/62. Implementation of General Assembly resolution 42/25 concerning the signature and ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)

The General Assembly,

Recalling its resolutions 2286 (XXII) of 5 December 1967, 3262 (XXIX) of 9 December 1974, 3473 (XXX) of 11 December 1975, 32/76 of 12 December 1977, S-10/2 of 30 June 1978, 33/58 of 14 December 1978, 34/71 of 11 December 1979, 35/143 of 12 December 1980, 36/83 of 9 December 1981, 37/71 of 9 December 1982, 38/61 of 15 December 1983, 39/51 of 12 December 1984, 40/79 of 12 December 1985, 41/45 of 3 December 1986 and 42/25 of 30 November 1987 concerning the signature and ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), 1/

Taking into account that within the zone of application of that Treaty, to which twenty-three sovereign States are already parties, there are some territories which, in spite of not being sovereign political entities, are nevertheless in a position to receive the benefits deriving from the Treaty through its Additional Protocol I, to which the four States that de jure or de facto are internationally responsible for those territories may become parties,

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1/ United Nations, Treaty Series, vol. 634, No. 9068.

Considering that it is not fair that the peoples of some of those territories are deprived of such benefits without being given the opportunity to express their opinion in this connection,

Recalling that three of the States to which Additional Protocol I is open - the United Kingdom of Great Britain and Northern Ireland, the Kingdom of the Netherlands and the United States of America - became parties to the Protocol in 1969, 1971 and 1981, respectively,

1. Deplores that the signature of Additional Protocol I by France, which took place on 2 March 1979, has not yet been followed by the corresponding ratification, notwithstanding the time already elapsed and the pressing invitations which the General Assembly has addressed to it;

2. Once more urges France not to delay any further such ratification, which has been requested so many times and which appears all the more advisable, since France is the only one of the four States to which the Protocol is open that is not yet party to it;

3. Decides to include in the provisional agenda of its forty-fourth session an item entitled "Implementation of General Assembly resolution 43/62 concerning the signature and ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)".

73rd plenary meeting

7 December 1988



General Assembly

Distr.  
GENERAL

A/RES/43/63  
22 December 1988

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Forty-third session  
Agenda item 52

RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/831)]

43/63. Cessation of all nuclear-test explosions

A

The General Assembly,

Bearing in mind that the complete cessation of nuclear-weapon tests, which has been examined for more than thirty years and on which the General Assembly has adopted more than fifty resolutions, is a basic objective of the United Nations in the sphere of disarmament, to the attainment of which it has repeatedly assigned the highest priority,

Stressing that on eight different occasions it has condemned such tests in the strongest terms and that, since 1974, it has stated its conviction that the continuance of nuclear-weapon testing will intensify the arms race, thus increasing the danger of nuclear war,

Recalling that the Secretary-General, addressing a plenary meeting of the General Assembly on 12 December 1984, after appealing for a renewed effort towards a comprehensive test-ban treaty, emphasized that no single multilateral agreement could have a greater effect on limiting the further refinement of nuclear weapons and that a comprehensive test-ban treaty is the litmus test of the real willingness to pursue nuclear disarmament, 1/

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1/ See Official Records of the General Assembly, Thirty-ninth Session, Plenary Meetings, 97th meeting, para. 302.



Taking into account that the three nuclear-weapon States that act as depositaries of the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water 2/ undertook in article I of that Treaty to conclude a treaty resulting in the permanent banning of all nuclear-test explosions, including all those explosions underground, and that such an undertaking was reiterated in 1968 in the preamble to the Treaty on the Non-Proliferation of Nuclear Weapons, 3/ article VI of which further embodies their solemn and legally binding commitment to take effective measures relating to cessation of the nuclear-arms race at an early date and to nuclear disarmament,

Noting that the Third Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in its Final Declaration 4/ adopted on 21 September 1985, called upon the nuclear-weapon States parties to the Treaty to resume trilateral negotiations in 1985 and upon 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,

Recalling that the leaders of the six States associated with the five-continent peace and disarmament initiative affirmed in the Stockholm Declaration, 5/ adopted on 21 January 1988, that "Any agreement that leaves room for continued testing would not be acceptable",

Taking note with satisfaction of the progress made in the Conference on Disarmament by the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events on the seismic verification of a comprehensive test ban, 6/

1. Reiterates once again its grave concern that nuclear-weapon testing continues unabated, against the wishes of the overwhelming majority of Member States;

2. Reaffirms its conviction that a treaty to achieve the prohibition of all nuclear-test explosions by all States for all time is a matter of the highest priority;

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2/ United Nations, Treaty Series, vol. 480, No. 6964.

3/ Resolution 2373 (XXII), annex.

4/ Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I (NPT/CONF.III/64/I) (Geneva, 1985), annex I.

5/ See A/43/125-S/19478, annex.

6/ See Official Records of the General Assembly, Forty-second Session, Supplement No. 27 (A/42/27), para. 31.

3. Reaffirms also its conviction that such a treaty would constitute a contribution of the utmost importance to the cessation of the nuclear-arms race;

4. Urges once more all nuclear-weapon States, in particular the three depositary Powers of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water and of the Treaty on the Non-Proliferation of Nuclear Weapons, to seek to achieve the early discontinuance of all test explosions of nuclear weapons for all time and to expedite negotiations to this end;

5. Appeals to all States members of the Conference on Disarmament to promote the establishment by the Conference at the beginning of its 1989 session of an ad hoc committee with the objective of carrying out the multilateral negotiation of a treaty on the complete cessation of nuclear-test explosions;

6. Recommends to the Conference on Disarmament that such an ad hoc committee should comprise two working groups dealing, respectively, with the following interrelated questions: contents and scope of the treaty, and compliance and verification;

7. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Cessation of all nuclear-test explosions".

73rd plenary meeting  
7 December 1988

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The General Assembly,

Bearing in mind the determination, proclaimed since 1963 in the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, 2/ to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Bearing in mind also that in 1968 the Treaty on the Non-Proliferation of Nuclear Weapons 3/ recalled such determination and included in its article VI an undertaking by each of its parties to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear-arms race at an early date,

Recalling that in its resolution 2028 (XX) of 19 November 1965, adopted unanimously, it had stressed that one of the basic principles on which the treaty to prevent the proliferation of nuclear weapons should be based was that such treaty, which was then to be negotiated, should embody an acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear Powers,

Recalling also that the Third Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in its Final Declaration 4/ adopted by consensus on 21 September 1985, expressed its deep regret that a comprehensive

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multilateral nuclear-test-ban treaty had not been concluded so far and called for the urgent negotiation and conclusion of such a treaty as a matter of the highest priority,

Noting that article II of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water provides a procedure for the consideration and eventual adoption of amendments to the Treaty by a conference of its parties,

1. Welcomes the submission to the Depositary Governments of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water of an amendment proposal for consideration at a conference of the parties to the Treaty convened for that purpose in accordance with Article II of the Treaty;

2. Decides to include in the provisional agenda of its forty-fourth session an item entitled "Amendment of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water".

73rd plenary meeting  
7 December 1988



General Assembly

Distr.  
GENERAL

A/RES/43/64  
22 December 1988

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Forty-third session  
Agenda item 53

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/832)]

43/64. Urgent need for a comprehensive nuclear-test-ban treaty

The General Assembly,

Convinced that a nuclear war cannot be won and must never be fought,

Convinced of the consequent urgent need for an end to the nuclear-arms race and the immediate and verifiable reduction and ultimate elimination of nuclear weapons,

Convinced that an end to nuclear testing by all States in all environments for all time is an essential step in order to prevent the qualitative improvement and development of nuclear weapons and their further proliferation and to contribute, along with other concurrent efforts to reduce nuclear arms, to the eventual elimination of nuclear weapons,

Welcoming the ongoing negotiations between the Union of Soviet Socialist Republics and the United States of America in accordance with their joint statement of 17 September 1987, and noting the significant developments on improved verification arrangements to facilitate the ratification of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapon Tests, <sup>1/</sup> signed on 3 July 1974, and the Treaty between the United States of America and the Union of Soviet Socialist

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<sup>1/</sup> Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 27, annex II, document CCD/431.

Republics on Underground Nuclear Explosions for Peaceful Purposes, 2/ signed on 28 May 1976,

Welcoming also the conclusion on 8 December 1987 of the historic 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 3/ and the agreement in principle on and progress made towards an agreement for 50 per cent reductions in the strategic nuclear forces of the Union of Soviet Socialist Republics and the United States of America,

Recalling the proposals by the leaders of the Six-Nation Initiative 4/ to promote an end to nuclear testing,

Convinced that the most effective way to achieve the discontinuance of all nuclear tests by all States in all environments for all time is through the conclusion, at an early date, of a verifiable, comprehensive nuclear-test-ban treaty that will attract the adherence of all States,

Reaffirming the particular responsibilities of the Conference on Disarmament in the negotiation of a comprehensive nuclear-test-ban treaty,

1. Reaffirms its conviction that a treaty to achieve the prohibition of all nuclear-test explosions by all States in all environments for all time is a matter of fundamental importance;

2. Urges, therefore, that the following actions be taken in order that a comprehensive nuclear-test-ban treaty may be concluded at an early date:

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2/ CCD/496. For the printed text, see The United Nations Disarmament Yearbook, vol. 1: 1976 (United Nations publication, Sales No. E.77.1X.2), appendix III.

3/ CD/798. For the printed text, see The United Nations Disarmament Yearbook, vol. 12: 1987 (United Nations publication, Sales No. E.88.1X.2), appendix VII.

4/ See the Joint Declaration issued on 22 May 1984 by the heads of State or Government of Argentina, Greece, India, Mexico, Sweden and the United Republic of Tanzania (A/39/277-S/16587, annex); for the printed text, see Official Records of the Security Council, Thirty-ninth Year, Supplement for April, May and June 1984, document S/16587, annex, reaffirmed in the Delhi Declaration issued on 28 January 1985 (A/40/114-S/16921, annex); for the printed text, see Official Records of the Security Council, Fortieth Year, Supplement for January, February and March 1985, document S/16921, annex, the Mexico Declaration, issued on 7 August 1986 (A/41/518-S/18277, annex I), and the Stockholm Declaration, issued on 21 January 1988 (A/43/125-S/19478, annex).

(a) The Conference on Disarmament should intensify its consideration of item 1 of its agenda entitled "Nuclear-test ban" and initiate substantive work on all aspects of a nuclear-test-ban treaty at the beginning of its 1989 session;

(b) States members of the Conference on Disarmament, in particular the nuclear-weapon States, and all other States should co-operate in order to facilitate and promote such work;

(c) The nuclear-weapon States, especially those that possess the most important nuclear arsenals, should agree promptly to appropriate verifiable and militarily significant interim measures, with a view to realizing a comprehensive nuclear-test-ban treaty;

(d) Those nuclear-weapon States that have not yet done so should adhere to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water; 5/

3. Also urges the Conference on Disarmament:

(a) To take immediate steps for the establishment, with the widest possible participation, of an international seismic monitoring network with a view to the further development of its potential to monitor and verify compliance with a comprehensive nuclear-test-ban treaty;

(b) In this context, to take into account the progress achieved by the Ad Hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events, including work on the routine exchange and use of wave-form data, and other relevant initiatives or experiments by individual States and groups of States;

(c) To initiate detailed investigation of other measures to monitor and verify compliance with such a treaty, including an international network to monitor atmospheric radioactivity;

4. Calls upon the Conference on Disarmament to report to the General Assembly at its forty-fourth session on progress made;

5. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Urgent need for a comprehensive nuclear-test-ban treaty".

73rd plenary meeting  
7 December 1988

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5/ United Nations, Treaty Series, vol. 480, No. 5964.



General Assembly

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A/RES/43/65  
22 December 1988

Forty-third session  
Agenda item 54

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/833)]

43/65. Establishment of a nuclear-weapon-free zone  
in the region of the Middle East

The General Assembly,

Recalling its resolutions 3263 (XXIX) of 9 December 1974, 3474 (XXX) of 11 December 1975, 31/71 of 10 December 1976, 32/82 of 12 December 1977, 33/64 of 14 December 1978, 34/77 of 11 December 1979, 35/147 of 12 December 1980, 36/87 of 9 December 1981, 37/75 of 9 December 1982, 38/64 of 15 December 1983, 39/54 of 12 December 1984, 40/82 of 12 December 1985, 41/48 of 3 December 1986 and 42/28 of 30 November 1987 on the establishment of a nuclear-weapon-free zone in the region of the Middle East,

Recalling also the recommendations for the establishment of such a zone in the Middle East consistent with paragraphs 60 to 63, and in particular paragraph 63 (d), of the Final Document of the Tenth Special Session of the General Assembly, 1/

Emphasizing the basic provisions of the above-mentioned resolutions, which call upon all parties directly concerned to consider taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East and, pending and during the establishment of such a zone, to declare solemnly 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, to agree to place all their nuclear

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1/ Resolution S-10/2.

facilities under International Atomic Energy Agency safeguards and to declare **their** support for the establishment of the zone and deposit such declarations with the Security Council for consideration, as appropriate,

Reaffirming the inalienable right of all States to acquire and develop nuclear energy for peaceful purposes,

Emphasizing also the need for appropriate measures on the question of the prohibition of military attacks on nuclear facilities,

Bearing in mind the consensus reached by the General Assembly at its thirty-fifth session that the establishment of a nuclear-weapon-free zone in the region of the Middle East would greatly enhance international peace and security,

Desirous of building on that consensus so that substantial progress can be made towards establishing a nuclear-weapon-free zone in the region of the Middle East,

Emphasizing the essential role of the United Nations in the establishment of a nuclear-weapon-free zone in the region of the Middle East,

Having examined the report of the Secretary-General, 2/

1. Urges all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly and, as a means of promoting this objective, invites the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons; 3/

2. Calls upon all countries of the region that have not done so, pending the establishment of the zone, to agree to place all their nuclear activities under International Atomic Energy Agency safeguards;

3. Invites those countries, pending the establishment of a nuclear-weapon-free zone in the region of the Middle East, to declare their support for establishing such a zone, consistent with paragraph 63 (d) of the Final Document of the Tenth Special Session of the General Assembly, and to deposit those declarations with the Security Council;

4. Also invites those countries, pending the establishment of the zone, not to develop, produce, test or otherwise acquire nuclear weapons or permit the stationing on their territories, or territories under their control, of nuclear weapons or nuclear explosive devices;

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2/ A/43/484.

3/ Resolution 2373 (XXII), annex.



5. Invites the nuclear-weapon States and all other States to render their assistance in the establishment of the zone and at the same time to refrain from any action that runs counter to both the letter and the spirit of the present resolution;
6. Extends its thanks to the Secretary-General for his report containing the views of parties concerned regarding the establishment of a nuclear-weapon-free zone in the region of the Middle East; 2/
7. Takes note of the above-mentioned report;
8. Requests the Secretary-General to undertake a study on effective and verifiable measures which would facilitate the establishment of a nuclear-weapon-free zone in the Middle East, taking into account the circumstances and characteristics of the Middle East, as well as the views and the suggestions of the parties of the region, and to submit this study to the General Assembly at its forty-fifth session;
9. Requests parties of the region to submit to the Secretary-General their views and suggestions with respect to the measures called for in paragraph 8 above;
10. Requests the Secretary-General to submit to the General Assembly at its forty-fourth session a progress report on the implementation of the present resolution;
11. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East".

73rd plenary meeting  
7 December 1988



General Assembly

Distr.  
GENERAL

A/RES/43/66  
22 December 1988

Forty-third session  
Agenda item 55

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/834)]

43/66. Establishment of a nuclear-weapon-free zone in South Asia

The General Assembly,

Recalling its resolutions 3265 B (XXIX) of 9 December 1974, 3476 B (XXX) of 11 December 1975, 31/73 of 10 December 1976, 32/83 of 12 December 1977, 33/65 of 14 December 1978, 34/78 of 11 December 1979, 35/148 of 12 December 1980, 36/88 of 9 December 1981, 37/76 of 9 December 1982, 38/65 of 15 December 1983, 39/55 of 12 December 1984, 40/83 of 12 December 1985, 41/49 of 3 December 1986 and 42/29 of 30 November 1987 concerning the establishment of a nuclear-weapon-free zone in South Asia,

Reiterating its conviction that the establishment of nuclear-weapon-free zones in various regions of the world is one of the measures which can contribute effectively to the objectives of non-proliferation of nuclear weapons and general and complete disarmament,

Believing that the establishment of a nuclear-weapon-free zone in South Asia, as in other regions, will assist in the strengthening of the security of the States of the region against the use or threat of use of nuclear weapons,

Noting with appreciation the declarations issued at the highest level by Governments of South Asian States that are developing their peaceful nuclear programmes reaffirming their undertaking not to acquire or manufacture nuclear weapons and to devote their nuclear programmes exclusively to the economic and social advancement of their peoples,

Welcoming the recent proposal for the conclusion of a bilateral or regional nuclear-test-ban agreement in South Asia,

Taking note of the proposal to convene, under the auspices of the United Nations, a conference on nuclear non-proliferation in South Asia, as soon as possible, with the participation of the regional and other concerned States,

Bearing in mind the provisions of paragraphs 60 to 63 of the Final Document of the Tenth Special Session of the General Assembly, 1/ regarding the establishment of nuclear-weapon-free zones, including in the region of South Asia,

Taking note of the report of the Secretary-General, 2/

1. Reaffirms its endorsement, in principle, of the concept of a nuclear-weapon-free zone in South Asia;
2. Urges once again the States of South Asia to continue to make all possible efforts to establish a nuclear-weapon-free zone in South Asia and to refrain, in the mean time, from any action contrary to this objective;
3. Calls upon those nuclear-weapon States that have not done so to respond positively to this proposal and to extend the necessary co-operation in the efforts to establish a nuclear-weapon-free zone in South Asia;
4. Requests the Secretary-General to communicate with the States of the region and other concerned States in order to ascertain their views on the issue and to promote consultations among them with a view to exploring the best possibilities of furthering the efforts for the establishment of a nuclear-weapon-free zone in South Asia;
5. Also requests the Secretary-General to report on the subject to the General Assembly at its forty-fourth session;
6. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Establishment of a nuclear-weapon-free zone in South Asia".

73rd plenary meeting  
7 December 1988

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1/ Resolution S-10/2.

2/ A/43/505.



General Assembly

Distr.  
GENERAL

A/RES/43/67  
22 December 1988

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Forty-third session  
Agenda item 56

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/835)]

43/67. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolutions 32/152 of 19 December 1977, 35/153 of 12 December 1980, 36/93 of 9 December 1981, 37/79 of 9 December 1982, 38/66 of 15 December 1983, 39/56 of 12 December 1984, 40/84 of 12 December 1985, 41/50 of 3 December 1986 and 42/30 of 30 November 1987,

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), 1/

Reaffirming its conviction that general agreement on the prohibition or restriction of use of specific conventional weapons would significantly reduce the suffering of civilian populations and of combatants,

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1/ A/CONF.95/15 and Corr.2, annex I. For the printed text of the Convention and its Protocols, see The United Nations Disarmament Yearbook, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

Taking note with satisfaction of the report of the Secretary-General, 2/

1. Notes with satisfaction that an increasing number of States have either signed, ratified, accepted or acceded to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, which was opened for signature in New York on 10 April 1981;
2. Also notes with satisfaction that, consequent upon the fulfilment of the conditions set out in article 5 of the Convention, the Convention and the three Protocols annexed thereto entered into force on 2 December 1983;
3. Urges all States that have not yet done so to exert their best endeavours to become parties to the Convention and the Protocols annexed thereto as early as possible, so as ultimately to obtain universality of adherence;
4. Notes that, under article 8 of the Convention, conferences may be convened to consider amendments to the Convention or any of the annexed Protocols, to consider additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols, or to review the scope and operation of the Convention and the Protocols annexed thereto and to consider any proposal for amendments to the Convention or to the existing Protocols and any proposals for additional protocols relating to other categories of conventional weapons not covered by the existing Protocols;
5. Requests the Secretary-General as depositary of the Convention and its three annexed Protocols to inform the General Assembly from time to time of the state of adherence to the Convention and its Protocols;
6. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".

73rd plenary meeting  
7 December 1988



General Assembly

Distr.  
GENERAL

A/RES/43/68  
4 January 1989

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Forty-third session  
Agenda item 57

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/836)]

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

The General Assembly,

Deeply concerned at the continuing escalation of the arms race, in particular the nuclear-arms race, and the possibility of the use or threat of use of nuclear weapons,

Convinced that nuclear disarmament and the complete elimination of nuclear weapons are essential to remove the danger of war,

Considering that, until complete nuclear disarmament is achieved on a universal basis, it is imperative for the international community to develop effective arrangements to ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Noting the general desire to conclude effective international measures to that end at an early date,

Noting also the unilateral declarations on the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons, made by all nuclear-weapon States,

Desirous of promoting the implementation of paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly, 1/ the first special session devoted to disarmament,

Recognizing that effective measures of such security assurances to non-nuclear-weapon States would constitute an important contribution to the non-proliferation of nuclear weapons,

Aware of the in-depth negotiations on this subject in the Conference on Disarmament during the past ten years,

Recalling the relevant parts of the special report of the Committee on Disarmament 2/ submitted to the General Assembly at its twelfth special session, 3/ the second special session devoted to disarmament, and of the special report of the Conference on Disarmament submitted to the Assembly at its fifteenth special session, 4/ the third special session devoted to disarmament, as well as of the annual report of the Conference on its 1988 session, 5/

Welcoming the unanimous support in the Conference on Disarmament for continuing the search for a common approach to the substance of negative security assurances and, in particular, to a "common formula", which could be included in a legally binding instrument,

Recognizing the need for a fresh look at the issue, in particular by the nuclear-weapon States, in order to overcome the difficulties encountered at the negotiations in previous years,

Noting the proposals on this subject submitted to the Conference on Disarmament, 5/

Considering that the non-nuclear-weapon States having no nuclear weapons on their territories have every right to receive reliable, uniform and unconditional international legal assurances against the use or threat of use of nuclear weapons,

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1/ Resolution S-10/2.

2/ The Committee on Disarmament was redesignated the Conference on Disarmament as from 7 February 1984.

3/ Official Records of the General Assembly, Twelfth Special Session, Supplement No. 2 (A/S-12/2), sect. III.C.

4/ Ibid., Fifteenth Special Session, Supplement No. 2 (A/S-15/2), sect. III.F.

5/ Ibid., Forty-third Session, Supplement No. 27 (A/43/27), sect. III.F.

1. Reaffirms the urgent need, pending the achievement of complete nuclear disarmament, to reach an early agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

2. Recommends that the Conference on Disarmament pursue intensive negotiations in its Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons at the beginning of its 1989 session, with a view to reaching such an agreement, taking into account the widespread support in the Conference for the conclusion of an international convention;

3. Appeals to all States, in particular the nuclear-weapon States, to demonstrate willingness and to exercise the flexibility necessary to reach agreement on a common approach to, including the possibility of a common formula in, an international instrument or instruments of a legally binding character, to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

4. Decides to include in the provisional agenda of its forty-fourth session the item entitled "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".

73rd plenary meeting

7 December 1988





General Assembly

Distr.  
GENERAL

A/RES/43/69  
4 January 1989

Forty-third session  
Agenda item 58

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/837)]

43/69. Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

The General Assembly,

Bearing in mind the need to allay the legitimate concern of the States of the world with regard to ensuring lasting security for their peoples,

Convinced that nuclear weapons pose the greatest threat to mankind and to the survival of civilization,

Deeply concerned at the continuing escalation of the arms race, in particular the nuclear-arms race, and the possibility of the use or threat of use of nuclear weapons,

Convinced that nuclear disarmament and the complete elimination of nuclear weapons are essential to remove the danger of nuclear war,

Taking into account the principle of the non-use of force or threat of force enshrined in the Charter of the United Nations,

Deeply concerned about the possibility of the use or threat of use of nuclear weapons,

Recognizing that the independence, territorial integrity and sovereignty of non-nuclear-weapon States need to be safeguarded against the use or threat of use of force, including the use or threat of use of nuclear weapons,

Considering that, until nuclear disarmament is achieved on a universal basis, it is imperative for the international community to develop effective measures to ensure the security of non-nuclear-weapon States against the use or threat of use of nuclear weapons from any quarter,

Recognizing that effective measures to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons can constitute a positive contribution to the prevention of the spread of nuclear weapons,

Recalling its resolutions 3261 G (XXIX) of 9 December 1974 and 31/189 C of 21 December 1976,

Bearing in mind paragraph 59 of the Final Document of the Tenth Special Session of the General Assembly, 1/ in which it urged the nuclear-weapon States to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Desirous of promoting the implementation of the relevant provisions of the Final Document of the Tenth Special Session,

Recalling its resolutions 33/72 B of 14 December 1978, 34/85 of 11 December 1979, 35/155 of 12 December 1980, 36/95 of 9 December 1981, 37/81 of 9 December 1982, 38/68 of 15 December 1983, 39/58 of 12 December 1984, 40/86 of 12 December 1985, 41/52 of 3 December 1986 and 42/32 of 30 November 1987,

Further recalling paragraph 12 of the Declaration of the 1980s as the Second Disarmament Decade, contained in the annex to its resolution 35/46 of 3 December 1980, which states, inter alia, that all efforts should be exerted by the Committee on Disarmament 2/ urgently 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,

Noting the in-depth negotiations undertaken in the Conference on Disarmament and its Ad Hoc Committee on Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use or Threat of Use of Nuclear Weapons, 3/ with a view to reaching agreement on this item,

Noting the proposals submitted under that item in the Conference on Disarmament, including the drafts of an international convention,

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1/ Resolution S-10/2.

2/ The Committee on Disarmament was redesignated the Conference on Disarmament as from 7 February 1984.

3/ Official Records of the General Assembly, Fortieth Session, Supplement No. 27 (A/40/27 and Corr.1), sect. III.F.

Taking note of the decision of the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare from 1 to 6 September 1986, 4/ as well as the relevant recommendations of the Organization of the Islamic Conference reiterated in the Final Communiqué of the Seventeenth Islamic Conference of Foreign Ministers, held at Amman from 21 to 25 March 1988, 5/ calling upon the Conference on Disarmament to reach an urgent agreement on an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons,

Further noting the support expressed in the Conference on Disarmament and in the General Assembly for the elaboration of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, as well as the difficulties pointed out in evolving a common approach acceptable to all,

1. Reaffirms the urgent need to reach agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;
2. Notes with satisfaction that in the Conference on Disarmament there is no objection, in principle, to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, although the difficulties as regards evolving a common approach acceptable to all have also been pointed out;
3. Appeals to all States, especially the nuclear-weapon States, to demonstrate the political will necessary to reach agreement on a common approach and, in particular, on a common formula that could be included in an international instrument of a legally binding character;
4. Recommends that further intensive efforts should be devoted to the search for such a common approach or common formula and that the various alternative approaches, including, in particular, those considered in the Conference on Disarmament, should be further explored in order to overcome the difficulties;
5. Recommends that the Conference on Disarmament should actively continue negotiations with a view to reaching early agreement and concluding effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention and giving consideration to any other proposals designed to secure the same objective;

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4/ See A/41/697-S/18392, annex, sect. I, para. 49.

5/ See A/43/393-S/19930, annex I.

6. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".

73rd plenary meeting

7 December 1988



General Assembly

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GENERAL

A/RES/43/70  
4 January 1989

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Forty-third session  
Agenda item 59

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/838)]

43/70. Prevention of an arms race in outer space

The General Assembly,

Inspired by the great prospects opening up before mankind as a result of man's entry into outer space,

Recognizing the common interest of all mankind in the exploration and use of outer space for peaceful purposes,

Reaffirming that the exploration and use of outer space, including the Moon and other celestial bodies, shall be carried out for the benefit and in the interest of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind,

Reaffirming also the will of all States that the exploration and use of outer space, including the Moon and other celestial bodies, shall be for peaceful purposes,

Recalling the obligation of all States, in accordance with the Charter of the United Nations, to refrain from the threat or use of force, including in their space activities,

Recalling that the States parties to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, 1/ have undertaken, in article III, to carry on

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1/ Resolution 2222 (XXI), annex.

activities in the exploration and use of outer space, including the Moon and other celestial bodies, in accordance with international law and the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international co-operation and understanding,

Reaffirming, in particular, article IV of the above-mentioned Treaty, which stipulates that States parties to the Treaty undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies or station such weapons in outer space in any other manner,

Reaffirming also paragraph 80 of the Final Document of the Tenth Special Session of the General Assembly, 2/ in which it is stated that in order to prevent an arms race in outer space further measures should be taken and appropriate international negotiations held in accordance with the spirit of the Treaty,

Noting its resolutions 36/97 C and 36/99 of 9 December 1981, as well as resolutions 37/83 of 9 December 1982, 37/99 D of 13 December 1982, 38/70 of 15 December 1983, 39/59 of 12 December 1984, 40/87 of 12 December 1985, 41/53 of 3 December 1986 and 42/33 of 30 November 1987 and the relevant paragraphs of the Political Declaration adopted by the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare from 1 to 6 September 1986, 3/

Recognizing the importance and urgency of preventing an arms race in outer space and the readiness of all States to contribute to that common objective,

Gravely concerned at the danger posed to all mankind by an arms race in outer space and, in particular, by the impending threat of the exacerbation of the current state of insecurity by developments that could further undermine international peace and security and retard the pursuit of general and complete disarmament,

Encouraged by the widespread interest expressed by Member States in the course of negotiations on and following the adoption of the above-mentioned Treaty in ensuring that the exploration and use of outer space should be for peaceful purposes, and taking note of proposals submitted to the General Assembly at its tenth special session and at its regular sessions and to the Conference on Disarmament,

Noting the grave concern expressed by the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space at the extension of an arms race

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2/ Resolution S-10/2.

3/ A/41/697-S/18392, annex, paras. 36-39.

into outer space and the recommendations 4/ made to the competent organs of the United Nations, in particular the General Assembly, and also to the Committee on Disarmament, 5/

Noting also that in 1988 the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space, taking into account its previous efforts since its establishment, undertook the examination and identification of various issues, existing agreements and existing proposals, as well as future initiatives relevant to the prevention of an arms race in outer space, and that this contributed to a better understanding of a number of problems and to a clearer perception of the various positions,

Convinced that additional measures should be examined in the search for effective and verifiable bilateral and multilateral agreements in order to prevent an arms race in outer space,

Emphasizing the paramount importance of strict compliance with existing arms limitation and disarmament agreements relevant to outer space, and with the existing legal régime concerning the use of outer space,

Emphasizing also the necessity of maintaining the effectiveness of relevant existing treaties, and in this context reaffirming the vital importance of strict compliance with the Treaty on the Limitation of Anti-Ballistic Missile Systems, 6/

Recognizing that bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America could facilitate the multilateral negotiations for the prevention of an arms race in outer space in accordance with paragraph 27 of the Final Document of the Tenth Special Session,

Noting the importance in this context of bilateral negotiations between the Union of Soviet Socialist Republics and the United States of America that have continued since 1985, including at their summit meetings in Washington and Moscow on a complex of questions concerning space and nuclear arms,

Hopeful that concrete results would emerge from these negotiations as soon as possible,

Emphasizing the mutually complementary nature of bilateral and multilateral efforts in the field of preventing an arms race in outer space,

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4/ See Report of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, Vienna, 9-21 August 1982 (A/CONF.101/10 and Corr.1 and 2), para. 426.

5/ The Committee on Disarmament was redesignated the Conference on Disarmament as from 7 February 1984.

6/ United Nations, Treaty Series, vol. 944, No. 13446.

Taking note of that part of the report of the Conference on Disarmament relating to this question, <sup>7/</sup>

Welcoming the re-establishment of an Ad Hoc Committee on the Prevention of an Arms Race in Outer Space during the 1988 session of the Conference on Disarmament, in the exercise of the negotiating responsibilities of this sole multilateral negotiating body on disarmament, to continue to examine and to identify, through substantive and general consideration, issues relevant to the prevention of an arms race in outer space,

1. Reaffirms that general and complete disarmament under effective international control warrants that outer space shall be used exclusively for peaceful purposes and that it shall not become an arena for an arms race;

2. Recognizes, as stated in the report of the Ad Hoc Committee of the Conference on Disarmament, <sup>8/</sup> that the legal régime applicable to outer space by itself does not guarantee the prevention of an arms race in outer space, that this legal régime plays a significant role in the prevention of an arms race in that environment, the need to consolidate and reinforce that régime and enhance its effectiveness, and the importance of strict compliance with existing agreements, both bilateral and multilateral;

3. Emphasizes that further measures with appropriate and effective provisions for verification to prevent an arms race in outer space should be adopted by the international community;

4. Calls upon all States, in particular those with major space capabilities, to contribute actively to the objective of the peaceful use of outer space and to 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;

5. Reiterates that the Conference on Disarmament, as the single multilateral disarmament negotiating forum, 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;

6. Requests the Conference on Disarmament to consider as a matter of priority the question of preventing an arms race in outer space;

7. Also requests the Conference on Disarmament to intensify its consideration of the question of the prevention of an arms race in outer space in all its aspects, taking into account all relevant proposals and initiatives,

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<sup>7/</sup> Official Records of the General Assembly, Forty-third Session, Supplement No. 27 (A/43/27), sect. III.E.

<sup>8/</sup> Ibid., para. 80.



including those presented in the Ad Hoc Committee at the 1988 session of the Conference and at the forty-third session of the General Assembly;

8. Further requests the Conference on Disarmament to re-establish an ad hoc committee with an adequate mandate at the beginning of its 1989 session, with a view to undertaking negotiations for the conclusion of an agreement or agreements, as appropriate, to prevent an arms race in outer space in all its aspects;

9. Urges the Union of Soviet Socialist Republics and the United States of America to pursue intensively their bilateral negotiations in a constructive spirit aimed at reaching early agreement for preventing an arms race in outer space, and to advise the Conference on Disarmament periodically of the progress of their bilateral sessions so as to facilitate its work;

10. Calls upon all States, especially those with major space capabilities, to 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;

11. Takes note of the report of the Secretary-General 9/ on the question of the prevention of an arms race in outer space submitted in accordance with resolution 42/33 of 30 November 1987;

12. Requests the Conference on Disarmament to report on its consideration of this subject to the General Assembly at its forty-fourth session;

13. Requests the Secretary-General to transmit to the Conference on Disarmament all documents relating to the consideration of this subject by the General Assembly at its forty-third session;

14. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Prevention of an arms race in outer space".

73rd plenary meeting  
7 December 1988

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9/ A/43/506 and Corr.1 and Add.1 and 2.



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A/RES/43/71  
4 January 1989

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Forty-third session  
Agenda item 60

RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/839)]

43/71. Implementation of the Declaration on the Denuclearization  
of Africa

A

Implementation of the Declaration

The General Assembly,

Bearing in mind the Declaration on the Denuclearization of Africa 1/ adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its first ordinary session, held at Cairo from 17 to 21 July 1964,

Recalling its resolution 1652 (XVI) of 24 November 1961, its earliest on the subject, as well as its resolutions 2033 (XX) of 3 December 1965, 31/69 of 10 December 1976, 32/81 of 12 December 1977, 33/63 of 14 December 1978, 34/76 A of 11 December 1979, 35/146 B of 12 December 1980, 36/86 B of 9 December 1981, 37/74 A of 9 December 1982, 38/181 A of 20 December 1983, 39/61 A of 12 December 1984, 40/89 A of 12 December 1985, 41/55 A of 3 December 1986 and 42/34 A of 30 November 1987, in which it called upon all States to consider and respect the continent of Africa and its surrounding areas as a nuclear-weapon-free zone,

Recalling that in its resolution 33/63 it vigorously condemned any overt or covert attempt by South Africa to introduce nuclear weapons into the continent of

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1/ Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 105, document A/5975.

Africa and demanded that South Africa refrain forthwith from conducting any nuclear explosion in the continent or elsewhere,

Bearing in mind the provisions of resolution CM/Res.1101 (XLVI)/Rev.1 2/ on the denuclearization of Africa adopted by the Council of Ministers of the Organization of African Unity at its forty-sixth ordinary session, held at Addis Ababa from 20 to 25 July 1987,

Having taken note of the report of the United Nations Institute for Disarmament Research entitled "South Africa's nuclear capability", 3/ undertaken in co-operation with the Department of Disarmament Affairs of the Secretariat and in consultation with the Organization of African Unity, as well as of the report of the Disarmament Commission, 4/

Noting the actions taken by those Governments which have taken measures to restrict co-operation with South Africa in nuclear and other fields,

Expressing regret that, despite the threat that South Africa's nuclear capability constitutes to international peace and security and, in particular, to the realization of the objective of the Declaration on the Denuclearization of Africa, the Disarmament Commission, although it made some progress during its substantive session in 1988, failed once again to reach a consensus on this important item on its agenda,

1. Strongly renews its call upon all States to consider and respect the continent of Africa and its surrounding areas as a nuclear-weapon-free zone;
2. Reaffirms that the implementation of the Declaration on the Denuclearization of Africa adopted by the Assembly of Heads of State and Government of the Organization of African Unity would be an important measure to prevent the proliferation of nuclear weapons and to promote international peace and security;
3. Expresses once again its grave alarm at South Africa's possession and continued development of nuclear-weapon capability;
4. Condemns South Africa's continued pursuit of a nuclear capability and all forms of nuclear collaboration by any State, corporation, institution or individual with the racist régime that enable it to frustrate the objective of the Declaration on the Denuclearization of Africa, which seeks to keep Africa free from nuclear weapons;

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2/ See A/42/699, annex I.

3/ A/39/470.

4/ Official Records of the General Assembly, Forty-third Session, Supplement No. 42 (A/43/42).

5. Calls upon all States, corporations, institutions and individuals to desist from further collaboration with the racist régime that may enable it to frustrate the objective of the Declaration on the Denuclearization of Africa;
6. Demands once again that the racist régime of South Africa refrain from manufacturing, testing, deploying, transporting, storing, using or threatening to use nuclear weapons;
7. Appeals to all States that have the means to do so to monitor South Africa's research on and development and production of nuclear weapons and to publicize any information in that regard;
8. Demands once again that South Africa submit forthwith all its nuclear installations and facilities to inspection by the International Atomic Energy Agency;
9. Requests the Secretary-General to provide all necessary assistance that the Organization of African Unity may seek regarding the modalities and elements for the preparation and implementation of the relevant convention or treaty on the denuclearization of Africa;
10. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Implementation of the Declaration on the Denuclearization of Africa".

73rd plenary meeting

7 December 1988

B

Nuclear capability of South Africa

The General Assembly,

Having considered the report of the Secretary-General on South Africa's nuclear capability, 5/

Recalling its resolutions 34/76 B of 11 December 1979, 35/146 A of 12 December 1980, 36/86 A of 9 December 1981, 37/74 B of 9 December 1982, 38/181 B of 20 December 1983, 39/61 B of 12 December 1984, 40/89 B of 12 December 1985, 41/55 B of 3 December 1986 and 42/34 B of 30 November 1987,

Bearing in mind the Declaration on the Denuclearization of Africa 1/ adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its first ordinary session, held at Cairo from 17 to 21 July 1964,

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5/ A/43/701.

Recalling that, in paragraph 12 of the Final Document of the Tenth Special Session of the General Assembly, 6/ it noted that the massive accumulation of armaments and the acquisition of armaments technology by racist régimes, as well as their possible acquisition of nuclear weapons, present a challenging and increasingly dangerous obstacle to a world community faced with the urgent need to disarm,

Recalling also that, in its resolution 33/63 of 14 December 1978, it vigorously condemned any overt or covert attempt by South Africa to introduce nuclear weapons into the continent of Africa and demanded that South Africa refrain forthwith from conducting any nuclear explosion in the continent or elsewhere,

Bearing in mind the provisions of resolution CM/Res.1101 (XLVI)/Rev.1 2/ on the denuclearization of Africa adopted by the Council of Ministers of the Organization of African Unity at its forty-sixth ordinary session, held at Addis Ababa from 20 to 25 July 1987,

Noting with regret the non-implementation by apartheid South Africa of resolution GC(XXX)/RES/468 7/ adopted on 3 October 1986 by the General Conference of the International Atomic Energy Agency during its thirtieth regular session,

Having taken note of the report of the United Nations Institute for Disarmament Research entitled "South Africa's nuclear capability", 3/ undertaken in co-operation with the Department for Disarmament Affairs of the Secretariat and in consultation with the Organization of African Unity,

Expressing regret that despite the threat that South Africa's nuclear-weapon capability constitutes to international peace and security and, in particular, to the realization of the objective of the Declaration on the Denuclearization of Africa, the Disarmament Commission, although it made some progress during its substantive session in 1988, failed once again to reach a consensus on this important item on its agenda,

Alarmed that South Africa's nuclear facilities, particularly those that remain unsafeguarded, enable it to develop and acquire the capability of producing fissionable material for nuclear weapons,

Gravely concerned that South Africa, in flagrant violation of the principles of international law and the relevant provisions of the Charter of the United Nations, has continued its acts of aggression and subversion against the peoples of the independent States of southern Africa,

Deeply indignant at the persistent policy of hostility by the racist régime of South Africa as demonstrated by its constant encroachment into the territory of

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6/ Resolution S-10/2.

7/ A/41/490, annex II.

Angola, which constitutes an act of aggression against the sovereignty and territorial integrity of that country,

Expressing its grave disappointment that, despite repeated appeals by the international community, certain Western States and Israel have continued to collaborate with the racist régime of South Africa in the military and nuclear fields and that some of these States have, by a ready recourse to the use of veto, consistently frustrated every effort in the Security Council to deal decisively with the question of South Africa,

Recalling its decision taken at the tenth special session that the Security Council should take appropriate effective steps to prevent the frustration of the implementation of the decision of the Organization of African Unity for the denuclearization of Africa, 8/

Stressing the need to preserve peace and security in Africa by ensuring that the continent is a nuclear-weapon-free zone,

1. Takes note of the report of the Secretary-General on South Africa's nuclear capability;
2. Condemns the massive buildup of South Africa's military machine, in particular its frenzied acquisition of nuclear-weapon capability for repressive and aggressive purposes and as an instrument of blackmail;
3. Also condemns all forms of nuclear collaboration by any State, corporation, institution or individual with the racist régime of South Africa, in particular the decision by some Member States to grant licences to several corporations in their territories to provide equipment and technical and maintenance services for nuclear installations in South Africa;
4. Reaffirms that the acquisition of nuclear-weapon capability by the racist régime constitutes a very grave danger to international peace and security and, in particular, jeopardizes the security of African States and increases the danger of the proliferation of nuclear weapons;
5. Expresses its full support for the African States faced with the danger of South Africa's nuclear capability;
6. Commends the actions taken by those Governments which have taken measures to restrict co-operation with South Africa in nuclear and other fields;
7. Demands that South Africa and all other foreign interests put an immediate end to the exploration for and exploitation of uranium resources in Namibia;

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8/ See resolution S-10/2, para. 63 (c).

8. Calls upon all States, corporations, institutions and individuals to terminate forthwith all forms of military and nuclear collaboration with the racist régime;

9. Requests the Disarmament Commission to consider once again as a matter of priority during its substantive session in 1989 South Africa's nuclear capability, taking into account, inter alia, the findings of the report of the United Nations Institute for Disarmament Research on South Africa's nuclear capability;

10. Requests the Secretary-General to provide all necessary assistance that the Organization of African Unity may seek regarding the modalities and elements for the preparation and implementation of the relevant convention or treaty on the denuclearization of Africa;

11. Commends the adoption by the Security Council of resolutions 558 (1984) of 13 December 1984 and 591 (1986) of 28 November 1986 on the question of South Africa, with a view to blocking the existing loopholes in the arms embargo so as to render it more effective and prohibiting, in particular, all forms of co-operation and collaboration with the racist régime of South Africa in the nuclear field;

12. Demands once again that South Africa submit forthwith all its nuclear installations and facilities to inspection by the International Atomic Energy Agency;

13. Requests the Secretary-General to follow very closely South Africa's evolution in the nuclear field and to report thereon to the General Assembly at its forty-fourth session.

73rd plenary meeting  
7 December 1988



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Forty-third session  
Agenda item 61

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee A/43/840]

43/72. Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons

The General Assembly,

Recalling its previous resolutions on the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons,

Noting paragraph 77 of the Final Document of the Tenth Special Session of the General Assembly, 1/

Determined to prevent the emergence of new types of weapons of mass destruction that have characteristics comparable in destructive effect to those of weapons of mass destruction identified in the definition of weapons of mass destruction adopted by the United Nations in 1948, 2/

Noting that in the course of its 1988 session the Conference on Disarmament considered the item entitled "New types of weapons of mass destruction and new systems of such weapons; radiological weapons",

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1/ Resolution S-10/2.

2/ The definition was adopted by the Commission for Conventional Armaments (see S/C.3/32/Rev.1).



Taking into account the section of the report of the Conference on Disarmament relating to this question, 3/

1. Reaffirms that effective measures should be undertaken to prevent the emergence of new types of weapons of mass destruction;

2. Requests the Conference on Disarmament, in the light of its existing priorities, to keep under review, with expert assistance, as appropriate, the questions of the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons with a view to making, when necessary, recommendations on undertaking specific negotiations on the identified types of such weapons;

3. Calls upon all States, immediately following the recommendation of the Conference on Disarmament, to give favourable consideration to these recommendations;

4. Requests the Secretary-General to transmit to the Conference on Disarmament all documents relating to the consideration of this item by the General Assembly at its forty-third session;

5. Requests the Conference on Disarmament to submit a report on results achieved to the General Assembly for consideration at its forty-fourth session;

6. Decides to include in the provisional agenda of its forty-fifth session the item entitled "Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons: report of the Conference on Disarmament".

73rd plenary meeting  
7 December 1988

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3/ Official Records of the General Assembly, Forty-third Session, Supplement No. 27 (A/43/27), sect. III.G.



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A/RES/43/73  
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Forty-third session  
Agenda item 62

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/841)]

43/73. Reduction of military budgets

The General Assembly,

Deeply concerned about the ever-spiralling arms race and growing military expenditures, which constitute a heavy burden for the economies of all nations and have extremely harmful effects on world peace and security,

Reaffirming once again the provisions of paragraph 89 of the Final Document of the Tenth Special Session of the General Assembly, 1/ the first special session devoted to disarmament, according to which the gradual reduction of military budgets on a mutually agreed basis, for example, in absolute figures or in terms of percentage, particularly by nuclear-weapon States and other militarily significant States, would contribute to curbing the arms race and would increase the possibilities for the reallocation of resources now being used for military purposes to economic and social development, particularly for the benefit of the developing countries,

Convinced that the freezing and reduction of military budgets would have favourable consequences on the world economic and financial situation and might facilitate efforts made to increase international assistance for the developing countries,

Recalling that at its twelfth special session, the second special session devoted to disarmament, all Member States unanimously and categorically reaffirmed

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1/ Resolution S-10/2.

the validity of the Final Document of the Tenth Special Session, as well as their solemn commitment to it, 2/

Recalling also that in the Declaration of the 1980s as the Second United Nations Disarmament Decade, it is provided that during this period renewed efforts should be made to reach agreement on the reduction of military expenditures and the reallocation of resources thus saved to economic and social development, especially for the benefit of developing countries, 3/

Recalling further the provisions of its relevant resolutions, in which it considered that a new impetus should be given to the endeavours to achieve agreements to freeze, reduce or otherwise restrain, in a balanced manner, military expenditures, including adequate measures of verification satisfactory to all parties concerned,

Aware of the various proposals submitted by Member States and of the activities carried out so far within the framework of the United Nations in the field of the reduction of military budgets,

Considering that the identification and elaboration of the principles that should govern further actions of States in freezing and reducing military budgets and the other current activities within the framework of the United Nations related to the question of the reduction of military budgets should be regarded as having the fundamental objective of reaching international agreements on the reduction of military expenditures,

Noting that the Disarmament Commission, at its 1986 substantive session, agreed upon the above-mentioned principles with the exception of one outstanding paragraph on which it was generally felt that further consideration was needed, 4/

1. Declares again its conviction that it is possible to achieve international agreements on the reduction of military budgets without prejudice to the right of all States to undiminished security, self-defence and sovereignty;

2. Appeals to all States, in particular to the most heavily armed States, pending the conclusion of agreements on the reduction of military expenditures, to exercise self-restraint in their military expenditures with a view to reallocating the funds thus saved to economic and social development, particularly for the benefit of developing countries;

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2/ See Official Records of the General Assembly, Twelfth Special Session, Annexes, agenda items 9 to 13, document A/S-12/32, para. 62.

3/ See resolution 35/46, annex, para. 15.

4/ See Official Records of the General Assembly, Forty-first Session, Supplement No. 42 (A/41/42), para. 28.8.

3. Reaffirms that the human and material resources released through the reduction of military expenditures could be reallocated for economic and social development, particularly for the benefit of the developing countries;

4. Requests the Disarmament Commission to continue consideration of the item entitled "Reduction of military budgets" and, in this context, to conclude, at its 1989 substantive session, its work on the last outstanding paragraph of the principles that should govern further actions of States in the field of freezing and reduction of military budgets, and to submit its report and recommendations to the General Assembly not later than at its forty-fourth session;

5. Draws anew the attention of Member States to the fact that the identification and elaboration of the principles that should govern further actions of States in freezing and reducing military budgets could contribute to harmonizing the views of States and creating confidence among them conducive to achieving international agreements on the reduction of military budgets;

6. Urges all Member States, in particular the most heavily armed States, to reinforce their readiness to co-operate in a constructive manner with a view to reaching agreements to freeze, reduce or otherwise restrain military expenditures;

7. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Reduction of military budgets".

73rd plenary meeting  
7 December 1988



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5 January 1989

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Forty-third session  
Agenda item 63

RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/855)]

43/74. Chemical and bacteriological (biological) weapons

A

Measures to uphold the authority of the 1925 Geneva Protocol and to support the conclusion of a chemical weapons convention

The General Assembly,

Recalling its resolution 42/37 C of 30 November 1987,

Recalling also the rules and principles of international humanitarian law applicable in armed conflict,

Reaffirming its dedication to protecting humanity from chemical and biological warfare,

Expressing deep dismay at the use of chemical weapons in violation of 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, 1/ and of other rules of customary international law, at indications of their emergence in an increasing number of national arsenals and at the growing risk that they may be used again,

Recalling the provisions of the 1925 Geneva Protocol and other relevant rules of customary international law,

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1/ League of Nations, Treaty Series, vol. XCIV (1929), No. 2138.

Recalling also the necessity for adherence by all States to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed in London, Moscow and Washington on 10 April 1972, 2/

Bearing in mind the resolutions of the Security Council on chemical weapons adopted during 1988,

Noting that prompt and impartial investigation of reports of possible use of chemical and bacteriological weapons would further enhance the authority of the Geneva Protocol,

Taking note of the report of the Secretary-General 3/ on the meeting of the group of qualified experts established in pursuance of General Assembly resolution 42/37 C to develop further the technical guidelines and procedures available to the Secretary-General for the timely and efficient investigation of reports of the possible use of chemical and bacteriological (biological) or toxin weapons,

Recalling that, in its resolution 620 (1988) of 26 August 1988, the Security Council decided to consider immediately, taking into account the investigations of the Secretary-General, appropriate and effective measures in accordance with the Charter of the United Nations,

Expressing its appreciation for the work of the Secretary-General, and noting the procedures available to him in support of the principles and objectives of the Geneva Protocol,

1. Renews its call to all States to observe strictly the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, and condemns vigorously all actions that violate this obligation;

2. Calls upon all States that have not yet done so to accede to the 1925 Geneva Protocol;

3. Urges the Conference on Disarmament to pursue as a matter of continuing urgency its negotiations on a convention on the prohibition of the development, production, stockpiling and use of all chemical weapons and on their destruction;

4. Calls upon all States to be guided in their national policies by the need to curb the spread of chemical weapons pending the conclusion of such a convention;

5. Requests the Secretary-General to carry out promptly investigations in response to reports that may be brought to his attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxin

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2/ Resolution 2826 (XXVI), annex.

3/ A/43/690.

weapons that may constitute a violation of the Geneva Protocol or other rules of customary international law in order to ascertain the facts of the matter, and to report promptly the results of any such investigation to all Member States, in accordance with the procedures established by the General Assembly in its resolution 42/37 C;

6. Also requests the Secretary-General, pursuant to resolution 42/37 C, with the assistance of the group of qualified experts provided by interested Member States, to continue his efforts to develop further technical guidelines and procedures available to him for the timely and efficient investigation of such reports of the possible use of chemical and bacteriological (biological) or toxin weapons, and to report to Member States as soon as possible;

7. Requests Member States and the relevant international organizations to co-operate fully with the Secretary-General in the above-mentioned work;

8. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Chemical and bacteriological (biological) weapons".

73rd plenary meeting  
7 December 1988

B

Second Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

The General Assembly,

Recalling its resolution 2826 (XXVI) of 16 December 1971, in which it commended the Convention of the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction 2/ and expressed the hope for the widest possible adherence to the Convention,

Recalling its resolution 39/65 D of 12 December 1984, in which it noted that, at the request of a majority of States parties to the Convention, a second Review Conference of the Parties to the Convention would be held in 1986,

Recalling that the States parties to the Convention met at Geneva from 8 to 26 September 1986 to review the operation of the Convention with a view to assuring that the purposes of the preamble to and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, were being realized,

Recalling also its resolution 41/58 A of 3 December 1986, in which it, inter alia, noted with appreciation that on 26 September 1986, the Second Review Conference of the Parties to the Convention on the Prohibition of the Development,

/...

Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction adopted by consensus a Final Declaration, 4/

Pursuing its resolution 42/37 B, and noting with satisfaction that at the time of the Second Review Conference of the Parties to the Convention there were more than a hundred States parties to the Convention, including all the permanent members of the Security Council,

1. Notes with appreciation that, in accordance with the Final Declaration of the Second Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, an Ad Hoc Meeting of Scientific and Technical Experts from States parties to the Convention was held at Geneva from 31 March to 15 April 1987, which adopted by consensus a report 5/ finalizing the modalities for the exchange of information and data agreed to in the Final Declaration, thus enabling States parties to follow a standardized procedure;

2. Notes that the Ad Hoc Meeting of Scientific and Technical Experts from States parties to the Convention agreed in its report that the first exchange of information and data should take place not later than 15 October 1987 and that thereafter information to be given on an annual basis should be provided through the Department for Disarmament Affairs of the Secretariat not later than 15 April;

3. Notes with satisfaction that the second such exchange of information and data has commenced, and calls upon States that have not yet exchanged information and data to do so;

4. Requests the Secretary-General to render the necessary assistance and to provide such services as may be required for the implementation of the relevant parts of the Final Declaration;

5. Calls upon all States that have not ratified or acceded to the Convention to do so without delay, thus contributing to the achievement of universal adherence to the Convention and to international confidence.

73rd plenary meeting  
7 December 1988

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4/ BWC/CONF.II/13, part II.

5/ BWC/CONF.II/EX/2.



## C

Chemical and bacteriological (biological) weaponsThe General Assembly,

Recalling its previous resolutions relating to the complete and effective prohibition of the development, production and stockpiling of all chemical weapons and to their destruction,

Reaffirming the urgent necessity, particularly following recent United Nations reports, of strict observance by all States of the principles and objectives of 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, 1/ and taking note with satisfaction of the proposal to convene a conference to that effect,

Reaffirming also the urgent necessity of the adherence by all States to the Convention of the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, 2/ signed in London, Moscow and Washington on 10 April 1972,

Taking note of the Final Document of the Second Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, adopted by consensus on 26 September 1986, 6/ and, in particular, of article IX of the Final Declaration of the Conference, 4/

Having considered the report of the Conference on Disarmament, 7/ which incorporates, inter alia, the report of its Ad Hoc Committee on Chemical Weapons, 8/ and noting that following the precedents set over the past four years, consultations are continuing during the inter-sessional period, thus increasing the time devoted to negotiations,

Convinced of the necessity that all efforts be exerted for the continuation and successful conclusion of negotiations on the prohibition of the development, production, stockpiling and use of all chemical weapons and on their destruction,

Expressing the hope that the conference referred to above will also give a strong impetus to that end,

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6/ BWC/CONF.II/13.

7/ Official Records of the General Assembly, Forty-third Session, Supplement No. 27 (A/43/27).

8/ Ibid., para. 77.

Conscious of the need to share data relevant to the negotiations on a future convention banning all chemical weapons on a global basis and of the fact that the provision of such data would be an important confidence-building measure,

Noting the bilateral and other discussions, including the ongoing exchange of views between the Union of the Soviet Socialist Republics and the United States of America in the framework of the multilateral negotiations, on issues related to the prohibition of chemical weapons,

Noting also with appreciation the efforts made at all levels by States to facilitate the earliest conclusion of a convention and, in particular, the concrete steps designed to promote confidence and to contribute directly to that goal,

1. Takes note with satisfaction of the work of the Conference on Disarmament during its 1988 session regarding the prohibition of chemical weapons, and in particular appreciates the progress in the work of its Ad Hoc Committee on Chemical Weapons on that question and the tangible results recorded in its report;

2. Expresses again none the less its regret and concern that, notwithstanding the progress made in 1988, a convention on the complete and effective prohibition of the development, production, stockpiling and use of all chemical weapons and on their destruction has not yet been elaborated;

3. Urges again the Conference on Disarmament, as a matter of high priority, to intensify, during its 1989 session, the negotiations on such a convention and to reinforce further its efforts by, inter alia, increasing the time during the year that it devotes to such negotiations, taking into account all existing proposals and future initiatives, with a view to the final elaboration of a convention at the earliest possible date, and to re-establish its Ad Hoc Committee on Chemical Weapons for this purpose with the mandate to be agreed upon by the Conference at the beginning of its 1989 session;

4. Requests the Conference on Disarmament to report to the General Assembly at its forty-fourth session on the results of its negotiations;

5. Encourages Member States to take further initiatives to promote confidence and openness in the negotiations and to provide further information to facilitate prompt resolution of outstanding issues, thus contributing to an early agreement on, and universal adherence to, a convention on the prohibition of the development, production, stockpiling and use of all chemical weapons and on their destruction;

6. Recognizes the importance of declarations made by States on whether or not they possess chemical weapons and of further international exchanges of data in connection with the negotiations on a multilateral convention on the complete and effective prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction;

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7. Welcomes the offer by the French Government to convene in Paris from 7 to 11 January 1989 a conference of the States parties to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous and Other Gases, and of Bacteriological Methods of Warfare, and of other interested States;

8. Expresses the hope that all States will contribute actively to the objectives of the conference.

73rd plenary meeting

7 December 1988



General Assembly

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A/RES/43/75  
17 January 1989

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Forty-third session  
Agenda item 64

RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/856)]

43/75. General and complete disarmament

A

Bilateral nuclear-arms negotiations

The General Assembly,

Recalling its resolutions 40/18 of 18 November 1985, 41/86 N of 4 December 1986 and 42/38 D of 30 November 1987,

Recalling also the Harare Appeal on Disarmament, 1/ adopted by the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare from 1 to 6 September 1986, the Havana Appeal, 2/ adopted by the Ministers for Foreign Affairs of Non-Aligned Countries at the special ministerial meeting devoted to disarmament issues held at Havana from 26 to 30 May 1988, and the final documents of the Conference of Ministers for Foreign Affairs of Non-Aligned Countries held at Nicosia from 5 to 10 September 1988, 3/

Gravely concerned about the continuing escalation of the arms race, especially in nuclear weapons and other weapons of mass destruction, despite the fact that this increases the risk of nuclear war and endangers the survival of humanity,

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1/ See A/41/697-S/18362, annex, sect. I.

2/ A/S-15/27 and Corr.1, annex II.

Convinced that the alternative today in the nuclear age is not between war or peace, but between life and death, which makes the prevention of nuclear war the principal task of our times,

Also convinced that international peace and security can be ensured only through general and complete disarmament under effective international control and that one of the most urgent tasks is to halt and reverse the arms race and to undertake concrete measures of disarmament, particularly nuclear disarmament,

Further convinced that, in the interest of mankind as a whole, the Union of Soviet Socialist Republics and the United States of America, in their bilateral nuclear-arms negotiations, should continue their endeavours with the ultimate objective of achieving general and complete disarmament under effective international control,

Welcoming the ratification and commencement of implementation by the Union of Soviet Socialist Republics and the United States of America of the Treaty on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, 4/

Affirming that bilateral and multilateral negotiations on disarmament should facilitate and complement each other and that progress at the bilateral level should not be used to postpone or prohibit action at the multilateral level,

1. Calls upon the Union of Soviet Socialist Republics and the United States of America to exert every effort to achieve the goal they set themselves of a treaty on a 50 per cent reduction in strategic offensive arms as part of the process leading to the complete elimination of nuclear weapons;

2. Also calls upon the two Governments to intensify their efforts with the objective of achieving agreements in other areas, in particular the issue of a nuclear-test ban, as a matter of urgency;

3. Invites the Governments of the Union of Soviet Socialist Republics and the United States of America to keep the General Assembly and the Conference on Disarmament duly informed of progress made in their negotiations.

73rd plenary meeting

7 December 1988

B

Relationship between disarmament and development

The General Assembly,

Recalling the provisions of the Final Document of the Tenth Special Session of

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4/ See CD/798. For the printed text, see The United Nations Disarmament Yearbook, vol. 12: 1987 (United Nations publication, Sales No. E.8E.IX.2), appendix VII.

the General Assembly 5/ related to the relationship between disarmament and development,

Recalling also the adoption on 11 September 1987 of the Final Document of the International Conference on the Relationship between Disarmament and Development, 6/

1. Requests the Secretary-General to take action through the appropriate organs, within available resources, for the implementation of the action programme adopted at the International Conference on the Relationship between Disarmament and Development, and to submit a report to the General Assembly at its forty-fourth session;

2. Decides to include in the provisional agenda of its forty-fourth session an item entitled "Relationship between disarmament and development".

73rd plenary meeting

7 December 1988

C

Prohibition of the development, production, stockpiling  
and use of radiological weapons

The General Assembly,

Recalling its resolution 42/38 B of 30 November 1987,

1. Takes note of the part of the report of the Conference on Disarmament on its 1988 session and that of the special report of the Conference on Disarmament, that deal with the question of radiological weapons, 1/ in particular the reports of the Ad Hoc Committee on Radiological Weapons;

2. Recognizes that the Ad Hoc Committee in 1988 made a further contribution to the clarification and better understanding of different approaches that continue to exist with regard to both of the important subjects under consideration;

3. Takes note of the recommendation of the Conference on Disarmament that the Ad Hoc Committee on Radiological Weapons should be re-established at the beginning of its 1989 session;

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5/ Resolution S-10/2.

6/ United Nations publication, Sales No. E.87.IX.8.

7/ Official Records of the General Assembly, Forty-third Session, Supplement No. 27 (A/43/27), paras. 84-86; and *ibid.*, Fifteenth Special Session, Supplement No. 2 (A/S-15/2), paras. 92 and 93.

4. Requests the Conference on Disarmament to continue its negotiations on the subject with a view to a prompt conclusion of its work, taking into account all proposals presented to the Conference to this end and drawing upon the annexes to its report as a basis of its future work, the result of which should be submitted to the General Assembly at its forty-fourth session;

5. Also requests the Secretary-General to transmit to the Conference on Disarmament all relevant documents relating to the discussion of all aspects of the issue by the General Assembly at its forty-third session;

6. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Prohibition of the development, production, stockpiling and use of radiological weapons".

73rd plenary meeting  
7 December 1988

D

Conventional disarmament

The General Assembly,

Recalling its resolution 42/38 E of 30 November 1987,

Welcoming the wide support expressed by Member States for greater attention to be given to conventional disarmament,

Also welcoming the increased awareness of the implications of many aspects of the conventional arms buildup, both in its qualitative and its quantitative aspect,

Taking into account that conventional disarmament is a necessary part of the disarmament process,

Recalling the central role of the United Nations in the field of disarmament,

Having examined the reports of the Disarmament Commission to the General Assembly at its fifteenth special session 8/ and at its forty-third session, 9/

1. Maintains that the United Nations should continue to encourage and facilitate disarmament efforts in all fields;

2. Requests the Disarmament Commission to continue at its 1989 session the substantive consideration of issues related to conventional disarmament and to report to the General Assembly at its forty-fourth session with a view to facilitating possible measures in the fields of conventional arms reduction and disarmament;

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8/ Ibid., Supplement No. 3 (A/S-15/3).

9/ Ibid., Forty-third Session, Supplement No. 42 (A/43/42).

3. Also requests the Disarmament Commission for this purpose to include in the agenda for its 1989 session an item entitled "Substantive consideration of issues related to conventional disarmament";

4. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Conventional disarmament".

73rd plenary meeting  
7 December 1988

E

Nuclear disarmament

The General Assembly,

Recalling its resolutions 41/59 F of 3 December 1986 and 42/38 H of 30 November 1987,

Reaffirming the determination to save succeeding generations from the scourge of war as expressed in the Preamble to the Charter of the United Nations,

Convinced that the most acute and urgent task of the present day is to remove the threat of a world war - a nuclear war,

Recalling and reaffirming the statements and provisions on nuclear disarmament set forth in the Final Document of the Tenth Special Session of the General Assembly, 5/ and, in particular, provisions that "effective measures of nuclear disarmament and the prevention of nuclear war have the highest priority", contained in paragraph 20, and that "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", contained in paragraph 48,

Bearing in mind that the ultimate goal of nuclear disarmament is the complete elimination of nuclear weapons,

Noting that the leaders of the Union of Soviet Socialist Republics and the United States of America agreed in their joint statement issued at Geneva on 21 November 1985 that "a nuclear war cannot be won and must never be fought" 10/ and the common desire they expressed in the same statement calling for early progress in areas where there is common ground, including the principle of a 50 per cent reduction in the nuclear arms of the Soviet Union and the United States appropriately applied,

Noting also that the Union of Soviet Socialist Republics and the United States of America have conducted intensive negotiations on various issues of disarmament,

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10/ See A/40/1070, annex.



Noting further that the Conference on Disarmament has not played its due role in the field of nuclear disarmament,

Believing that the qualitative aspect of the arms race needs to be addressed along with its quantitative aspect,

Bearing in mind that the Governments and peoples of various countries expect that the Union of Soviet Socialist Republics and the United States of America will reach agreement on halting the nuclear-arms race and further reducing nuclear weapons,

1. Welcomes the signing and ratification of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, 4/ and calls upon the two States strictly to observe and fully to implement the Treaty;

2. Urges the Union of Soviet Socialist Republics and the United States of America, which possess the most important nuclear arsenals, further to discharge their special responsibility for nuclear disarmament, to take the lead in halting the nuclear-arms race and to negotiate in earnest with a view to reaching early agreement on the drastic reduction of their nuclear arsenals;

3. Reiterates its belief that bilateral and multilateral efforts for nuclear disarmament should complement and facilitate each other;

4. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Nuclear disarmament".

73rd plenary meeting  
7 December 1988

F

Conventional disarmament

The General Assembly,

Reaffirming the determination to save succeeding generations from the scourge of war as expressed in the Preamble to the Charter of the United Nations,

Recalling the Final Document of the Tenth Special Session of the General Assembly, 5/ and particularly its paragraph 81, which provides that 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, and which stresses that States with the largest military arsenals have a special responsibility in pursuing the process of conventional armaments reductions,

Also recalling that in the same document it is stated, inter alia, that priorities in disarmament negotiations shall be: nuclear weapons; 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, and that it stresses that nothing should preclude States from conducting negotiations on all priority items concurrently,

Further recalling that in the same document it is stated that effective measures of nuclear disarmament and the prevention of nuclear war have the highest priority, and that real progress in the field of nuclear disarmament could create an atmosphere conducive to progress in conventional disarmament on a world-wide basis,

Aware of the dangers to world peace and security originating from, and the loss in human life and property caused by, wars and conflicts fought with conventional weapons, as well as of their possible escalation into a nuclear war in regions with a high concentration of conventional and nuclear weapons,

Also aware that with the advance in science and technology, conventional weapons tend to become increasingly lethal and destructive and that conventional armaments consume large amounts of resources,

Believing that resources released through disarmament, including conventional disarmament, can be used for the social and economic development of people of all countries, particularly the developing countries,

Noting that the ongoing conventional disarmament negotiations in Europe have gained increasing importance,

Bearing in mind its resolution 36/97 A of 9 December 1981 and the Study on Conventional Disarmament 11/ conducted in accordance with that resolution, as well as its resolutions 41/59 C and 41/59 G of 3 December 1986, and 42/38 E and 42/38 G of 30 November 1987, and the consideration by the Disarmament Commission at its 1988 session of the question of conventional disarmament, 12/

Bearing in mind also the efforts made to promote conventional disarmament and the related proposals and suggestions, as well as the initiatives taken by various countries in this regard,

1. Reaffirms the importance of the efforts aimed at resolutely pursuing the limitation and gradual reduction of armed forces and conventional weapons within the framework of progress towards general and complete disarmament;

2. Believes that the military forces of all countries should not be used other than for the purpose of self-defence;

3. Urges the countries with the largest military arsenals, which bear a special responsibility in pursuing the process of conventional armaments reductions, and the member States of the two major military alliances to conduct

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11/ United Nations publication, Sales No. E.85.IX.1.

12/ See Official Records of the General Assembly, Fifteenth Special Session, Supplement No. 3 (A/S-15/3), para. 57.

negotiations on conventional disarmament in earnest through appropriate forums, with a view to reaching early agreement on the limitation and gradual and balanced reduction of armed forces and conventional weapons under effective international control in their respective regions, particularly in Europe, which has the largest concentration of arms and forces in the world;

4. Encourages all States, while taking into account the need to protect security and maintain necessary defensive capabilities, to intensify their efforts and take, either on their own or in a regional context, appropriate steps to promote progress in conventional disarmament and enhance peace and security;

5. Requests the Disarmament Commission to consider further, at its 1989 substantive session, issues related to conventional disarmament;

6. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Conventional disarmament".

73rd plenary meeting  
7 December 1988

G

Objective information on military matters

The General Assembly,

Recalling paragraph 105 of the Final Document of the Tenth Special Session of the General Assembly, 5/ in which the Assembly encouraged Member States to ensure a better flow of information with regard to the various aspects of disarmament to avoid dissemination of false and tendentious information concerning armaments and to concentrate on the danger of escalation of the arms race and on the need for general and complete disarmament under effective international control,

Taking into account the attention paid to the questions of openness and of ensuring an exchange of objective information in the military field at its fifteenth special session, the third special session devoted to disarmament,

Noting with satisfaction that recent agreements in the field of arms limitation and disarmament have provided for qualitatively new standards of openness,

Believing that the adoption of confidence-building measures to promote openness and transparency would contribute to the prevention of misperceptions of military capabilities and intentions which would induce States to undertake armaments programmes leading to the acceleration of the arms race, in particular the nuclear-arms race, and to heightened international tensions,

Believing also that balanced and objective information on all military matters, in particular of nuclear-weapon States and other militarily significant States, would contribute to the building of confidence among States and to the

/...

conclusion of concrete disarmament agreements, and thereby help to halt and reverse the arms race,

Recognizing that greater openness and transparency would contribute to enhancing security,

Convinced that greater openness on military activities, inter alia, through transmittal of relevant information on these activities, including on the levels of military budgets, would contribute to increased confidence among States,

Taking into account the work undertaken in the Disarmament Commission on the reduction of military budgets,

Noting with satisfaction that an increased number of States have provided annual reports on military expenditures in conformity with the international system for the standardized reporting of military expenditures under the auspices of the United Nations,

1. Takes note of the report of the Secretary-General on this subject to the third special session of the General Assembly devoted to disarmament; 13/
2. Reaffirms its firm conviction that a better flow of objective information on military capabilities would 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;
3. Recommends that those States and global, regional and subregional organizations which have already expressed support for the principle of practical and concrete confidence-building measures of a military nature on a global, regional or subregional level should intensify their efforts with a view to adopting such measures;
4. Recommends also that all States, in particular nuclear-weapon States and other militarily significant States, should implement the international system for the standardized reporting of military expenditures, with the aim of achieving a realistic comparison of military budgets, facilitating the availability of objective information on, as well as objective assessment of, military capabilities and contributing to the process of disarmament;
5. Invites all Member States to communicate to the Secretary-General before 30 April 1989 measures they have adopted towards these ends, for submission to the General Assembly at its forty-fourth session;
6. Also invites all Member States also to communicate to the Secretary-General their views on ways and means of further consolidating the emerging trend towards greater openness in military matters, specifically with regard to the provisions of objective information on military matters, for consideration by the Disarmament Commission at its 1990 session;

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13/ A/S-15/7 and Add.1 and 2.

7. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Objective information on military matters".

73rd plenary meeting  
7 December 1988

H

Implementation of General Assembly resolutions in the  
field of disarmament

The General Assembly,

Recalling its resolution 42/38 J of 30 November 1987,

Taking note of the report of the Secretary-General, 14/

Recalling paragraph 115 of the Final Document of the Tenth Special Session of the General Assembly, 5/ in which it is stated, inter alia, that the Assembly has been and should remain the main deliberative organ of the United Nations in the field of disarmament and should make every effort to facilitate the implementation of disarmament measures,

Mindful of the fact that the role of the United Nations in the field of disarmament could be strengthened substantially through an increased effort by Member States to implement faithfully General Assembly resolutions in the field of disarmament,

Convinced of the importance of treating recommendations of the General Assembly in the field of disarmament with due respect in accordance with the obligations assumed by Member States under the Charter of the United Nations,

1. Deems it important that all Member States make every effort to facilitate the consistent implementation of General Assembly resolutions in the field of disarmament, and thus show their resolve to arrive at mutually acceptable, comprehensively verifiable and effective disarmament measures;

2. Invites all Member States that have not yet done so to make available to the Secretary-General their views and suggestions on ways and means to improve the situation with regard to the implementation of General Assembly resolutions in the field of disarmament;

3. Requests the Secretary-General to submit to the General Assembly at its forty-fourth session, in accordance with resolution 42/38 J, a report that includes information provided by Member States concerning the implementation of General Assembly resolutions in the field of disarmament, as well as their views on possible avenues to improve the situation in this respect;

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14/ A/43/492 and Add.1-3.

4. Calls upon all Member States to render every assistance to the Secretary-General so that he may fulfil the request contained in paragraph 3 above;

5. Decides to continue its consideration of the issue of the implementation of General Assembly resolutions in the field of disarmament at its forty-fourth session.

73rd plenary meeting  
7 December 1988

I

International arms transfers

The General Assembly,

Reaffirming the central role of the United Nations in strengthening international peace and security and promoting disarmament,

Bearing in mind that, in accordance with the Charter of the United Nations, Member States have undertaken to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources,

Also bearing in mind the inherent right to self-defence embodied in Article 51 of the Charter,

Taking into account the general principles outlined in paragraph 22 of the Final Document of the Tenth Special Session of the General Assembly, 5/

Also taking into account the conclusions and recommendations of the United Nations studies entitled Study on Conventional Disarmament, 11/ Study on all the Aspects of Regional Disarmament 15/ "Study on the economic and social consequences of the arms race and military expenditures", 16/ The Relationship between Disarmament and Development, 17/ Reduction of Military Budgets, 18/ Relationship between Disarmament and International Security, 19/ and Comprehensive Study on Confidence-building Measures, 20/

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15/ United Nations publication, Sales No. E.81.IX.2.

16/ A/43/368, annex.

17/ United Nations publication, Sales No. E.82.IX.1.

18/ Ibid., Sales No. E.86.IX.2.

19/ Ibid., Sales No. E.82.IX.4.

20/ Ibid., Sales No. E.82.IX.3.

Further taking into account the action programme set forth in the Final Document of the International Conference on the Relationship between Disarmament and Development, 6/

1. Expresses its conviction that arms transfers in all their aspects deserve serious consideration by the international community, inter alia, because of:

(a) Their potential effects in areas where tension and regional conflict threaten international peace and security and national security;

(b) Their known and potential negative effects on the process of the peaceful social and economic development of all peoples;

(c) Increasing illicit and covert arms trafficking;

2. Requests Member States to consider, inter alia, the following measures relating to these concerns:

(a) Reinforcement of their national systems of control and vigilance concerning production and transport of arms;

(b) Examination of ways and means of refraining from acquiring arms additional to those needed for legitimate national security requirements, taking into account the specific characteristics of each region;

(c) Examination of the ways and means of providing for more openness and transparency with regard to world-wide arms transfers;

3. Requests the Disarmament Commission to take into account the above-mentioned matters in its deliberations on the issue of conventional disarmament;

4. Requests the Secretary-General to seek the views and proposals of Member States on the matters contained in paragraphs 1 and 2 above and to collect all other relevant information for submission to the General Assembly at its forty-fourth session;

5. Also requests the Secretary-General to carry out thereafter, with the assistance of governmental experts, a study on ways and means of promoting transparency in international transfers of conventional arms on a universal and non-discriminatory basis, also taking into consideration the views of Member States as well as other relevant information, including that on the problem of illicit arms trade, for submission to the General Assembly at its forty-sixth session;

6. Further requests the Secretary-General to make available, within the framework of the World Disarmament Campaign, information concerning the question of arms transfers and their consequences for international peace and security;

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7. Decides to include in the provisional agenda of its forty-fourth session an item entitled "International arms transfers".

73rd plenary meeting  
7 December 1988

J

Prohibition of the development, production, stockpiling  
and use of radiological weapons

The General Assembly,

Recalling its resolutions 37/99 C of 13 December 1982, 38/188 D of 20 December 1983, 39/151 J of 17 December 1984, 40/94 D of 12 December 1985, 41/59 A and I of 3 December 1986 and 42/38 F of 30 November 1987 on, inter alia, the conclusion of an agreement prohibiting military attacks against nuclear facilities,

Taking note of the report of the Secretary-General on this subject submitted pursuant to resolution 42/38 F, 21/

Gravely concerned that armed attacks against nuclear facilities, though carried out with conventional weapons, could be tantamount to the use of radiological weapons,

Recalling also that Additional Protocol I 22/ of 1977 to the Geneva Conventions of 12 August 1949 23/ prohibits attacks on nuclear electricity-generating stations,

Deeply concerned that the destruction of nuclear facilities by conventional weapons causes the release into the environment of huge amounts of dangerous radioactive material, which results in serious radioactive contamination,

Firmly convinced that the Israeli attack against the safeguarded nuclear facilities in Iraq constitutes an unprecedented danger to international peace and security,

Recalling further resolutions GC(XXVII)/RES/407 and GC(XXVII)/RES/409, adopted in 1983 by the General Conference of the International Atomic Energy Agency, in which the Conference urged all member States to support actions in international forums to reach an international agreement that prohibits armed attacks against nuclear installations devoted to peaceful purposes,

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21/ A/43/622.

22/ A/32/144, annex I.

23/ United Nations, Treaty Series, vol. 75, Nos. 970-973.



1. Reaffirms that armed attacks of any kind against nuclear facilities are tantamount to the use of radiological weapons, owing to the dangerous radioactive forces that such attacks cause to be released;
2. Requests once again the Conference on Disarmament to intensify further its efforts to reach, as early as possible, an agreement prohibiting armed attacks against nuclear facilities;
3. Requests again the International Atomic Energy Agency to provide the Conference on Disarmament with the technical studies that could facilitate the conclusion of such an agreement;
4. Requests the Secretary-General to report to the General Assembly at its forty-fourth session on the progress made in the implementation of the present resolution.

73rd plenary meeting  
7 December 1988

K

Prohibition of the production of fissionable material  
for weapons purposes

The General Assembly,

Recalling its resolutions 33/91 H of 16 December 1978, 34/87 D of 11 December 1979, 35/156 H of 12 December 1980, 36/97 G of 9 December 1981, 37/99 E of 13 December 1982, 38/188 E of 20 December 1983, 39/151 H of 17 December 1984, 40/94 G of 12 December 1985, 41/59 L of 3 December 1986 and 42/38 L of 30 November 1987, in which it requested the Conference on Disarmament, at an appropriate stage of the implementation of the Programme of Action set forth in section III of the Final Document of the Tenth Special Session of the General Assembly, 5/ and of its work on the item entitled "Nuclear weapons in all aspects", to consider urgently the question of adequately verified cessation and prohibition of the production of fissionable material for nuclear weapons and other nuclear explosive devices and to keep the Assembly informed of the progress of that consideration,

Noting that the agenda of the Conference on Disarmament for 1988 included the item entitled "Nuclear weapons in all aspects" and that the programme of work of the Conference for both parts of its 1988 session contained the item entitled "Cessation of the nuclear-arms race and nuclear disarmament", 24/

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24/ Official Records of the General Assembly, Forty-third Session, Supplement No. 27 (A/43/27), paras. 5 and 8.

Recalling the proposals and statements made in the Conference on Disarmament on those items, 25/

Considering that the cessation of production of fissionable material for weapons purposes and the progressive conversion and transfer of stocks to peaceful uses would be a significant step towards halting and reversing the nuclear-arms race,

Considering also that the prohibition of the production of fissionable material for nuclear weapons and other explosive devices would be an important measure in facilitating the prevention of the proliferation of nuclear weapons and explosive devices,

Requests the Conference on Disarmament, at an appropriate stage of its work on the item entitled "Nuclear weapons in all aspects", to pursue its consideration of the question of adequately verified cessation and prohibition of the production of fissionable material for nuclear weapons and other nuclear explosive devices and to keep the General Assembly informed of the progress of that consideration.

73rd plenary meeting

7 December 1988

L

Naval armaments and disarmament

The General Assembly,

Recalling its resolution 38/188 G of 20 December 1983, by which it requested the Secretary-General, with the assistance of qualified governmental experts, to carry out a comprehensive study on the naval arms race,

Recalling also its resolution 40/94 F of 12 December 1985, by which it requested the Disarmament Commission to consider the issues contained in the study entitled The Naval Arms Race, 26/ both its substantive content and its conclusions, taking into account all other relevant present and future proposals, with a view to facilitating the identification of possible measures in the field of naval arms reductions and disarmament, pursued within the framework of progress towards general and complete disarmament, as well as confidence-building measures in this field,

Recalling further its resolution 42/38 K of 30 November 1987, by which it requested the Disarmament Commission to continue, at its 1988 session, the substantive consideration of the question and to report on its deliberations and recommendations to the General Assembly not later than at its forty-third session,

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25/ Ibid., sect. III.B.

26/ United Nations publication, Sales No. E.86.IX.3.

Having examined the report of the Chairman of the Disarmament Commission on the substantive consideration of the question of the naval arms race and disarmament during the 1988 session of the Commission, 27/ which met with the approval of all delegations participating in the substantive consultations and which, in their view, should be discussed at the forty-third session of the General Assembly,

1. Notes with satisfaction the report on the substantive consideration of the question of the naval arms race and disarmament by the Chairman of the Disarmament Commission;
2. Requests the Disarmament Commission to continue, at its forthcoming session in 1989, the substantive consideration of the question and to report on its deliberations and recommendations to the General Assembly at its forty-fourth session;
3. Also requests the Disarmament Commission to inscribe on the agenda for its 1989 session the item entitled "Naval armaments and disarmament";
4. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Naval armaments and disarmament".

73rd plenary meeting  
7 December 1988

M

Review Conference of the Parties to the Treaty on the Prohibition  
of the Emplacement of Nuclear Weapons and Other Weapons of Mass  
Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil  
Thereof

The General Assembly,

Recalling its resolution 2660 (XXV) of 7 December 1970, in which it commended 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,

Noting the provisions of article VII of that Treaty concerning the holding of review conferences,

Bearing in mind that, in its Final Declaration, 28/ the Second Review Conference of the Parties to the Treaty on the Prohibition of the Emplacement of

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27/ A/CN.10/113.

28/ See Second Review Conference of the Parties to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, Final Document (SBT/CONF.II/20) (Geneva, 1983), Part II.

Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, held at Geneva from 12 to 23 September 1983, decided that a third review conference should be held at Geneva at the request of a majority of States parties not earlier than 1988 and not later than 1990,

Recalling also its resolution 38/188 B of 20 December 1983, in which it made an assessment of the outcome of the Second Review Conference,

Bearing in mind also all the relevant paragraphs of the Final Document of the Tenth Special Session of the General Assembly, 5/

1. Notes that, following appropriate consultations, a preparatory committee for the Third Review Conference of the Parties to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof is to be established prior to holding a further review conference in 1989;

2. Requests the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the Review Conference and its preparation;

3. Recalls its expressed hope for the widest possible adherence to the Treaty.

73rd plenary meeting  
7 December 1988

N

Comprehensive United Nations study on nuclear weapons

The General Assembly,

Conscious of the central role and primary responsibility of the United Nations in the sphere of disarmament, in accordance with the Charter,

Recognizing that nuclear disarmament and arms limitation remain a priority objective and represent a central task of the international community,

Recalling the report of the Secretary-General entitled Comprehensive Study on Nuclear Weapons, 29/ which was submitted to the General Assembly in 1980,

Recognizing also that since then many important developments have taken place in the area of nuclear arms, including the continued qualitative improvement and development of nuclear-weapon systems,

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29/ United Nations publication, Sales No. E.81.I.11.

Noting the importance attached by the international community to the complete cessation of nuclear testing within the framework of an effective disarmament process,

Noting also the full-scale stage-by-stage talks on nuclear testing between the Union of Soviet Socialist Republics and the United States of America,

Bearing in mind the critical importance of an early and significant reduction of nuclear arms and recent progress in this field,

Noting further the reports of the Secretary-General entitled "Study on the climatic and other global effects of nuclear war", 30/ Concepts of security 31/ and Study on Deterrence, 32/

Convinced that a comprehensive United Nations study on new developments concerning different aspects of nuclear weapons would make a valuable contribution to the dissemination of factual information and to international understanding of the issues involved,

1. Requests the Secretary-General to carry out, with the assistance of qualified governmental experts and taking into account recent relevant studies, a comprehensive update of the Comprehensive Study on Nuclear Weapons that provides factual and up-to-date information on and pays regard to the political, legal and security aspects of:

- (a) Nuclear arsenals and pertinent technological developments;
- (b) Doctrines concerning nuclear weapons;
- (c) Efforts to reduce nuclear weapons;
- (d) Physical, environmental, medical and other effects of use of nuclear weapons and of nuclear testing;
- (e) Efforts to achieve a comprehensive nuclear-test ban;
- (f) Efforts to prevent the use of nuclear weapons and their horizontal and vertical proliferation;
- (g) The question of verification of compliance with nuclear-arms limitation agreements;

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30/ A/43/351.

31/ United Nations publication, Sales No. E.86.IX.1.

32/ Ibid., Sales No. E.87.IX.2.

2. Recommends that the study, while aiming at being as comprehensive as possible, should be based on open material and such further information as Member States may wish to make available for the purpose of the study;
3. Invites all Governments to co-operate with the Secretary-General so that the objectives of the study may be achieved;
4. Requests the Secretary-General to submit the final report to the General Assembly well in advance of its forty-fifth session.

73rd plenary meeting  
7 December 1988

0

#### Bilateral nuclear-arms negotiations

##### The General Assembly,

Recalling that at their meeting at Geneva in November 1985 the leaders of the Union of Soviet Socialist Republics and the United States of America committed themselves to the objective of working out effective agreements aimed at preventing an arms race in space and terminating it on Earth, 10/

Noting the joint statement between the Union of Soviet Socialist Republics and the United States of America issued following meetings held in Moscow from 29 May to 1 June 1988, 33/

Noting with satisfaction the report in the joint statement that a joint draft text of a treaty on reduction and limitation of strategic offensive arms had been elaborated, through which process the two sides had recorded extensive and significant areas of agreement and detailed positions on remaining areas of disagreement,

Noting also the importance of the verification procedures contained in 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 4/ as an example of the high standards of verification that are now achievable in arms control agreements, both bilateral and multilateral,

Believing that, through negotiations pursued in a spirit of flexibility and with full account taken of the security interests of all States, it is possible to achieve far-reaching and effectively verifiable agreements,

Firmly convinced that an early agreement in these negotiations, in accordance with the principle of undiminished security at the lowest possible level of armaments, would be of crucial importance for the strengthening of international peace and security,

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33/ A/S-15/28, annex.

Further convinced that the international community should encourage the Government of the Union of Soviet Socialist Republics and the Government of the United States of America in their endeavours, taking into account both the importance and complexity of their negotiations,

1. Welcomes the ratification by the Union of Soviet Socialist Republics and the United States of America of the Treaty on the Elimination of Their Intermediate-Range and Shorter-Range Missiles;

2. Also welcomes the successful commencement of the implementation of the provisions of that Treaty;

3. Calls upon the Government of the Union of Soviet Socialist Republics and the Government of the United States of America to spare no effort in seeking, in accordance with the security interests of all States and the universal desire for progress towards disarmament, the attainment of all the agreed objectives in the negotiations, that is, the resolution of a complex of questions concerning space and strategic nuclear arms with all these questions considered and resolved in their interrelationship;

4. Invites the two Governments concerned to keep other States Members of the United Nations duly informed of progress in their negotiations, in accordance with paragraph 114 of the Final Document of the Tenth Special Session of the General Assembly; 5/

5. Expresses its firmest possible encouragement and support for the bilateral negotiations and their successful conclusion.

73rd plenary meeting  
7 December 1988

P

Confidence- and security-building measures and conventional  
disarmament in Europe

The General Assembly,

Determined to achieve progress in disarmament,

Reaffirming the need for continued efforts to build confidence, to lessen the risk of military confrontation and to enhance mutual security,

Reaffirming also the great importance of increasing security and stability in Europe through the establishment of a stable, secure and verifiable balance of conventional armed forces at lower levels, as well as through increased openness and predictability of military activities,

Considering that further negotiations in the field of confidence- and security-building measures, as well as a new negotiation on conventional armaments and forces, both within the framework of the process of the Conference on Security

/...

and Co-operation in Europe, should promote the process of strengthening confidence, improving security and developing co-operation in Europe, thereby contributing to international peace and security,

1. Welcomes the progress achieved so far in the deliberations at Vienna on issues concerning the above-mentioned negotiations;
2. Urges Member States that will participate in the above-mentioned negotiations to contribute actively to the attainment of their objectives as agreed;
3. Invites all States to consider the possibility of taking appropriate measures with a view to reducing the risk of confrontation and strengthening security, taking due account of their specific regional conditions.

73rd plenary meeting  
7 December 1988

Q

Prohibition of the dumping of radioactive wastes for  
hostile purposes

The General Assembly,

Bearing in mind resolution CM/RES.1153(XLVIII) concerning the dumping of nuclear and industrial wastes in Africa, adopted on 25 May 1988 by the Council of Ministers of the Organization of African Unity at its forty-eighth ordinary session, held at Addis Ababa from 19 to 23 May 1988, 34/

Recalling resolution GC(XXXII)/RES/490 on the dumping of nuclear wastes, adopted on 23 September 1988 by the General Conference of the International Atomic Energy Agency at its thirty-second regular session,

Considering its resolution 2602 C (XXIV) of 16 December 1969, in which it requested the Conference of the Committee on Disarmament, inter alia, to consider effective methods of control against the use of radiological methods of warfare,

Determined to prevent all nuclear-waste dumping practices that would infringe upon the sovereignty of States,

Desirous of promoting the implementation of paragraph 76 of the Final Document of the Tenth Special Session of the General Assembly, 5/

Aware of the in-depth consideration of the question of the dumping of radioactive wastes for hostile purposes in the Conference on Disarmament during its 1988 session,

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34/ See A/43/398, annex I.



1. Calls upon all States to ensure that no nuclear-waste dumping practices occur that would infringe upon the sovereignty of States;
2. Welcomes the decision of the International Atomic Energy Agency to establish a representative technical working group of experts with the objective of establishing an internationally agreed code of practice for international transactions involving nuclear wastes;
3. Requests the Conference on Disarmament to take into account, in the ongoing negotiation for a convention on the prohibition of radiological weapons, the deliberate employment of nuclear wastes to cause destruction, damage or injury by means of radiation produced by the decay of such material;
4. Also requests the Secretary-General to transmit to the Conference on Disarmament all documents relating to the consideration of this item by the General Assembly at its forty-third session;
5. Further requests the Conference on Disarmament to include in its report to the General Assembly at its forty-fourth session the developments on the ongoing negotiations on this subject.

73rd plenary meeting  
7 December 1988

R

Review of the role of the United Nations in the field  
of disarmament

The General Assembly,

Recalling its resolutions 39/151 G of 17 December 1984, 40/94 O of 12 December 1985, 41/59 O of 3 December 1986 and 42/38 O of 30 November 1987,

Bearing in mind that the primary purpose of the United Nations is to maintain international peace and security,

Reaffirming its conviction that genuine and lasting peace can be created only 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,

Reaffirming also that the United Nations, in accordance with its Charter, has a central role and primary responsibility in the sphere of disarmament,

Recognizing the need for the United Nations, in discharging its central role and primary responsibility in the sphere of disarmament, to play a more active role in the field of disarmament in accordance with its primary purpose under the Charter to maintain international peace and security,

/...

Taking into account the part of the report of the Disarmament Commission relating to this question, 35/ and noting the progress made in the consideration of the question at the fifteenth special session of the General Assembly, the third special session devoted to disarmament,

Bearing in mind the common desire expressed at its third special session devoted to disarmament on the necessity to strengthen the role of the United Nations in the field of disarmament and the increased reaffirmation of faith in the United Nations as an indispensable instrument for international peace and security,

1. Requests the Disarmament Commission to continue its consideration of the role of the United Nations in the field of disarmament as a matter of priority at its next substantive session, in 1989, with a view to the elaboration of concrete recommendations and proposals, as appropriate, taking into account, inter alia, the views and suggestions of Member States as well as the aforementioned documents on the subject;

2. Also requests the Disarmament Commission to submit its report on the subject, including findings, recommendations and proposals, as appropriate, to the General Assembly at its forty-fourth session;

3. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Review of the role of the United Nations in the field of disarmament: report of the Disarmament Commission".

73rd plenary meeting  
7 December 1988

S

Conventional disarmament on a regional scale

The General Assembly,

Recalling its resolutions 40/94 A of 12 December 1985, 41/59 M of 3 December 1986 and 42/38 N of 30 November 1987,

Taking note of the final documents of the Conference of Ministers for Foreign Affairs of Non-Aligned Countries held at Nicosia from 5 to 10 September 1988, 3/

Reiterating the primary responsibility of the militarily significant States, especially nuclear-weapon States, for halting and reversing the arms race, and the priority assigned to nuclear disarmament in the context of the advances towards general and complete disarmament,

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35/ Official Records of the General Assembly, Fifteenth Special Session, Supplement No. 3 (A/S-15/3), para. 47.

Drawing attention to the fact that together with negotiations on nuclear disarmament measures, conventional disarmament measures should be resolutely pursued, in the context of which conventional disarmament on a regional scale acquires urgency and renewed importance,

Affirming that regional or subregional arms limitation and disarmament processes complement and enhance global disarmament efforts,

Expressing its firm support for all regional and subregional peace and disarmament endeavours that take into account the characteristics of each region, as well as for unilateral measures to strengthen mutual confidence and assure the security of all States involved, making possible regional agreements on arms limitation in the future,

Emphasizing that the adoption of such disarmament measures should take place in an equitable and balanced manner in order to ensure the right of each State to security and that no individual State or group of States may obtain advantages over others at any stage of this process,

Noting with satisfaction the positive trend towards the peaceful settlement of various regional and subregional conflicts and the important role played in that regard by the United Nations,

1. Expresses its satisfaction at the initiatives towards arms limitation and disarmament adopted jointly or unilaterally by some countries at the regional and subregional levels, as well as at the systematic implementation of confidence-building measures, limitation of the acquisition of conventional weapons and the reduction of military spending, with a view to allocating the resources thus released to the socio-economic development of their peoples;

2. Expresses its keen satisfaction at efforts to bring about the peaceful solution of conflict situations and regional and subregional crises, which would facilitate setting in motion specific measures for conventional disarmament on a regional scale through negotiated agreements under strict and effective international control;

3. Again expresses firm support for the United Nations system, and for the Secretary-General in particular, in the efforts to find solutions to conflict situations, thereby reaffirming the primary role of the United Nations in promoting peace and disarmament, and for the strict observance of the principles and norms embodied in the Charter of the United Nations;

4. Encourages the Secretary-General to persevere in his current peace efforts in various areas of tension in the world;

5. Requests the United Nations to provide assistance to States and regional institutions that might request it with a view to establishing disarmament measures on a regional scale;

6. Appeals to all States to facilitate the progress of regional disarmament, refraining from any action, including the threat or use of force, that might impede the achievement of this objective.

7. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Conventional disarmament on a regional scale".

73rd plenary meeting

7 December 1988

T

Dumping of radioactive wastes

The General Assembly,

Bearing in mind resolution CM/RES.1153(XLVIII), concerning the dumping of nuclear and industrial wastes in Africa, adopted on 25 May 1988 by the Council of Ministers of the Organization of African Unity at its forty-eighth ordinary session, held at Addis Ababa from 19 to 23 May 1988, 34/

Mindful of the serious concerns raised by the Council of Ministers of the Organization of African Unity at its forty-eighth session concerning the grave implications that the dumping of nuclear and industrial wastes could have on the national security of African countries,

Recalling resolution GC(XXXII)/RES/490 on the dumping of nuclear wastes, adopted on 23 September 1988 by the General Conference of the International Atomic Energy Agency at its thirty-second regular session,

Considering its resolution 2602 C (XXIV) of 16 December 1969, in which it requested the Conference of the Committee on Disarmament, inter alia, to consider effective methods of control against the use of radiological methods of warfare,

Aware of the potential hazards underlying the dumping of nuclear wastes and also the transboundary radiological consequences, which could have adverse implications on regional and international security, and in particular on the security of the developing countries,

Desirous of promoting the implementation of paragraph 76 of the Final Document of the Tenth Special Session of the General Assembly, 5/

Aware also of the consideration by the Conference on Disarmament during its 1988 session of the question of the dumping of radioactive wastes, which cause destruction, damage or injury by means of radiation produced by decay of such material,

1. Condemns all nuclear-waste dumping practices that would infringe upon the sovereignty of States;

/...

2. Expresses profound concern regarding practices of dumping nuclear and industrial wastes in Africa, which have grave implications on the national security of African countries;
3. Calls upon all States to ensure that no radioactive waste is dumped in the territory of other States in infringement of their sovereignty;
4. Requests the Conference on Disarmament to take into account, in the ongoing negotiations for a convention on the prohibition of radiological weapons, the dumping of radioactive wastes in the territory of other States;
5. Requests the Secretary-General to transmit to the Conference on Disarmament all documents relating to the consideration of the present item by the General Assembly at its forty-third session;
6. Also requests the Conference on Disarmament to include in its report to the General Assembly at its forty-fourth session the developments on the ongoing negotiations on this subject;
7. Further requests the Secretary-General to prepare a report, in consultation with relevant international organizations, on the dumping of radioactive wastes in all its aspects in Africa, including all steps taken or envisaged to monitor, control and put a halt to such activities, and to submit his report to the General Assembly at its forty-fourth session;
8. Decides to include in the provisional agenda of its forty-fourth session an item entitled "Dumping of radioactive wastes".

73rd plenary meeting  
7 December 1988



General Assembly

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GENERAL

A/RES/43/76  
5 January 1989

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Forty-third session  
Agenda item 65

RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/857)]

43/76. Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly

A

Disarmament and international security

The General Assembly,

Recalling its resolutions 34/83 A of 11 December 1979, 35/156 J of 12 December 1980, 36/97 K of 9 December 1981, 37/100 E of 13 December 1982, 38/73 H of 15 December 1983, 39/63 K of 12 December 1984 and 40/151 A of 16 December 1985,

Expressing the growing alarm of the world community over the dangers of the arms race, in particular the nuclear-arms race, and its adverse social and economic consequences,

Noting that the present state of the international situation requires that the disarmament principles embodied in the Charter of the United Nations become part and parcel of any collective efforts aimed at ensuring a truly safe world, including those undertaken by the Security Council,

Reaffirming that the United Nations under its Charter plays a central role and bears main responsibility in the area of disarmament and the strengthening of international security,

Recalling paragraph 13 of the Final Document of the Tenth Special Session of the General Assembly, 1/ in which the Assembly acknowledged that genuine and lasting peace can only be created through the effective implementation of the security system provided for in the Charter and the speedy and substantial reduction of arms and armed forces, by international agreement and mutual example,

Recalling that, under Article 26 of the Charter, the Security Council is responsible for formulating, with the assistance of the Military Staff Committee, plans for establishing an arms regulation system,

Noting the fact that the Security Council, which is vested under the Charter with the principal responsibility for maintaining international peace and security, has not yet conducted any examination of the question of the adverse effects of the arms race, especially in the nuclear field, on international peace and security, as provided for in the relevant General Assembly resolutions,

Welcoming the entry into force of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, 2/ which opens the process of genuine disarmament,

Mindful of the need to use all avenues for further progress through effective measures in the field of disarmament,

1. Calls upon the Security Council, in particular its permanent members, within the framework of its main task, to contribute to establishing and maintaining international peace and security with the least possible diversion of world human and economic resources to armament, and to take the necessary steps for the effective implementation of Article 26 of the Charter of the United Nations with a view to enhancing the central role of the United Nations in facilitating solutions to the issues of arms limitation, primarily in the nuclear field, and disarmament, as well as the strengthening of international peace and security;

2. Recommends that the nuclear-weapon States, which at the same time are the five permanent members of the Security Council, hold joint meetings and provide regular information to the General Assembly, as well as to the Conference on Disarmament, about the state of affairs as regards the range of issues related to disarmament, especially in the nuclear field, the prevention of a nuclear war and the status of the current agreements in the field of arms limitation and disarmament, and about progress at those negotiations which include the participation of the nuclear-weapon States;

3. Recommends that the Security Council consider the question of

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1/ Resolution S-10/2.

2/ See CD/798. For the printed text, see The United Nations Disarmament Yearbook, vol. 12: 1987 (United Nations publication, Sales No. E.88.IX.2), appendix VII.

establishing, under Article 29 of the Charter, such subsidiary bodies as it deems necessary for the performance of its functions to facilitate a solution to disarmament issues;

4. Requests the Secretary-General to submit to the General Assembly at its forty-fourth session a report on the implementation of the present resolution within the framework of the agenda item entitled "Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly".

73rd plenary meeting  
7 December 1988

B

Nuclear-arms freeze

The General Assembly,

Recalling that in the Final Document of the Tenth Special Session of the General Assembly, 1/ the first special session devoted to disarmament, adopted in 1978 and unanimously and categorically reaffirmed in 1982 during the twelfth special session of the General Assembly, 3/ the second special session devoted to disarmament, the Assembly expressed deep concern over the threat to the very survival of mankind posed by the existence of nuclear weapons and the continuing arms race,

Convinced that, in this nuclear age, lasting world peace can be based only on the attainment of the goal of general and complete disarmament under effective international control,

Welcoming the improvement of the relations between the Union of Soviet Socialist Republics and the United States of America and the conclusion of the Treaty on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, 2/ as well as their agreement in principle to reduce by 50 per cent their strategic nuclear arsenals,

Convinced of the urgency further to pursue negotiations for the substantial reduction and qualitative limitation of existing nuclear arms,

Considering that a nuclear-arms freeze, while not an end in itself, would constitute an effective step to prevent the continued increase and qualitative improvement of existing nuclear weaponry during the period when the negotiations take place, and that at the same time it would provide a favourable environment for the conduct of negotiations to reduce and eventually eliminate nuclear weapons,

Convinced that the undertakings derived from the freeze can be effectively verified,

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3/ See Official Records of the General Assembly, Twelfth Special Session, Annexes, agenda items 9 to 13, document A/S-12/32.



Noting with deep concern that nuclear-weapon States have not so far taken any action in response to the call made in the relevant resolutions on the question of a nuclear-arms freeze,

1. Urges once more the Union of Soviet Socialist Republics and the United States of America, as the two major nuclear-weapon States, to agree to an immediate nuclear-arms freeze, which would, inter alia, provide for a simultaneous total stoppage of any further production of nuclear weapons and a complete cut-off in the production of fissionable material for weapons purposes;

2. Calls upon all nuclear-weapon States to agree, through a joint declaration, to a comprehensive nuclear-arms freeze, whose structure and scope would be the following:

(a) It would embrace:

- (i) A comprehensive test ban on nuclear weapons and on their delivery vehicles;
- (ii) The complete cessation of the manufacture of nuclear weapons and of their delivery vehicles;
- (iii) A ban on all further deployment of nuclear weapons and of their delivery vehicles;
- (iv) The complete cessation of the production of fissionable material for weapons purposes;

(b) It would be subject to appropriate and effective measures and procedures of verification;

3. Requests the nuclear-weapon States to submit a joint report, or separate reports, to the General Assembly, prior to the opening of its forty-fourth session, on the implementation of the present resolution;

4. Decides to include in the provisional agenda of its forty-fourth session an item entitled "Nuclear-arms freeze".

73rd plenary meeting  
7 December 1988

C

World Disarmament Campaign

The General Assembly,

Recalling that in paragraph 15 of the Final Document of the Tenth Special Session of the General Assembly, 1/ the first special session devoted to disarmament, it declared that it was essential that not only Governments but also the peoples of the world recognize and understand the dangers in the present

/...

situation and stressed the importance of mobilizing world public opinion on behalf of disarmament,

Recalling also its resolution 42/39 G of 30 November 1987,

Having examined the reports of the Secretary-General of 19 May 1988 4/ and 4 October 1988 5/ on the implementation of the programme of activities of the World Disarmament Campaign by the United Nations system,

Having also examined the part of the report of the Secretary-General of 10 October 1988 dealing with the activities of the Advisory Board on Disarmament Studies relating to the implementation of the World Disarmament Campaign, 6/ as well as the Final Act of the Sixth United Nations Pledging Conference for the Campaign, 7/ held on 27 October 1988,

1. Reiterates its commendation of the manner in which, as described in the above-mentioned reports, the World Disarmament Campaign has been geared by the Secretary-General in order to guarantee "the widest possible dissemination of information and unimpeded access for all sectors of the public to a broad range of information and opinions on questions of arms limitation and disarmament and the dangers relating to all aspects of the arms race and war, in particular nuclear war"; 8/

2. Recalls that, as was also agreed by consensus in the Concluding Document of the Twelfth Special Session of the General Assembly, the second special session devoted to disarmament, it is likewise an essential requisite for the universality of the Campaign that it receive "the co-operation and participation of all States"; 9/

3. Endorses once more the statement made by the Secretary-General on the occasion of the Third United Nations Pledging Conference for the World Disarmament Campaign 9/ to the effect that such co-operation implies that adequate funds be made available and that consequently the criterion of universality also applies to pledges, since a campaign without world-wide participation and funding will have difficulty in reflecting this principle in its implementation;

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4/ A/S-15/9.

5/ A/43/642.

6/ A/43/685, sect. II.D.

7/ A/CONF.146/1.

8/ See Official Records of the General Assembly, Twelfth Special Session, Annexes, agenda items 9 to 13, document A/S-12/32, annex V, para. 4.

9/ See A/CONF.131/SR.1.

4. Reiterates its regret that most of the States that have the largest military expenditures have not so far made any financial contribution to the Campaign;

5. Decides that at its forty-fourth session there should be a seventh United Nations Pledging Conference for the World Disarmament Campaign, and expresses the hope that on that occasion all those Member States that have not yet announced any voluntary contribution may do so;

6. Reiterates its recommendation that the voluntary contributions made by Member States to the World Disarmament Campaign Voluntary Trust Fund should not be earmarked for specific activities inasmuch as it is most desirable that the Secretary-General enjoy full freedom to take the decisions he deems fit within the framework of the Campaign previously approved by the General Assembly and in exercise of the powers vested in him in connection with the Campaign;

7. Notes with appreciation that the Secretary-General has given permanent character to his instructions to the United Nations information centres and regional commissions to give wide publicity to the Campaign and, whenever necessary, to adapt, as far as possible, United Nations information materials to local languages;

8. Requests the Secretary-General to submit to the General Assembly at its forty-fourth session a report covering both the implementation of the programme of activities of the Campaign by the United Nations system during 1989 and the programme of activities contemplated by the system for 1990;

9. Decides to include in the provisional agenda of its forty-fourth session the item entitled "World Disarmament Campaign".

73rd plenary meeting  
7 December 1988

D

United Nations Regional Centre for Peace and Disarmament in Africa

The General Assembly,

Recalling its resolutions 40/151 G of 16 December 1985, 41/60 D of 3 December 1986 and 42/39 J of 30 November 1987,

Taking note of the Political Declaration adopted by the Eighth Conference of Heads of State or Government of the Non-Aligned Countries, held at Harare from 1 to 6 September 1986, in which the Heads of State or Government, inter alia, reaffirmed the need to strengthen the role of the regional bodies in mobilizing support for the World Disarmament Campaign and, in this regard, welcomed the establishment of the United Nations Regional Centre for Peace and Disarmament in Africa at Lomé, 10/

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10/ See A/41/697-S/18392, annex, sect. I, para. 58.

Bearing in mind resolution AHG/Res.164 (XXIII), 11/ adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-third ordinary session, held at Addis Ababa from 27 to 29 July 1987, by which it, inter alia, endorsed the Lomé Declaration on Security, Disarmament and Development in Africa and the Programme of Action for Peace, Security and Co-operation in Africa, 12/

Taking into account the report of the Secretary-General, 13/

1. Expresses its satisfaction that the United Nations Regional Centre for Peace and Disarmament in Africa, inaugurated on 24 October 1986, has become operational;
2. Commends the Secretary-General for his efforts in taking the necessary measures to ensure the effective functioning of the Centre, and requests him to continue to lend all the necessary support to the Centre;
3. Expresses its gratitude to the Member States and the international, governmental and non-governmental organizations that have already made contributions to ensure the functioning of the Centre;
4. Appeals once again to Member States, as well as to international, governmental and non-governmental organizations, to make voluntary contributions in order to strengthen the effective functioning of the Centre;
5. Requests the Secretary-General to submit a report to the General Assembly at its forty-fourth session on the implementation of the present resolution.

73rd plenary meeting  
7 December 1988

E

Convention on the Prohibition of the Use of Nuclear Weapons

The General Assembly,

Alarmed by the threat to the survival of mankind and to the life-sustaining system posed by nuclear weapons and by their use, inherent in concepts of deterrence,

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11/ See A/42/699, annex II.

12/ A/40/761-S/17573, annex. For the printed text, see Official Records of the Security Council, Fortieth Year, Supplement for October, November and December 1985, document S/17537, annex.

13/ A/43/689.

Conscious of an increased danger of nuclear war as a result of the intensification of the nuclear-arms race and the serious deterioration of the international situation,

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security,

Also convinced that a prohibition of the use or threat of use of nuclear weapons would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control,

Recalling that in paragraph 58 of the Final Document of the Tenth Special Session of the General Assembly, 1/ it is stated that all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and that would preclude the use or threat of use of nuclear weapons,

Reaffirming that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, as declared in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Noting with regret that the Conference on Disarmament, during its 1988 session, was not able to undertake negotiations with a view to achieving agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the text annexed to General Assembly resolution 41/60 F of 3 December 1986 and 42/39 C of 30 November 1987,

1. Reiterates its request to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the draft Convention on the Prohibition of the Use of Nuclear Weapons annexed to the present resolution;

2. Also requests the Conference on Disarmament to report to the General Assembly at its forty-fourth session on the results of those negotiations.

73rd plenary meeting  
7 December 1988

ANNEX

Draft Convention on the Prohibition of the Use of Nuclear Weapons

The States Parties to this Convention,

Alarmed by the threat to the very survival of mankind posed by the existence of nuclear weapons,

/...

Convinced that any use of nuclear weapons constitutes a violation of the Charter of the United Nations and a crime against humanity,

Convinced that this Convention would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control,

Determined to continue negotiations for the achievement of this goal,

Have agreed as follows:

#### Article 1

The States Parties to this Convention solemnly undertake not to use or threaten to use nuclear weapons under any circumstances.

#### Article 2

This Convention shall be of unlimited duration.

#### Article 3

1. This Convention shall be open to all States for signature. Any State that does not sign the Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force on the deposit of instruments of ratification by twenty-five Governments, including the Governments of the five nuclear-weapon States, in accordance with paragraph 2 of this article.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. 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 the entry into force of this Convention, as well as of the receipt of other notices.

6. This Convention shall be registered by the depositary in accordance with Article 102 of the Charter of the United Nations.

/...

Article 4

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Government of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at \_\_\_\_\_ on the \_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_.

F

United Nations disarmament fellowship, training  
and advisory services programme

The General Assembly,

Recalling its decision, contained in paragraph 108 of the Final Document of the Tenth Special Session of the General Assembly, 1/ the first special session devoted to disarmament, to establish a programme of fellowships on disarmament, as well as its decisions contained in annex IV to the Concluding Document of the Twelfth Special Session of the General Assembly, 3/ the second special session devoted to disarmament, in which it decided, inter alia, to continue the programme and to increase the number of fellowships from twenty to twenty-five as from 1983,

Noting with satisfaction that the programme has already trained an appreciable number of public officials selected from geographical regions represented in the United Nations system, most of whom are now in positions of responsibility in the field of disarmament affairs in their respective countries or Governments,

Recalling its resolutions 37/100 G of 13 December 1982, 38/73 C of 15 December 1983, 39/63 B of 12 December 1984, 40/151 H of 16 December 1985, 41/60 H of 3 December 1986 and 42/39 I of 30 November 1987,

Noting with satisfaction that the programme, as designed, has enabled an increased number of public officials, particularly from the developing countries, to acquire more expertise in the sphere of disarmament,

Believing that the forms of assistance available to Member States, particularly to developing countries, under the programme will enhance the capabilities of their officials to follow ongoing deliberations and negotiations on disarmament, both bilateral and multilateral,

1. Reaffirms its decisions contained in annex IV to the Concluding Document of the Twelfth Special Session of the General Assembly and the report of the Secretary-General 14/ approved by resolution 33/71 E of 14 December 1978;

\_\_\_\_\_  
14/ A/33/305.

/...

2. Expresses its appreciation to the Governments of the Federal Republic of Germany, Hungary, Japan, Sweden, the Union of Soviet Socialist Republics and the United States of America for inviting the 1988 fellows to study selected activities in the field of disarmament, thereby contributing to the fulfilment of the overall objectives of the programme;

3. Commends the Secretary-General for the diligence with which the programme has continued to be carried out;

4. Requests the Secretary-General to continue the implementation of the programme within existing resources;

5. Also requests the Secretary-General to report to the General Assembly at its forty-fourth session on the implementation of the programme.

73rd plenary meeting  
7 December 1988

G

United Nations Regional Centre for Peace and Disarmament in Asia

The General Assembly,

Recalling its resolution 42/39 D of 30 November 1987, by which it decided to establish the United Nations Regional Centre for Peace and Disarmament in Asia with headquarters at Kathmandu,

Taking into account its decision that the Centre should provide, on request, substantive support for the initiatives and other activities mutually agreed upon by Member States of the Asian region for the implementation of measures for peace and disarmament through appropriate utilization of available resources, and should co-ordinate the implementation of regional activities in Asia under the World Disarmament Campaign,

1. Takes note with satisfaction of the report of the Secretary-General of 19 October 1988; 15/

2. Welcomes the signing of an agreement and a memorandum of understanding between the Government of Nepal and the United Nations regarding the establishing of the United Nations Regional Centre for Peace and Disarmament in Asia;

3. Commends the administrative measures taken by the Secretary-General to ensure the establishment and functioning of the Centre, and requests him to continue lending all possible support;

4. Invites Member States and interested organizations to make voluntary contributions for the effective functioning of the Centre;



5. Requests the Secretary-General to report to the General Assembly at its forty-fourth session on the implementation of the present resolution.

73rd plenary meeting  
7 December 1988

H

United Nations Regional Centre for Peace, Disarmament  
and Development in Latin America

The General Assembly,

Recalling its resolutions 41/60 J of 3 December 1986 and 42/39 K of 30 November 1987,

Welcoming the inauguration of the United Nations Regional Centre for Peace, Disarmament and Development in Latin America on 9 October 1987,

Recalling also the Acapulco Commitment to Peace, Development and Democracy signed by the heads of State of States members of the Permanent Mechanism for Consultation and Concerted Political Action on 29 November 1987, 16/ as well as the meeting of Ministers for Foreign Affairs of the Permanent Mechanism held at Cartagena, Colombia, in February 1988,

Taking into account that the scope of action of the Centre includes Latin America and the Caribbean,

Also welcoming the holding by the Centre of the Workshop-Seminar of Experts on Disarmament from 4 to 6 May 1988,

Taking note of the final documents of the Conference of Ministers for Foreign Affairs of the Movement of Non-Aligned Countries, held at Nicosia from 5 to 10 September 1988, 17/

Expressing its gratitude to the Member States that have made valuable contributions to the functioning of the Centre,

Convinced that in carrying out its activities the Centre will seek to promote relationships based upon mutual confidence and security among countries of the region in a spirit of harmony, solidarity and co-operation aimed at the implementation of measures that foster peace, disarmament and social and economic development in Latin America and the Caribbean,

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16/ A/42/844-S/19314, annex.

17/ A/43/667-S/20212, annex.

1. Reaffirms that the United Nations Regional Centre for Peace, Disarmament and Development in Latin America, in conformity with its mandate contained in resolution 41/60 J, is called upon to explore new avenues for concerted political action among the countries of the region and to strengthen further the intra-Latin American and Caribbean links in a framework of harmony, solidarity and co-operation that will enable the region to become an effective area of peace;
2. Takes note with satisfaction of the holding of the Conference of Experts on the Strengthening of Political Co-operation in Latin America and the Caribbean in the fields of peace, disarmament, development and security, within the framework of the World Disarmament Campaign, at Lima from 6 to 9 December 1988, which will also examine various conceptual and organizational aspects of the Centre to enable it to fulfil its objectives;
3. Recommends that the Centre hold two meetings during 1989 with a view to reaffirming its role as a centre for documentary collection, diffusion and dissemination, as a forum for the promotion of peace, disarmament and development measures in the context of the World Disarmament Campaign and as an organ for the co-ordination of studies, research and programmes in the fields of its competence;
4. Invites once again Member States and international, governmental and non-governmental organizations to make voluntary contributions to the Centre;
5. Decides to rename the Centre "United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean";
6. Requests the Secretary-General to transmit that appeal to all Member States in order to ensure the effective functioning of the Centre;
7. Also requests the Secretary-General to report to the General Assembly at its forty-fourth session on the implementation of the present resolution.

73rd plenary meeting  
7 December 1988



General Assembly

Distr.  
GENERAL

A/RES/43/77  
13 January 1989

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Forty-third session  
Agenda item 66

RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/858)]

- 43/77. Review of the implementation of the recommendations and decisions adopted by the General Assembly at its fifteenth special session

A

Scientific and technological developments and their impact on international security

The General Assembly,

Recalling that, at its tenth special session, the first special session devoted to disarmament, it unanimously stressed the importance of both qualitative and quantitative measures in the process of disarmament,

Observing that at no stage since the first special session devoted to disarmament has the qualitative aspect of the arms race been seriously addressed by the international community,

Noting with concern the existing potential in technological advances for application to military purposes, thus escalating the level and sophistication of armaments,

Recognizing that such a development will have a negative impact on the security environment while causing a major setback to disarmament efforts,

Stressing, in this context, the importance of effectively addressing this problem and ensuring that scientific and technological developments are not exploited for military purposes but harnessed for the common benefit of mankind,

Emphasizing that the proposal contained in the present resolution is without prejudice to research and development efforts being undertaken for peaceful purposes,

Recognizing the interests of the international community in the subject and the need to follow closely such developments,

1. Requests the Secretary-General to follow future scientific and technological developments, especially those which have potential military applications, and to evaluate their impact on international security, with the assistance of qualified consultant experts, as appropriate, and to submit a report to the General Assembly at its forty-fifth session;

2. Invites Member States to establish panels at the national level to monitor and evaluate such developments and disseminate the assessments provided by the Secretary-General;

3. Also invites all Member States to communicate to the Secretary-General their views and proposals as well as the evaluations of the national panels;

4. Requests the Secretary-General to submit to the General Assembly at its forty-fourth session a report on the implementation of the present resolution;

5. Decides to include in the provisional agenda of its forty-fourth session an item entitled "Scientific and technological developments and their impact on international security".

73rd plenary meeting  
7 December 1988

B

Third special session of the General Assembly  
devoted to disarmament

The General Assembly,

Convinced that, in the international community's continuing search for lasting security, multilateral action has an increasingly important role,

Welcoming the fact that during recent years a favourable climate has developed within the international community and progress has been recorded in some important fields of disarmament,

Encouraged by the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and

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Shorter-Range Missiles, 1/ which represents a valuable initial step in the reduction of nuclear weapons,

Taking into account that, despite the positive processes and developments, the general situation with regard to armament is far from satisfactory,

Stressing the necessity of mutually complementary bilateral, regional and global approaches for success in disarmament negotiations and the attainment of peace and security,

Expressing its regret that the fifteenth special session of the General Assembly, the third special session devoted to disarmament, ended without agreement on a concluding document,

Reaffirming the validity of the Final Document of the Tenth Special Session of the General Assembly, 2/ the first special session devoted to disarmament, which reflected a historic consensus on the part of the international community that the halting and reversing of the arms race, in particular the nuclear-arms race, and the achievement of genuine disarmament are tasks of primary importance and urgency,

1. Considers that the fifteenth special session of the General Assembly served the purpose of increasing awareness of the areas where future efforts should be concentrated and underscored the urgency that States should work resolutely for the common cause of curbing the arms race, particularly in the nuclear field, and achieving disarmament;

2. Takes note with appreciation of the numerous constructive proposals submitted by Member States to the General Assembly at its fifteenth special session aimed at advancing disarmament and increasing security; 3/

3. Calls upon all Member States to contribute to the strengthening of the role of the United Nations in the field of disarmament, as it provides the most appropriate forum for all Member States to contribute actively and collectively to the consideration and resolution of disarmament issues that have a bearing on their security;

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1/ See CD/798. For the printed text, see The United Nations Disarmament Yearbook, vol. 12: 1987 (United Nations publication, Sales No. E.88.IX.2), appendix VII.

2/ Resolution S-10/2.

3/ See Official Records of the General Assembly, Fifteenth Special Session, Annexes, agenda items 10 to 15, document A/S-15/50, annex I.

4. Considers that the contribution of the special sessions of the General Assembly devoted to disarmament has been useful in reviewing and assessing the results of the efforts of Member States in moving forward deliberations and negotiations on all disarmament and related issues, and that they can provide a new direction and impetus for these efforts;

5. Decides to include in the provisional agenda of its forty-fifth session an item entitled "Special sessions on disarmament".

73rd plenary meeting

7 December 1988



General Assembly

Distr.  
GENERAL

A/RES/43/78  
17 January 1989

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Forty-third session  
Agenda item 67

RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/859)]

- 43/78. Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session

A

Report of the Disarmament Commission

The General Assembly,

Having considered the special and annual reports of the Disarmament Commission, 1/

Emphasizing again the importance of an effective follow-up to the relevant recommendations and decisions contained in the Final Document of the Tenth Special Session of the General Assembly, 2/ the first special session devoted to disarmament,

Taking into account the relevant sections of the Concluding Document of the Twelfth Special Session of the General Assembly, 3/ the second special session devoted to disarmament,

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1/ Official Records of the General Assembly, Fifteenth Special Session, Supplement No. 3 (A/S-15/3), and *ibid.*, Forty-third Session, Supplement No. 42 (A/43/42).

2/ Resolution S-10/2.

3/ Official Records of the General Assembly, Twelfth Special Session, Annexes, agenda items 9 to 13, document A/S-12/32.

Also taking into account widespread views expressed during the fifteenth special session of the General Assembly, the third special session devoted to disarmament,

Considering the role that the Disarmament Commission has been called upon to play and the contribution that it should make in examining and submitting recommendations on various problems in the field of disarmament and in the promotion of the implementation of the relevant decisions of the tenth special session,

Recalling its resolutions 33/71 H of 14 December 1978, 34/83 H of 11 December 1979, 35/152 F of 12 December 1980, 36/92 B of 9 December 1981, 37/78 H of 9 December 1982, 38/183 E of 20 December 1983, 39/148 R of 17 December 1984, 40/152 F of 16 December 1985, 41/86 E of 4 December 1986 and 42/42 G of 30 November 1987,

1. Takes note of the special and annual reports of the Disarmament Commission;

2. Commends the Disarmament Commission for its adoption by consensus of a set of principles of verification on disarmament issues 4/ as well as a set of guidelines for appropriate types of confidence-building measures and for the implementation of such measures on a global or regional level, 5/ which were recommended to the General Assembly for consideration;

3. Notes that the Disarmament Commission has yet to conclude its consideration of some items on its agenda, but notes also with appreciation the progress achieved on some of these;

4. Recalls the role of the Disarmament Commission as the specialized, deliberative body within the United Nations multilateral disarmament machinery that allows for in-depth deliberations on specific disarmament issues, leading to the submission of concrete recommendations on those issues;

5. Stresses the importance for the Disarmament Commission to work on the basis of a relevant agenda of disarmament topics, thereby enabling the Commission to concentrate its efforts and thus optimize its progress on specific subjects in accordance with resolution 37/78 H;

6. Requests the Disarmament Commission to continue its work in accordance with its mandate, as set forth in paragraph 118 of the Final Document of the Tenth Special Session of the General Assembly, and with paragraph 3 of resolution 37/78 H, and to that end to make every effort to achieve specific recommendations, at its 1989 substantive session, on the outstanding items on its agenda, taking

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4/ Ibid., Fifteenth Special Session, Supplement No. 3 (A/S-15/3), para. 60.6, sect. I.

5/ Ibid., para. 41.6.



into account the relevant resolutions of the General Assembly as well as the results of its 1988 substantive session;

7. Also requests the Disarmament Commission to meet for a period not exceeding four weeks during 1989 and to submit a substantive report, containing specific recommendations on the items included in its agenda, to the General Assembly at its forty-fourth session;

8. Requests the Secretary-General to transmit to the Disarmament Commission the special and annual reports of the Conference on Disarmament, 6/ together with all the official records of the fifteenth special session and the forty-third session of the General Assembly relating to disarmament matters, and to render all assistance that the Commission may require for implementing the present resolution;

9. Also requests the Secretary-General to ensure full provision to the Commission and its subsidiary bodies of interpretation and translation facilities in the official languages and to assign as a matter of priority, all the necessary resources and services to this end;

10. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Report of the Disarmament Commission".

73rd plenary meeting  
7 December 1988

B

Non-use of nuclear weapons and prevention of nuclear war

The General Assembly,

Recalling that, in accordance with paragraph 20 of the Final Document of the Tenth Special Session of the General Assembly, 2/ the first special session devoted to disarmament, effective measures of nuclear disarmament and the prevention of nuclear war have the highest priority and that this commitment was reaffirmed by the Assembly at its twelfth special session, the second special session devoted to disarmament,

Recalling also that, in paragraph 58 of the Final Document, it is stated that all States, in particular nuclear-weapon States, should consider as soon as possible various proposals designed to secure the avoidance of the use of nuclear weapons, the prevention of nuclear war and related objectives, where possible through international agreement, and thereby ensure that the survival of mankind is not endangered,

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6/ Ibid., Supplement No. 2 (A/S-15/2), and ibid., Forty-third Session, Supplement No. 27 (A/43/27).

Recalling further that, at its fifteenth special session, the third special session devoted to disarmament, it was generally recognized that the prevention of nuclear war was of utmost concern and that specific efforts, bilateral, regional or multilateral, should be vigorously pursued and measures should be strengthened to reduce and ultimately eliminate the risk of nuclear war,

Reaffirming that the nuclear-weapon States have the primary responsibility for nuclear disarmament and for undertaking measures aimed at preventing the outbreak of nuclear war,

Welcoming measures taken by the Union of Soviet Socialist Republics and the United States of America to reduce the risk of nuclear war,

Stressing that a nuclear war cannot be won and must never be fought,

Recalling that, in the Political Declaration adopted at the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare from 1 to 6 September 1986, all nuclear-weapon States were called upon to enter early into an internationally binding commitment not to be the first to use or threaten to use nuclear weapons, <sup>1/</sup>

Emphasizing that for the sake of international peace and security, military concepts and doctrines must be of a strictly defensive character,

1. Considers that the solemn declarations by two nuclear-weapon States made or reiterated at the twelfth special session of the General Assembly, concerning their respective obligations not to be the first to use nuclear weapons, offer an important avenue to decrease the danger of nuclear war;

2. Expresses the hope that those nuclear-weapon States which have not yet done so will consider making similar declarations with respect to not being the first to use nuclear weapons;

3. Requests the Conference on Disarmament to commence negotiations on the item in its agenda concerning prevention of nuclear war and to consider, inter alia, the elaboration of an international instrument of a legally binding character laying down the obligation not to be the first to use nuclear weapons;

4. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Non-use of nuclear weapons and prevention of nuclear war".

73rd plenary meeting  
7 December 1988

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<sup>1/</sup> See A/41/697-S/18392, annex, sect. I, para. 47.

## C

## International co-operation for disarmament

The General Assembly,

Reaffirming the importance of achieving international co-operation in the field of arms limitation and disarmament,

Taking into account that since its forty-second session there have been important and encouraging developments in the areas of arms limitation and disarmament,

Stressing that disarmament can only be achieved through active and sustained joint efforts of all States,

Stressing also the vital importance of proceeding to balanced, mutually acceptable, fully verifiable and effective measures of arms limitation and disarmament, in accordance with established priorities, for the preservation of peace and the strengthening of international security,

Stressing further that the necessary balance between bilateral and multilateral approaches to arms limitation and disarmament should be secured through a significantly enhanced role of the United Nations and its respective bodies in this field,

1. Invites all States further to increase co-operation for achieving effective arms limitation and disarmament agreements on the basis of reciprocity, equality, undiminished security, non-use of force and the rule of law in international relations;

2. Calls upon all States to aim at strengthening the effectiveness of the United Nations in fulfilling its central role and primary responsibility in the sphere of disarmament and to contribute actively to the consideration and resolution of all disarmament issues that have a bearing on their security and other fundamental interests;

3. Also invites all States to consider, in a spirit of co-operation, ways and means to facilitate both bilateral and multilateral solutions to disarmament.

73rd plenary meeting  
7 December 1988

/...

D

Climatic effects of nuclear war, including nuclear winter:  
report of the Secretary-General

The General Assembly,

Recalling that, in the Final Document of the Tenth Special Session of the General Assembly, 2/ the first special session devoted to disarmament, after referring specifically to the threat to the very survival of mankind posed by the existence of nuclear weapons, it declared, in paragraph 18, that removing the threat of world war - a nuclear war - is the most acute and urgent task of the present day,

Recalling also its resolutions 40/152 G of 16 December 1985 and 41/86 H of 4 December 1986, by which it requested the Secretary-General, with the assistance of a group of consultant experts chosen by him, bearing in mind the advisability of wide geographical representation and of their qualifications in a broad range of scientific fields, to carry out a study on the climatic and potential physical effects of nuclear war, including nuclear winter, which would examine, inter alia, its socio-economic consequences,

Having examined the report of the Secretary-General entitled "Study on the climatic and other global effects of nuclear war", 8/

Gravely concerned by the conclusions of that study,

1. Takes note of the "Study on the climatic and other global effects of nuclear war";
2. Expresses its appreciation to the Secretary-General and the group of consultant experts that assisted him in the preparation of the Study;
3. Commends the Study and its conclusions to the attention of all Member States;
4. Invites all Member States to communicate to the Secretary-General their views on the Study before 1 September 1989;
5. Requests the Secretary-General to make the necessary arrangements for the reproduction of the Study as a United Nations publication and to give it the widest possible distribution.

73rd plenary meeting  
7 December 1988

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8/ A/43/351, annex.

## E

## Cessation of the nuclear-arms race and nuclear disarmament

The General Assembly,

Believing that all nations have a vital interest in negotiations on nuclear disarmament because the existence of nuclear weapons jeopardizes the vital security interests of both nuclear and non-nuclear-weapon States alike,

Recalling that, in paragraphs 11 and 47 of the Final Document of the Tenth Special Session of the General Assembly, 2/ the first special session devoted to disarmament, the Assembly stated that the nuclear-arms race, far from contributing to the strengthening of the security of all States, on the contrary weakens it and increases the danger of the outbreak of a nuclear war,

Noting that at the Conference of Ministers for Foreign Affairs of the Non-Aligned Countries held at Nicosia from 5 to 10 September 1988, the Ministers welcomed the recent developments in the field of disarmament, which they considered a historic achievement, expressed the hope that they would result in further substantive progress in the field of current and future bilateral and multilateral negotiations on disarmament, and emphasized as well the need to encourage this positive trend through the immediate adoption of measures for the reversal of the nuclear-arms race, so as to remove the threat of a nuclear holocaust which endangers the very survival of mankind, 9/

Welcoming proposals on the complete elimination of nuclear weapons throughout the world and, especially, the signing of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, 10/

Considering that it is necessary to halt all testing, production and deployment of nuclear weapons of all types and versions and their delivery systems as a first step in the process that should lead to the achievement of substantial reductions in nuclear forces, and welcoming in this context the proposals to that end forwarded by the leaders of Argentina, Greece, India, Mexico, Sweden and the United Republic of Tanzania in their various declarations,

Noting that, at the fifteenth special session of the General Assembly, the third special session devoted to disarmament, and at the 1988 session of the Conference on Disarmament, several proposals on nuclear disarmament were introduced

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9/ See A/43/667-S/20212, annex, sect. I, para. 17.

10/ See CD/798. For the printed text, see The United Nations Disarmament Yearbook, vol. 12: 1987 (United Nations publication, Sales No. E.88.IX.2), appendix VII.

by Member States and that there was general agreement that nuclear disarmament remains a priority objective and represents a central task facing mankind,

Taking into account that all nuclear-weapon States, in particular those with the most important nuclear arsenals, bear a special responsibility for the fulfilment of the task of achieving the goals of nuclear disarmament,

Convinced of the imperative need to take constructive multilateral action towards halting and reversing the nuclear-arms race,

1. Reaffirms that both bilateral and multilateral negotiations on the nuclear and space arms race are by nature complementary to one another;

2. Believes that efforts should be intensified with a view to initiating, as a matter of the highest priority, multilateral negotiations in accordance with the provisions of paragraph 50 of the Final Document of the Tenth Special Session of the General Assembly;

3. Again requests the Conference on Disarmament to establish an ad hoc committee at the beginning of its 1989 session to elaborate on paragraph 50 of the Final Document and to submit recommendations to the Conference as to how it could best initiate multilateral negotiations of agreements, with adequate measures of verification, in appropriate stages 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) Substantial reduction in existing nuclear weapons with a view to their ultimate elimination;

4. Requests the Conference on Disarmament to report to the General Assembly at its forty-fourth session on its consideration of this subject;

5. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Cessation of the nuclear-arms race and nuclear disarmament".

73rd plenary meeting  
7 December 1988

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## F

## Prevention of nuclear war

The General Assembly,

Convinced that the prevention of nuclear war and the reduction of the risk of nuclear war are matters of the highest priority and of vital interest to all people of the world,

Recalling the provisions of paragraphs 47 to 50 and 56 to 58 of the Final Document of the Tenth Special Session of the General Assembly, 2/ the first special session devoted to disarmament, regarding the procedures designed to secure the avoidance of nuclear war,

Reiterating that it is the shared responsibility of all Member States to save succeeding generations from the scourge of another world war, which would inevitably be a nuclear war,

Noting that at the Conference of Ministers for Foreign Affairs of the Non-Aligned Countries held at Nicosia from 5 to 10 September 1988, the Ministers stated that, being aware that the gravest danger confronting humanity today was the nuclear threat, they welcomed the recent developments in the field of disarmament, which they considered a historic achievement, and emphasized the need to encourage that positive trend through the immediate adoption of measures for the prevention of nuclear war, 9/

Recognizing that the prevention of nuclear war requires disarmament measures, and welcoming the first bilateral nuclear disarmament agreement between the Union of Soviet Socialist Republics and the United States of America on the elimination of all land-based intermediate-range nuclear forces,

Aware of the essential complementarity which links both bilateral and multilateral disarmament negotiations,

Having considered the report of the Conference on Disarmament on its 1988 session, 11/

Taking into account the deliberations on this item at the fifteenth special session of the General Assembly, the third special session devoted to disarmament, and at its forty-third session,

1. Notes with regret that, despite the fact that the Conference on Disarmament has discussed the question of the prevention of nuclear war for several years, it has been unable even to establish a subsidiary body to consider appropriate and practical measures to prevent it;

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11/ Official Records of the General Assembly, Forty-third Session, Supplement No. 27 (A/43/27).

2. Reiterates its conviction that, in view of the urgency of the matter and the inadequacy or insufficiency of existing measures, it is necessary to devise suitable steps to expedite effective action for the prevention of nuclear war;

3. Again requests 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 that could be negotiated and adopted individually for the prevention of nuclear war and to establish for that purpose an ad hoc committee on the subject at the beginning of its 1989 session;

4. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Prevention of nuclear war".

73rd plenary meeting  
7 December 1988

G

Disarmament Week

The General Assembly,

Noting that there have been important developments of late in the areas of arms limitation and disarmament efforts which provide a sense of strong encouragement and hope for a more secure world,

Noting at the same time that, despite the positive developments, the arms race still poses a grave threat to world peace and security,

Stressing the vital importance of eliminating the threat of a nuclear and conventional war, ending the nuclear and conventional arms race and bringing about disarmament,

Emphasizing anew the need for and the importance of world public opinion in support of halting and reversing the global arms race in all its aspects,

Taking into account the aspirations of the world public to prevent an arms race in space and to terminate it on Earth,

Noting with satisfaction the broad and active support by Governments and international and national organizations of the decision taken by the General Assembly at its tenth special session, the first special session devoted to disarmament, regarding the proclamation of the week starting 24 October, the day of the foundation of the United Nations, as a week devoted to fostering the objectives of disarmament, 12/

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12/ Resolution S-10/2, para. 102.



Recalling the recommendations concerning the World Disarmament Campaign contained in annex V to the Concluding Document of the twelfth special session of the General Assembly, the second special session devoted to disarmament, in particular the recommendation that Disarmament Week should continue to be widely observed, 13/

Noting the support for the further observance of Disarmament Week expressed by Member States at the fifteenth special session of the General Assembly, the third special session devoted to disarmament,

1. Takes note with satisfaction of the report of the Secretary-General 14/ on the follow-up measures undertaken by States and governmental and non-governmental organizations in holding Disarmament Week;
2. Commends all States and international and national governmental and non-governmental organizations for their energetic support of and active participation in Disarmament Week since its first observance ten years ago;
3. Invites all States that so desire, in carrying out appropriate measures at the local level on the occasion of Disarmament Week, to take into account the elements of the model programme for Disarmament Week prepared by the Secretary-General; 15/
4. Invites Governments to continue, in accordance with General Assembly resolution 33/71 D of 14 December 1978, to inform the Secretary-General of activities undertaken to promote the objectives of Disarmament Week;
5. Also invites international and national non-governmental organizations to take an active part in Disarmament Week and to inform the Secretary-General of the activities undertaken;
6. Further invites the Secretary-General to use the United Nations information organs as widely as possible to promote better understanding among the world public of disarmament problems and the objectives of Disarmament Week;
7. Requests the Secretary-General, in accordance with paragraph 4 of resolution 33/71 D, to submit to the General Assembly at its forty-fourth session a report on the implementation of the present resolution.

73rd plenary meeting  
7 December 1988

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13/ Official Records of the General Assembly, Twelfth Special Session, Annexes, agenda items 9 to 13, document A/S-12/32, annex V, para. 12.

14/ A/43/508 and Add.1.

15/ A/34/436.

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H

Guidelines for confidence-building measures

The General Assembly,

Recalling its resolution 42/39 F, adopted without a vote on 30 November 1987,

Taking note of the report of the Disarmament Commission containing the agreed text of the guidelines for appropriate types of confidence-building measures and for the implementation of such measures on a global or regional level, 5/

Appreciative of the work accomplished by the Disarmament Commission in finalizing the text of these guidelines,

Reaffirming its conviction that 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,

Mindful of the fact that confidence-building measures, while neither a substitute nor a pre-condition for arms limitation and disarmament measures, can be conducive to achieving progress in disarmament,

Realizing that effective disarmament and arms limitation measures which directly limit or reduce military potential have particularly high confidence-building value,

Appealing to all States to consider the widest possible use of confidence-building measures in their international relations,

Aware that there are situations peculiar to specific regions which have a bearing on the nature of the confidence-building measures feasible in those regions,

Noting with satisfaction the encouraging results of specific confidence-building measures agreed upon and implemented in some regions,

Pointing to the example of progress in the implementation of confidence- and security-building measures adopted at Stockholm in 1986 that has contributed to more stable relations and increased security, reducing the risk of military confrontation in Europe,

1. Endorses the guidelines for appropriate types of confidence-building measures and for the implementation of such measures on a global or regional level, as adopted by consensus by the Disarmament Commission at its 1988 substantive session;

2. Recommends these guidelines to all States for implementation, fully taking into account the specific political, military and other conditions prevailing in a region, on the basis of initiatives and with the agreement of the States of the region concerned;

/...

3. Requests the Secretary-General to submit a report to the General Assembly at its forty-fifth session on the implementation of these guidelines on the basis of national reports on accumulated relevant experience;

4. Decides to include in the provisional agenda of its forty-fifth session an item entitled "Implementation of the guidelines for appropriate types of confidence-building measures".

73rd plenary meeting  
7 December 1988

## I

### Report of the Conference on Disarmament

#### The General Assembly,

Recalling the relevant portions of the Final Document of the Tenth Special Session of the General Assembly, 2/ in particular, paragraph 120,

Bearing in mind that considerable and urgent work remains to be accomplished in the field of disarmament,

Convinced that the Conference on Disarmament, as the single multilateral negotiating forum for global disarmament questions, should fully take into account the Programme of Action set forth in section III of the Final Document of the Tenth Special Session,

Having considered the report of the Conference on Disarmament, 11/ which the Conference adopted by consensus,

1. Takes note of the report of the Conference on Disarmament on its 1988 session;

2. Reaffirms that the Conference on Disarmament plays a vital role in the field of disarmament for the world community;

3. Reaffirms also its support for the efforts of the Conference on Disarmament in fulfilling its tasks, and calls upon all Conference members and observer States to contribute as effectively as possible to this end;

4. Requests the Conference on Disarmament to continue and to intensify its work on the various substantive items on its agenda;

5. Also requests the Conference on Disarmament to submit a report on its work to the General Assembly at its forty-fourth session;

/...

6. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Report of the Conference on Disarmament".

73rd plenary meeting

7 December 1988

J

Economic and social consequences of the armaments race and its extremely harmful effects on world peace and security

The General Assembly,

Having considered the item entitled "Economic and social consequences of the armaments race and its extremely harmful effects on world peace and security",

Recalling its resolutions 2667 (XXV) of 7 December 1970, 2831 (XXVI) of 16 December 1971, 3075 (XXVIII) of 6 December 1973, 32/75 of 12 December 1977, 35/141 of 12 December 1980, 40/150 of 16 December 1985 and 41/86 I of 4 December 1986,

Deeply concerned that the arms race, particularly in nuclear armaments and military expenditures, continues to increase at an alarming speed, representing a heavy burden for the economies of all States and constituting a grave danger for world peace and security,

Recalling also the numerous statements made by the representatives of Governments during the disarmament negotiations and particularly at the fifteenth special session of the General Assembly, the third special session devoted to disarmament, to the effect that the vastly increased military budgets have also contributed to current economic problems in certain States and that existing and planned military programmes constitute a huge waste of precious resources which might otherwise be used to elevate living standards of all peoples and solve the problems confronting developing countries in achieving economic and social development,

Reaffirming the need for all Governments and peoples to be informed about and to understand the situation prevailing in the field of the arms race and disarmament,

Bearing in mind the objectives of the World Disarmament Campaign, 16/ solemnly launched at the twelfth special session, which is intended to promote public interest in and support for the reaching of agreements on measures of arms limitation and disarmament,

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16/ Official Records of the General Assembly, Twelfth Special Session, Annexes, agenda items 9 to 13, document A/S-12/32, annex V.

Recalling further paragraph 93 (c) of the Final Document of the Tenth Special Session of the General Assembly, 2/ the first special session devoted to disarmament, in which it is provided that the Secretary-General shall periodically submit reports to the Assembly on the economic and social consequences of the armaments race and its extremely harmful effects on world peace and security,

Considering that the elaboration of such reports should be viewed as a measure aimed at building confidence among States,

1. Welcomes with satisfaction the updated report of the Secretary-General on the economic and social consequences of the arms race and military expenditures; 17/

2. Expresses its thanks to the Secretary-General and the consultant experts as well as to the Governments and international organizations that have rendered assistance in the updating of the report;

3. Recommends that the report be brought to the attention of public opinion and also taken into account in future actions by the United Nations in the field of disarmament;

4. Requests the Secretary-General to make the necessary arrangements for the reproduction of the report as a United Nations publication and to give it broad publicity in the framework of the World Disarmament Campaign;

5. Recommends also that all Governments ensure the widest possible distribution of the report, including its translation into the respective national languages;

6. Invites the specialized agencies as well as intergovernmental, national and non-governmental organizations to use their facilities to make the report widely known;

7. Reaffirms its decision to keep the item entitled "Economic and social consequences of the armaments race and its extremely harmful effects on world peace and security" under constant review, and decides to include it in the provisional agenda of its forty-sixth session.

73rd plenary meeting

7 December 1988

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17/ A/43/368, annex.

K

Comprehensive programme of disarmament

The General Assembly,

Recalling its resolution 42/42 I of 30 November 1987, in which it urged the Conference on Disarmament to resume the work on the elaboration of the comprehensive programme of disarmament at the outset of its 1988 session with a view to resolving outstanding issues and concluding negotiations on the programme,

Having examined the report of the Ad Hoc Committee on the Comprehensive Programme of Disarmament concerning its work during the 1988 session of the Conference on Disarmament, which is an integral part of the report of the Conference, 18/ and noting the agreement of the Ad Hoc Committee that it should resume its work at the outset of the 1989 session of the Conference with the firm intention of completing the elaboration of the programme for its submission to the General Assembly, at the latest at its forty-fourth session,

Decides to include in the provisional agenda of its forty-fourth session an item entitled "Comprehensive programme of disarmament".

73rd plenary meeting  
7 December 1988

L

Consideration of the declaration of the 1990s  
as the Third Disarmament Decade

The General Assembly,

Recalling its resolution 35/46 of 3 December 1980, in which it declared the 1980s as the Second Disarmament Decade,

Recalling also its resolution 34/75 of 11 December 1979, in which it directed the Disarmament Commission to prepare elements of a draft resolution entitled "Declaration of the 1980s as the Second Disarmament Decade" for submission to the General Assembly at its thirty-fifth session for consideration and adoption,

Bearing in mind that the Second Disarmament Decade declared by its resolution 35/46 is coming to an end,

Reaffirming the responsibility of the United Nations in the attainment of disarmament,

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18/ Official Records of the General Assembly, Forty-third Session, Supplement No. 27 (A/43/27), para. 90.

Noting the progress in the disarmament talks between the Union of Soviet Socialist Republics and the United States of America and its positive impact on the attainment of global peace and security,

Desirous of maintaining the current momentum in the disarmament process,

Convinced that a third disarmament decade will accelerate the disarmament process,

1. Decides to declare the decade of the 1990s as the Third Disarmament Decade;

2. Directs the Disarmament Commission, at its 1989 substantive session, to prepare elements of a draft resolution to be entitled "Declaration of the 1990s as the Third Disarmament Decade" and to submit them to the General Assembly at its forty-fourth session for consideration and adoption;

3. Requests the Secretary-General to seek the views and suggestions of Member States and of relevant specialized agencies and the International Atomic Energy Agency on the possible elements to be included in the Declaration of the 1990s as the Third Disarmament Decade and to make these available to the Disarmament Commission at its 1989 substantive session;

4. Also requests the Secretary-General to render all necessary assistance to the Disarmament Commission in implementing the present resolution;

5. Decides to include in the provisional agenda of its forty-fourth session an item entitled "Declaration of the 1990s as the Third Disarmament Decade".

73rd plenary meeting  
7 December 1988

M

#### Report of the Conference on Disarmament

##### The General Assembly,

Recalling its resolutions 34/83 B of 11 December 1979, 35/152 J of 12 December 1980, 36/92 F of 9 December 1981, 37/78 G of 9 December 1982, 38/183 I of 20 December 1983, 39/148 N of 17 December 1984, 40/152 M of 16 December 1985, 41/86 M of 4 December 1986 and 42/42 L of 30 November 1987,

Having considered the report of the Conference on Disarmament, 11/

Convinced that the Conference on Disarmament, as the single multilateral negotiating body on disarmament, should play the central role in substantive negotiations on priority questions of disarmament,

/...

Expressing its regret that the Conference on Disarmament was not able in 1988 either to establish ad hoc committees or to commence negotiations on nuclear issues on its agenda,

Expressing its expectation that the Conference on Disarmament, in view of the positive current processes in some important fields of disarmament, would be in a position to reach concrete agreements on disarmament issues to which the United Nations has assigned greatest priority and urgency and which have been under consideration for a number of years,

Considering that it is more than ever imperative in the present circumstances to give an additional impetus to negotiations on disarmament at all levels and to achieve genuine progress in the immediate future,

1. Reaffirms the role of the Conference on Disarmament as the single multilateral disarmament negotiating forum of the international community;
2. Notes with satisfaction that further progress has been made in the negotiations on the elaboration of a draft convention on the complete and effective prohibition of the development, production and stockpiling of all chemical weapons and on their destruction, and urges the Conference on Disarmament to intensify further its work with a view to completing negotiations on such a draft convention as soon as possible;
3. Calls upon the Conference on Disarmament to intensify its work, to further its mandate more earnestly through substantive negotiations, within the framework of ad hoc committees as the most appropriate mechanism, and to adopt concrete measures on the specific priority issues of disarmament on its agenda, in accordance with the Programme of Action set forth in section III of the Final Document of the Tenth Special Session of the General Assembly; 2/
4. Urges the Conference on Disarmament to provide negotiating mandates to ad hoc committees on all agenda items, in keeping with the fundamental role of the Conference as identified in the Final Document of the Tenth Special Session;
5. Requests the Conference on Disarmament to submit a report on its work to the General Assembly at its forty-fourth session;
6. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Report of the Conference on Disarmament".

73rd plenary meeting  
7 December 1988





General Assembly

Distr.  
GENERAL

A/RES/43/79  
13 January 1989

Forty-third session  
Agenda item 68

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[(on the report of the First Committee (A/43/860)]

43/79. Implementation of the Declaration of the Indian Ocean  
as a Zone of Peace

The General Assembly,

Recalling the Declaration of the Indian Ocean as a Zone of Peace, contained in its resolution 2832 (XXVI) of 16 December 1971, and recalling also its resolutions 2992 (XXVII) of 15 December 1972, 3080 (XXVIII) of 6 December 1973, 3259 A (XXIX) of 9 December 1974, 3468 (XXX) of 11 December 1975, 31/88 of 14 December 1976, 32/86 of 12 December 1977, S-10/2 of 30 June 1978, 33/68 of 14 December 1978, 34/80 A and B of 11 December 1979, 35/150 of 12 December 1980, 36/90 of 9 December 1981, 37/96 of 13 December 1982, 38/185 of 20 December 1983, 39/149 of 17 December 1984, 40/153 of 16 December 1985, 41/87 of 4 December 1986, 42/43 of 30 November 1987 and other relevant resolutions,

Reaffirming that 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,

Recalling also the report of the Meeting of the Littoral and Hinterland States of the Indian Ocean, 1/

1/ Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 45 (A/34/45 and Corr.1).

Reaffirming its conviction that concrete action for the 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, as well as to the independence, sovereignty, territorial integrity and peaceful development of the States of the region,

Convinced that agreement on such action should be facilitated by encouraging developments in international relations that could have beneficial effects on the region,

Also convinced that the continued military presence of the great Powers in the Indian Ocean area, conceived in the context of their confrontation, gives urgency to the need to take practical steps for the early achievement of the objectives of the Declaration,

Further convinced that the political and security climate in the Indian Ocean area is an important consideration bearing on the question of the urgent convening of the Conference on the Indian Ocean at Colombo and that the further easing of tension in the area would enhance the prospect of success of the Conference,

Considering that the creation of a zone of peace requires co-operation and agreement among the States of the region to ensure conditions of peace and security within the area, as envisaged in the Declaration,

Recalling the decision of the Ad Hoc Committee to make every effort, in consideration of the political and security climate in the Indian Ocean area and of progress made in the harmonization of views, to finalize, in accordance with its normal methods of work, all preparations for the Conference, including dates for its convening,

Noting that, in accordance with resolution 42/43, the Ad Hoc Committee submitted a report, 2/ adopted by consensus, to the Assembly at its fifteenth special session, the third special session devoted to disarmament, and urged it to reaffirm its full support for the implementation of the Declaration,

Noting also that the Ad Hoc Committee has requested the Secretary-General to continue to extend to it all necessary assistance in order to facilitate the intensification of the Committee's work towards the implementation of its mandate and to enable the completion of its remaining preparatory work for the early convening of the Conference, as repeatedly called for by the Assembly, in particular in its resolution 42/43,

1. Takes note of the report of the Ad Hoc Committee on the Indian Ocean; 3/

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2/ Ibid., Fifteenth Special Session, Supplement No. 5 (A/S-15/5).

3/ Ibid., Forty-third Session, Supplement No. 29 (A/43/29).

2. Reaffirms full support for the achievement of the objectives of the Declaration of the Indian Ocean as a Zone of Peace;

3. Reiterates and emphasizes its decision to convene the Conference on the Indian Ocean at Colombo, as a necessary step for the implementation of the Declaration of the Indian Ocean as a Zone of Peace adopted in 1971;

4. Renews the mandate of the Ad Hoc Committee as defined in the relevant resolutions, and requests the Committee to intensify its work with regard to the implementation of its mandate;

5. Notes with satisfaction that in the implementation of the mandate of the Ad Hoc Committee, including the preparatory work for the convening of the Conference, as called for in the relevant resolutions recommended by the Committee and adopted by the General Assembly by consensus, progress has been made by the Working Group of the Ad Hoc Committee in its meetings during the sessions of the Committee in 1988;

6. Urges the Ad Hoc Committee to intensify its discussions of substantive issues and principles, including those identified by the Chairman of the Working Group in his report dated 14 July 1988, 4/ with the aim of elaborating elements that might be taken into consideration during the subsequent preparation of a draft final document of the Conference;

7. Requests the Ad Hoc Committee to hold two preparatory sessions during the first half of 1989, the first with a duration of one week and the second with a duration of two weeks, for completion of the remaining preparatory work relating to the Conference on the Indian Ocean to enable the convening of the Conference at Colombo in 1990 in consultation with the host country;

8. Notes that the Ad Hoc Committee will, during its preparatory sessions in 1989, continue to keep under review the need to organize its work more effectively in order to enable it to fulfil its mandate;

9. Decides that the Ad Hoc Committee should commemorate the tenth anniversary of the Meeting of the Littoral and Hinterland States of the Indian Ocean, which took place in July 1979, during its preparatory sessions in 1989;

10. Requests the Chairman of the Ad Hoc Committee to continue his consultations on the participation in the work of the Committee by States Members of the United Nations which are not members of the Committee, with the aim of resolving this matter at the earliest possible date;

11. Also requests the Chairman of the Ad Hoc Committee to consult the Secretary-General at the appropriate time on the establishment of a secretariat for the Conference;

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4/ A/AC.159/L.85, annex.

12. Requests the Ad Hoc Committee to submit to the General Assembly at its forty-fourth session a full report on the implementation of the present resolution;

13. Requests the Secretary-General to continue to render all necessary assistance to the Ad Hoc Committee, including the provision of summary records, in recognition of its preparatory function.

73rd plenary meeting  
7 December 1988



**General Assembly**

Distr.  
GENERAL

A/RES/43/80  
13 January 1989

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Forty-third session  
Agenda item 69

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/861)]

43/80. Israeli nuclear armament

The General Assembly,

Bearing in mind its previous resolutions on Israeli nuclear armament, the latest of which is 42/44 of 30 November 1987,

Recalling its resolution 42/28 of 30 November 1987, in which, inter alia, it called for placing all nuclear facilities in the region under International Atomic Energy Agency safeguards, pending the establishment of a nuclear-weapon-free zone in the Middle East,

Recalling also Security Council resolution 487 (1981) of 19 June 1981, in which, inter alia, the Council called upon Israel urgently to place all its nuclear facilities under International Atomic Energy Agency safeguards,

Noting that only Israel has been specifically called upon by the Security Council to place its nuclear facilities under International Atomic Energy Agency safeguards,

Noting with grave concern Israel's persistent refusal to commit itself not to manufacture or acquire nuclear weapons, despite repeated calls by the General Assembly, the Security Council and the International Atomic Energy Agency,

Taking into consideration resolution GC (XXXII)/RES/487 of 23 September 1988 adopted by the General Conference of the International Atomic Energy Agency, in which the General Conference strongly condemned the continued refusal by Israel to renounce the possession of nuclear weapons and to submit all its nuclear facilities to the Agency's safeguards in compliance with Security Council resolution 487 (1981),

Deeply alarmed by the information with regard to the continuing production, development and acquisition of nuclear weapons by Israel,

Aware of the grave consequences that endanger international peace and security as a result of Israel's development and acquisition of nuclear weapons and Israel's collaboration with South Africa to develop nuclear weapons and their delivery systems,

Deeply concerned that the declared Israeli policy of attacking and destroying nuclear facilities devoted to peaceful purposes is a part of its nuclear armament policy,

1. Reiterates its condemnation of Israel's refusal to renounce any possession of nuclear weapons;
2. Reiterates also its condemnation of the co-operation between Israel and South Africa;
3. Requests once more the Security Council to take urgent and effective measures to ensure that Israel complies with Council resolution 487 (1981);
4. Demands once more that Israel place all its nuclear facilities under International Atomic Energy Agency safeguards;
5. Calls upon all States and organizations that have not yet done so to discontinue co-operating with and giving assistance to Israel in the nuclear field;
6. Reiterates its request to the International Atomic Energy Agency to suspend any scientific co-operation with Israel that could contribute to its nuclear capabilities;
7. Requests also the International Atomic Energy Agency to inform the Secretary-General of any steps Israel may take to place its nuclear facilities under Agency safeguards;
8. Requests the Secretary-General to follow closely Israeli nuclear activities and to report to the General Assembly at its forty-fourth session;
9. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Israeli nuclear armament".

73rd plenary meeting  
7 December 1988



General Assembly

Distr.  
GENERAL

A/RES/43/81  
13 January 1989

Forty-third session  
Agenda item 139

RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/894)]

43/81. Verification in all its aspects

A

Compliance with arms limitation and disarmament agreements

The General Assembly,

Recalling its resolution 42/38 M of 30 November 1987,

Conscious of the abiding concern of all Member States for preserving respect for rights and obligations arising from treaties and other sources of international law,

Convinced that observance of the Charter of the United Nations, relevant treaties and other sources of international law is essential for the strengthening of international security,

Mindful, in particular, of the fundamental importance of full implementation and strict observance of agreements on arms limitation and disarmament if individual nations and the international community are to derive enhanced security from them,

Stressing that 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,

Stressing also that any weakening of confidence in such agreements diminishes their contribution to global or regional stability and to further disarmament and arms limitation efforts and undermines the credibility and effectiveness of the international legal system,

Recognizing in this context that, inter alia, full confidence in compliance with existing agreements can enhance the negotiation of arms limitation and disarmament agreements,

Believing that compliance with arms limitation and disarmament agreements by States parties is, therefore, a matter of interest and concern to all members of the international community, and noting the role that the United Nations could play in that regard,

Convinced that resolution of non-compliance questions that have arisen with regard to agreements on arms limitations and disarmament would contribute to better relations among States and the strengthening of world peace and security,

1. Urges all States parties to arms limitation and disarmament agreements to implement and comply with the entirety of the provisions of such agreements;

2. Calls upon all Member States to give serious consideration to the implications of non-compliance with those obligations for international security and stability, as well as for the prospects for further progress in the field of disarmament;

3. Also calls upon all Member States to support efforts aimed at the resolution of non-compliance questions, with a view to encouraging strict observance by all parties of the provisions of arms limitation and disarmament agreements and maintaining or restoring the integrity of such agreements;

4. Requests the Secretary-General to provide Member States with assistance that may be necessary in this regard;

5. Welcomes efforts by States parties to develop additional co-operative measures, as appropriate, that can increase confidence in compliance with existing arms limitation and disarmament agreements and reduce the possibility of misinterpretation and misunderstanding;

6. Decides to include in the provisional agenda of its forty-fourth session the item entitled "Compliance with arms limitation and disarmament agreements".

73rd plenary meeting  
7 December 1988

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B

Study on the role of the United Nations in the field  
of verification

The General Assembly,

Recalling its resolutions 40/152 O of 16 December 1985, 41/86 Q of 4 December 1986 and 42/42 F of 30 November 1987,

Underlining the important role that the United Nations, in accordance with its Charter, has to play in the sphere of disarmament,

Recalling that all the peoples of the world have a vital interest in the success of disarmament negotiations and that, consequently, all States have the duty to contribute to efforts in the field of disarmament,

Noting that the critical importance of verification of and compliance with arms limitation and disarmament agreements is universally recognized,

Stressing that the issue of verification of and compliance with arms limitation and disarmament agreements is a matter of concern to all nations,

Reiterating its view that:

(a) Disarmament and arms limitation agreements should provide for adequate and effective measures of verification satisfactory to all parties concerned in order to create the necessary confidence and to ensure that they are being observed by all parties;

(b) 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;

(c) Agreements should provide for the participation of parties directly or through United Nations organs in the verification process;

(d) Where appropriate, a combination of several methods of verification as well as other compliance procedures should be employed,

Recalling that:

(a) In the context of international disarmament negotiations, the problem of verification should be further examined and adequate methods and procedures in this field should be considered;

(b) Every effort should be made to develop appropriate methods and procedures that are non-discriminatory and that do not interfere unduly with the internal affairs of other States or jeopardize their economic and social development,

/...

Conscious of the fact that the United Nations is already playing a useful role in the field of verification,

Taking note of all proposals that have been put forward in the field of verification by Member States, 1/ including those by Canada and the Netherlands, France and the countries of the Six-Nation Initiative,

1. Recognizes that the United Nations, in accordance with its role and responsibilities established under the Charter, can make a significant contribution in the field of verification, in particular of multilateral agreements;

2. Notes with satisfaction the completion by the Disarmament Commission of its work on the subject of verification in all its aspects;

3. Endorses the general principles of verification drawn up by the Disarmament Commission and contained in its report; 2/

4. Requests the Secretary-General to undertake, with the assistance of a group of qualified governmental experts, an in-depth study of the role of the United Nations in the field of verification that would:

(a) Identify and review existing activities of the United Nations in the field of verification of arms limitation and disarmament agreements;

(b) Assess the need for improvements in existing activities as well as explore and identify possible additional activities, taking into account organizational, technical, operational, legal and financial aspects;

(c) Provide specific recommendations for future action by the United Nations in this context;

5. Requests the Secretary-General to submit a comprehensive report on the subject to the General Assembly at its forty-fifth session;

6. Decides to include in the provisional agenda of its forty-fifth session the item entitled "Verification in all its aspects".

73rd plenary meeting  
7 December 1988

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1/ See Official Records of the General Assembly, Fifteenth Special Session, Supplement No. 3 (A/S-15/3), para. 60.6, sect. III.2.

2/ Ibid., para. 60.6, sect. I.



General Assembly

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13 January 1989

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Forty-third session  
Agenda item 141

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the First Committee (A/43/895)]

- 43/82. Implementation of the conclusions of the Third Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and establishment of a Preparatory Committee for the Fourth Review Conference

The General Assembly,

Recalling its resolution 2373 (XXII) of 12 June 1968, the annex to which contains the Treaty on the Non-Proliferation of Nuclear Weapons,

Noting the provisions of article VIII, paragraph 3, of that Treaty concerning the holding of successive review conferences,

Noting that, in the Final Declaration of the Third Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons 1/ held at Geneva from 27 August to 21 September 1985, the Conference proposed to the Depositary Governments that a fourth conference to review the operation of the Treaty be convened in 1990, and also noting that there appears to be a consensus among the parties that the Fourth Review Conference should be held at Geneva in August/September of that year,

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1/ Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I (NPT/CONF.III/64/1) (Geneva, 1985), annex I.

1. Notes that, following appropriate consultations, an open-ended preparatory committee has been formed of parties to the Treaty on the Non-Proliferation of Nuclear Weapons serving on the Board of Governors of the International Atomic Energy Agency or represented in the Conference on Disarmament, as well as any party to the Treaty that may express its interest in participating in the work of the preparatory committee;

2. Requests the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its preparation.

73rd plenary meeting  
7 December 1988

2. Decisions adopted on the reports of the First Committee

43/422. Contribution of the specialized agencies and other organizations and programmes of the United Nations system to the cause of arms limitations and disarmament

At its 73rd plenary meeting, on 7 December 1988, the General Assembly, on recommendation of the First Committee, 42/ took note of the report of the Secretary-General, 43/ and decided to defer until a later date, to be agreed upon in consultations among Member States, the consideration of the item entitled "Contribution of the specialized agencies and other organizations and programmes of the United Nations system to the cause of arms limitation and disarmament".

43/423. Liability for the illegal transfer and/or use of prohibited weapons and weapons or substances which cause unnecessary human suffering

At its 73rd plenary meeting, on 7 December 1988, the General Assembly, on the recommendation of the First Committee, 44/ decided to include in the provisional agenda of its forty-fourth session the item entitled "Liability for the illegal transfer and/or use of prohibited weapons and weapons or substances which cause unnecessary human suffering".

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42/ A/43/856, para. 72.

43/ A/43/650.

44/ A/43/896, para. 8.

# CONFERENCE ON DISARMAMENT

CD/880  
30 January 1989

ENGLISH  
Original: FRENCH

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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

I have the honour to enclose 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.

I would be grateful if you would have these texts distributed as official  
documents of the Conference on Disarmament.

(Signed) Pierre MOREL

FINAL ACT OF THE PARIS CONFERENCE OF STATES PARTIES TO  
THE 1925 GENEVA PROTOCOL AND OTHER INTERESTED STATES

1. The Conference of States Parties to the 1925 Geneva Protocol and Other Interested States on the Prohibition of Chemical Weapons was held, on the invitation of the Government of the French Republic, in Paris from 7 to 11 January 1989.

The Governments of the following 149 States were represented at the Conference:

Afghanistan; Albania; Algeria; Angola; Argentina; Australia; Austria; Bahrain; Bangladesh; Belgium; Belize; Benin; Bolivia; Brazil; Brunei; Bulgaria; Burkina Faso; Burma; Burundi; Cameroon; Canada; Cape Verde; Central African Republic; Chad; Chile; China; Colombia; Comoros; Congo; Cook Islands; Costa Rica; Côte d'Ivoire; Cuba; Cyprus; Czechoslovakia; Democratic Kampuchea; Democratic People's Republic of Korea; Democratic Yemen; Denmark; Djibouti; Dominica; Dominican Republic; Ecuador; Egypt; El Salvador; Equatorial Guinea; Ethiopia; Finland; France; Gabon; Gambia; German Democratic Republic; Germany, Federal Republic of; Ghana; Greece; Grenada; Guatemala; Guinea; Guinea-Bissau; Haiti; Holy See; Hungary; Iceland; India; Indonesia; Iran, Islamic Republic of; Iraq; Ireland; Israel; Italy; Jamaica; Japan; Jordan; Kenya; Kuwait; Lao People's Democratic Republic; Lebanon; Lesotho; Liberia; Libyan Arab Jamahiriya; Luxembourg; Madagascar; Malawi; Malaysia; Mali; Malta; Mauritania; Mauritius; Mexico; Monaco; Mongolia; Morocco; Mozambique; Nepal; Netherlands; New Zealand; Nicaragua; Niger; Nigeria; Norway; Oman; Pakistan; Panama; Papua New Guinea; Paraguay; Peru; Philippines; Poland; Portugal; Qatar; Republic of Korea; Romania; Rwanda; Samoa; San Marino; Sao Tome and Principe; Saudi Arabia; Senegal; Seychelles; Sierra Leone; Somalia; South Africa; Spain; Sri Lanka; Sudan; Suriname; Swaziland; Sweden; Switzerland; Syrian Arab Republic; Thailand; Togo; Trinidad and Tobago; Tunisia; Turkey; Uganda; Union of Soviet Socialist Republics; United Arab Emirates; United Kingdom of Great Britain and Northern Ireland; United Republic of Tanzania; United States of America; Uruguay; Venezuela; Viet Nam; Yemen; Yugoslavia; Zaire; Zambia; Zimbabwe.

The Secretary-General of the United Nations, the Under-Secretary-General for Disarmament Affairs of the United Nations and the Secretary-General of the Conference on Disarmament also attended.

2. At the opening session, held on 7 January 1989, the President of the French Republic, Mr. François MITTERAND, declared the Conference open. The Director-General of UNESCO, Mr. Federico MAYOR, welcomed the participants to the Headquarters of his Organization, where the proceedings of the Conference were held. The Secretary-General of the United Nations, Mr. Javier PEREZ DE CUELLAR, delivered a speech. The President of the French Republic, Mr. François MITTERAND, addressed the Conference.

3. The Conference elected as President Mr. Roland DUMAS, Minister of State, Minister of Foreign Affairs of the French Republic.

The Conference elected as Vice-Presidents the heads of delegation of the following States: Bangladesh; Brazil; Cameroon; Japan; Mexico; Morocco; Poland; Sweden; Union of Soviet Socialist Republics and United States of America.

The Conference elected Mr. Kalevi SORSA, Minister of Foreign Affairs of the Republic of Finland, as President of the Committee of the Whole.

The Conference elected Dr. Peter VARKONYI, Minister of Foreign Affairs of the Hungarian People's Republic, as President of the Credentials Committee.

4. The Secretary-General of the Conference was Mr. Claude ARNAUD, Ambassador of France. He was assisted by Mr. Jean de PONTON d'AMECOURT, Executive Secretary-General, Mr. Jean-Marc ROCHEREAU de la SABLIERE, Deputy Secretary-General (for the Conference in plenary session), and Mr. Philippe GUELLEY, Deputy Secretary-General (for the Committee of the Whole).

5. The Conference held nine plenary sessions, during which 109 delegations spoke in the general debate.

6. The Committee of the Whole held six sessions, during which it examined and finalized the draft Final Declaration of the Conference. The President of the Committee of the Whole reported to the Conference.

7. The Credentials Committee comprised, in addition to its President, delegates of the following States: Argentina; Australia; Austria; Czechoslovakia; Indonesia; Nigeria; Peru; Philippines and Senegal.

The Credentials Committee held two meetings, at which it examined the credentials of representatives.

The Conference adopted the report of the Credentials Committee, the text of which is annexed to this Final Act.

8. The Conference adopted this Final Act together with the Final Declaration set out below:

In witness whereof the undersigned have appended their signatures to the original copy deposited in the archives of the Ministry of Foreign Affairs of the French Republic.

The President of the Conference

Roland DUMAS

The Secretary-General of the Conference

Claude ARNAUD

Done at Paris, on 11 January 1989



## FINAL DECLARATION

The representatives of States participating in the Conference on the Prohibition of Chemical Weapons, bringing together States Parties to the Geneva Protocol of 1925 and other interested States in Paris from 7 to 11 January 1989, solemnly declare the following:

1. The participating States are determined to promote international peace and security throughout the world in accordance with the Charter of the United Nations and to pursue effective disarmament measures. In this context, they are determined to prevent any recourse to chemical weapons by completely eliminating them. They solemnly affirm their commitments not to use chemical weapons and condemn such use. They recall their serious concern at recent violations as established and condemned by the competent organs of the United Nations. They support the humanitarian assistance given to the victims affected by chemical weapons.
2. The participating States recognize the importance and continuing validity of the Protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases and bacteriological methods of warfare, signed on 17 June 1925 in Geneva. The States Parties to the Protocol solemnly reaffirm the prohibition as established in it. They call upon all States which have not yet done so to accede to the Protocol.
3. The participating States stress the necessity of concluding, at an early date, a Convention on the prohibition of the development, production, stockpiling and use of all chemical weapons, and on their destruction. This Convention shall be global and comprehensive and effectively verifiable. It should be of unlimited duration. To this end, they call on the Conference on Disarmament in Geneva to redouble its efforts, as a matter of urgency, to resolve expeditiously the remaining issues and to conclude the Convention at the earliest date. All States are requested to make, in an appropriate way, a significant contribution to the negotiations in Geneva by undertaking efforts in the relevant fields. The participating States therefore believe that any State wishing to contribute to these negotiations should be able to do so. In addition, in order to achieve as soon as possible the indispensable universal character of the Convention, they call upon all States to become parties thereto as soon as it is concluded.
4. The participating States are gravely concerned by the growing danger posed to international peace and security by the risk of the use of chemical weapons as long as such weapons remain and are spread. In this context, they stress the need for the early conclusion and entry into force of the Convention, which will be established on a non-discriminatory basis. They deem it necessary, in the meantime, for each State to exercise restraint and to act responsibly in accordance with the purpose of the present declaration.
5. The participating States confirm their full support for the United Nations in the discharge of its indispensable role, in conformity with its Charter. They affirm that the United Nations provides a framework and an instrument enabling the international community to exercise vigilance with respect to the prohibition of the use of chemical weapons. They confirm their support for appropriate and effective steps

taken by the United Nations in this respect in conformity with its Charter. They further reaffirm their full support for the Secretary-General in carrying out his responsibilities for investigations in the event of alleged violations of the Geneva Protocol. They express their wish for early completion of the work undertaken to strengthen the efficiency of existing procedures and call for the co-operation of all States, in order to facilitate the action of the Secretary-General.

6. The participating States, recalling the Final Document of the first Special Session of the United Nations General Assembly devoted to Disarmament in 1978, underline the need to pursue with determination their efforts to secure general and complete disarmament under effective international control, so as to ensure the right of all States to peace and security.
-

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

## I. INTRODUCTION

1. In accordance with the decision taken by the Conference on Disarmament at its 483rd plenary meeting held on 20 September 1988, the Ad Hoc Committee on Chemical Weapons resumed its work on 17 January 1989 under the Chairmanship of Ambassador Bogumil Sujka (Poland). Mr. Abdelkader Bensmail, Senior Political Affairs Office of the Department for Disarmament Affairs, continued to serve as Secretary of the Committee.

2. The Ad Hoc Committee held 4 meetings from 17 January to 3 February 1989. In accordance with the recommendations of the Ad Hoc Committee, as contained in its Report to the Conference on Disarmament (CD/874), open-ended consultations of the Ad Hoc Committee were held between 29 November and 15 December 1988 in preparation for the resumed session.

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

## II. SUBSTANTIVE WORK DURING THE RESUMED SESSION

4. In accordance with its mandate, the Ad Hoc Committee continued its work on the Convention. In particular, it considered the following issues in the framework of the three Working Groups established in 1988:

(a) Group A (Chairman: Mr. Andrej Cima of Czechoslovakia)

- Confidentiality with regard to verification of non-production of chemical weapons in the chemical industry.
- Issues pertaining to Schedule [1] chemicals outside the single small-scale production facility.

(b) Group B (Chairman: Mr. Pablo Macedo of Mexico)

- Undiminished security during the period of destruction of chemical weapons.
- Article X on "Assistance".

(c) Group C (Chairman: Mr. Sadaaki Numata of Japan)

- Guidelines on the international inspectorate in the context of challenge inspection.
- Designation of the highest organ of the Organization under the Convention.
- References to the "Technical Secretariat" in certain parts of the "Rolling Text".

In so doing, it utilized Appendices I, II and III of the Report on its work in 1988 (CD/874), proposals made by the Chairmen of the three Working Groups as well as by delegations.

III. CONCLUSIONS AND RECOMMENDATIONS

5. The results of the work undertaken during the resumed session are reflected in the updated versions of the Appendices to CD/874, 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 in the Convention. They are enclosed as a basis for future work.

6. 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 state of 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 Ambassador Pierre Morel of France be appointed as its Chairman for the 1989 session.

(d) That the results of the Paris Conference on the prohibition of Chemical Weapons be taken into account in the future work on the Convention.

Table of Contents

## APPENDIX I

	<u>Page</u>
Preliminary structure of a Convention on Chemical Weapons .....	8
Preamble .....	9
<u>Articles:</u>	
- Article I General provisions on scope .....	10
- Article II Definitions and criteria .....	12
- Article III Declarations .....	16
- Article IV Chemical weapons .....	18
- Article V Chemical weapons production facilities .....	20
- Article VI Activities not prohibited by the Convention ...	22
- Article VII National implementation measures .....	24
- Article VIII The Organization .....	25
- Article IX Consultations, co-operation and fact-finding ..	32
- Article X Assistance and protection against chemical weapons .....	34
- Article XI Economic and technological development .....	34
- Article XII Relation to other international agreements ....	34
- Article XIII Amendments .....	34
- Article XIV Duration, withdrawal .....	34
- Article XV Signature, ratification, entry into force .....	34
- Article XVI Languages .....	34
<u>Annexes:</u>	
- Annex to Article III .....	35
- Annex to Article IV .....	37
- Annex to Article V .....	53

Table of Contents (continued)

	<u>Page</u>
- Annex to Article VI [0].....	66
- Annex to Article VI [1] .....	67
- Annex to Article VI [1] Schedule [1] .....	71
- Annex to Article VI [2] .....	73
- Annex to Article VI [2] Schedule [2] .....	80
- Annex to Article VI [3] .....	81
- Annex to Article VI [3] Schedule [3] .....	83
- Annex to Article VI [...] .....	84
<u>Other documents:</u>	
I. Preparatory Commission .....	91
II. Procedures for toxicity determinations .....	93
Addendum to Appendix I .....	98

Table of Contents

APPENDIX II

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

	<u>Page</u>
Principles and order of destruction of chemical weapons .....	110
Guidelines for Schedule [1] .....	112
Production of Schedule [1] chemicals outside the single small-scale production facility .....	114
Possible factors identified to determine the number, intensity, duration, timing and mode of inspections of facilities handling Schedule [2] chemicals .....	117
Report on how to define "Production Capacity" .....	118
Report on Instrumental Monitoring of non-production in Facilities declared under the Annex to Article VI [2] .....	121
Models for Agreements .....	124
A. Model for an agreement relating to facilities producing, processing or consuming chemicals listed in Schedule [2] .....	124
B. Model for an agreement relating to single small-scale production facilities .....	128
C. Model for an agreement relating to chemical weapons storage facilities .....	133
Guidelines to be used in the elaboration of a régime for the handling and protection of confidential information .....	138
Classification system of confidential information .....	139
On-site inspection on challenge .....	141
Article X, Assistance and protection against chemical weapons .....	145
Article XI, Economic and technological development .....	150
Article XII, Relation to other international agreements .....	152
Article XIII, Amendments .....	153
Article XIV, Duration, withdrawal .....	155
Article XV, Signature, ratification, accession, entry into force ...	158
Article XVI, Languages, authentic texts, depositary, registration .....	160

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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
  - VII. National implementation measures
  - VIII. The Organization
  - IX. Consultations, co-operation and fact finding
  - X. Assistance and protection against chemical weapons
  - XI. Economic and technological development
  - XII. Relation to other international agreements
  - XIII. Amendments
  - XIV. Duration, withdrawal
  - XV. Signature, ratification, entry into force
  - XVI. Languages
- Annexes and other documents

Preamble 1/

The States Parties to this Convention,

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

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

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

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

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

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

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

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

Have agreed as follows:

---

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

I. GENERAL PROVISIONS ON SCOPE 1/ 2/

1. Each State Party undertakes not to:

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

2. Each State Party undertakes not to:

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

---

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

---

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

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

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

## II. DEFINITIONS AND CRITERIA

For the purposes of this Convention:

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

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

---

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

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

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

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

- [The term "chemical weapons" shall not apply to those chemicals which are not super-toxic lethal, or other lethal chemicals and which are approved by the 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

Toxic chemicals are divided into the following categories:]

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

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

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

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

---

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

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

3. "Purposes not prohibited by the Convention" means:

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

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

4. "Precursor" means:

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

(a) "Key Precursor" means:

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

It may possess [possesses] the following characteristics:

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

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

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

Key precursors are listed in ...

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

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

---

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

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



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

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

5. The term "chemical weapons production facility": 1/

(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; 2/ or

(ii) for filling chemical weapons. 3/

(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. 4/ 5/

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

---

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

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

3/ 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.

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

5/ 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].

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

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

(c) Other declarations

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

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

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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

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1/ One delegation reserved its position on this question.

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

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

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. In conducting the verification activities described in this Article the Technical Secretariat 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 such information.

10. 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.

11. 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.

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

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

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

3/ One delegation reserved its position on this question.

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.

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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. In conducting the verification activities described in this Article the Technical Secretariat 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 such information.

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

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

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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/

1. Each State Party:

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

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

2. Toxic Chemicals and their Precursors:

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

9. In conducting verification activities, the Technical Secretariat shall:

(a) avoid undue intrusion into the State Party's peaceful chemical activities;

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

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

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

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

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

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

#### VII. NATIONAL IMPLEMENTATION MEASURES

1. Each State Party to this Convention shall adopt any measures it considers necessary in accordance with its constitutional processes to implement this Convention and, in particular, to prohibit and prevent anywhere under its jurisdiction or control any activity that a State Party to this Convention is prohibited from conducting by this Convention.
2. In order to implement these obligations, each State Party shall, according to its needs and specific conditions, designate or establish a national authority. 1/
3. Each State Party undertakes to inform the Organization concerning the national authority and other legislative and administrative measures taken to implement the Convention.
4. 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.
5. States Parties shall treat confidential information they receive from the Organization exclusively in connection with their rights and obligations under the Convention.

#### National Technical Means 2/

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

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

VIII. THE ORGANIZATION 1/

A. General Provisions

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

B. Conference of the States Parties

(a) Composition, procedure and decision-making

1. The Conference of the State 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 Depository 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. It shall meet in special sessions, as the Conference of the States Parties may decide, at the request of the Executive Council or at the request of any State Party supported by [8-10] 4/ [one third of] the States Parties. When necessary a special session shall be convened at short notice.

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

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

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

4. Sessions shall take place at the headquarters of the Organization unless the 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. Decisions on questions of procedure, including decisions to convene special sessions of the Conference of the States Parties, shall be taken by a simple majority of the members present and voting. Decisions on questions of substance shall be taken by a two-thirds majority of the members present and voting unless otherwise specifically provided for in the Convention. When the issue arises as to whether a question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Conference of the States Parties by the majority required for decisions on questions of substance. 1/ 2/

(b) Powers and functions

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

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

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

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

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

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

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

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

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

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

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

4. The 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. 1/

[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

(To be elaborated)

#### (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;

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

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

[(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. 2/

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

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

D. Technical Secretariat

1. A Technical Secretariat shall be established to assist the 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; 1/

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

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

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

(g) prepare and submit to the Executive Council the draft report of the Organization on the implementation of the Convention and such other reports as the Executive Council and/or the Conference of the States Parties may request;

(h) provide administrative and technical support 2/ to the Conference of the States Parties, the Executive Council and other subsidiary bodies.

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

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



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

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1/ Because of considerations under way in some capitals, the question of how to approach these guidelines will be decided later. For the convenience of delegations Attachment (A) of the Report of the Co-ordinator for Cluster IV (CD/CW/WP.175) for the 1987 session, complemented by the work in Group C during the 1988 session, is included as Addendum to Appendix I.

2/ 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.

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

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

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

Procedure for requesting clarification

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

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

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

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

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

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

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

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

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

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

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

7. [If the doubts or concerns of a State Party about compliance have not been resolved within [two months] after the submission of the request for clarification to the Executive Council, or it believes its doubts warrant urgent consideration, without necessarily exercising its right to the challenge procedure, it may request a special session of the Conference of the States Parties in accordance with Article ... In such a special session, the Conference of the State 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/

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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/ Article IX, when elaborated, should contain the following provision: in conducting the verification activities described in this Article, the Technical Secretariat 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 such information.

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, RATIFICATION, ENTRY INTO FORCE 2/

XVI. LANGUAGES 2/

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

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

ANNEX TO ARTICLE III

I. DECLARATIONS OF CHEMICAL WEAPONS

A. Possession or non-possession

1. Possession of chemical weapons on own territory

Yes .....

No .....

2. Possession, jurisdiction or control over chemical weapons elsewhere

Yes .....

No .....

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

Yes .....

No .....

C. Past transfers

Yes .....

No .....

II. DECLARATIONS OF CHEMICAL WEAPONS PRODUCTION FACILITIES

A. Possession or non-possession

1. Possession of chemical weapons production facilities on own territory

Yes .....

No .....

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

Yes .....

No .....

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

Yes .....

No .....

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

Yes .....

No .....

[III. OTHER DECLARATIONS]

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

ANNEX TO ARTICLE IV

I. DECLARATIONS OF CHEMICAL WEAPONS

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

1. The aggregate quantity of each chemical declared.

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

- name;

- geographical co-ordinates.] 1/

3. Detailed inventory for each storage facility:

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

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

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

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

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

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

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1/ One delegation reserved its position on this question.

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

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

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

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

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

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

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

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

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

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

C. Past transfers and receipts.

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



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

1. Storage facility description

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

(b) At the time of the submission of its declaration of chemical weapons, in accordance with Article IV, a State Party shall provide the 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.

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

3. Agreements on subsidiary arrangements 1/

(a) Within [6] months after entry into force of the convention, States Parties shall conclude with the 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.

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

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

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

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

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

5. International systematic monitoring of storage facilities

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

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

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

(d) In the period before the activation of the continuous monitoring with on-site instruments and at other times when this continuous monitoring is not feasible, seals installed by International Inspectors may only be opened in the presence of an International Inspector. If an extraordinary event requires the opening of a seal when an inspector is not present, a State Party shall immediately inform the 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 jeopardise the monitoring capability of the system.
  - (iii) When the monitoring system is activated, International Inspectors will verify the accuracy of the inventory of chemical weapons, as required.
  - (iv) Data will be transmitted from each storage facility to the 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, 1/ in accordance with agreed procedures;
- afford the opportunity to the Host State Party to be present when samples are analysed;
- ensure, in accordance with agreed procedures that samples transported, stored and processed are not tampered with;
- communicate freely with the 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;

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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.

- 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. Information (to be designated) received during the inspection shall be treated as confidential (procedures to be developed).

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

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

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

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

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

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

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

4. Order of Destruction (to be elaborated). 4/ 5/

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

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

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

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

5/ 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.



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;

(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;

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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. Information (to be designated) received during the inspection shall be treated as confidential (procedures to be developed).

#### 8. Chemical weapons storage facilities at chemical weapons destruction facilities

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

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

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

(d) At the end of an active destruction phase, International Inspectors will make an inventory of the chemical weapons that have been removed from the storage facility to be destroyed. They shall verify the accuracy of the inventory of the chemical weapons remaining employing inventory control procedures as referred to above under (a). They shall install such agreed seals as may be necessary to ensure the securing of the storage facility.

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

ANNEX TO ARTICLE V

I. DECLARATIONS AND REPORTS ON CHEMICAL WEAPONS PRODUCTION FACILITIES

A. Declarations of 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 <sup>1/</sup>

The declaration should contain for each facility:

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

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<sup>1/</sup> 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. 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 <sup>1/</sup>
- Responsibility for declarations (to be discussed).
  - All elements contained in part IB of this Annex should be declared.
- E. Declarations of transfers
1. Chemical weapons production equipment means (to be developed).
  2. The declaration should specify:
    - (a) who received/transferred chemical weapons production equipment [and technical documentation];

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<sup>1/</sup> 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.



- (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.
- 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: 3/
  - prohibition of occupation of buildings except for agreed activities;
  - disconnection of equipment directly related to the production of chemical weapons to include, inter alia, process control equipment and utilities;

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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.

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

- 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 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 <sup>1/</sup>

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<sup>1/</sup> 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.

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;
  - (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;

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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.

(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).

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/

V. 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.

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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.

- (ii) The International Inspectors shall conduct this initial verification promptly, and in any event not later than [60] days after a declaration is submitted.
- (iii) They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the declared items at each chemical weapons production facility.
- (iv) International Inspectors shall install such agreed devices as may be necessary to indicate if any resumption of production of chemical weapons occurs or if any declared item is removed. They shall take the necessary precaution not to hinder closure activities by the State Party. International Inspectors may return to maintain and verify the integrity of the devices.

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

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

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/

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

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

3. 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.

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.

(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.

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

(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)

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.

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

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

(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. Information (to be designated) received during the inspection shall be treated as confidential (procedures to be developed).

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

ANNEX TO ARTICLE VI [O.]

MODALITIES FOR REVISION OF LISTS

1. The revisions envisaged would consist of additions to, deletions from, or shifts between the lists.
2. A revision could be proposed by a State Party. [If the Technical Secretariat has information which in its opinion may require a revision of the lists of chemicals, it should provide that information to the [Executive Council] which should communicate it to all States Parties.] A State Party may request the assistance of the Technical Secretariat in the substantiation of its proposal.
3. A proposal for revision should be submitted to [the Technical Secretariat] [the Executive Council] [the Depository of the Convention].
4. [The Technical Secretariat] [The Executive Council] [The Depository of the Convention], upon receipt of a proposal for revision, will be responsible for informing States Parties about it.
5. The proponent should substantiate its proposal with the necessary information. Any State Party and, as requested, the Technical Secretariat, could also provide relevant information for the evaluation of the proposal.
6. Technical evaluations of a proposal may be made by the Organization, 1/ [the Executive Council], any State Party [and the Technical Secretariat].
7. The decision on a proposal should be taken by the Organization 1/ [Conference of the States Parties] by [a 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 should 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 should be promptly convened.]
8. The revision procedure should be concluded within [60 days] after the receipt of the proposal. Once a decision is taken, it should enter into force after a period of [30 days].
9. The Technical Secretariat should provide assistance to any State Party, when requested, in evaluating an unlisted chemical. This assistance should be confidential [unless it is established in the evaluation that the chemical has chemical weapon properties].

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

ANNEX TO ARTICLE VI [1]

GENERAL PROVISIONS

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

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

TRANSFERS

2. A State Party may transfer chemicals in Schedule [1] outside its territory only to another State Party and only for research, medical or protective purposes in accordance with paragraph 1.

3. Chemicals transferred shall not be retransferred to a third State.

4. Thirty days prior to any transfer to another State Party both States Parties shall notify the 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.

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

#### SINGLE SMALL-SCALE PRODUCTION FACILITY

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

#### I. Declarations

##### A. Initial declarations

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

##### 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] or [3] used for production of chemicals in Schedule [1];
- (iv) the quantity consumed at the facility and the purpose(s) of the consumption;

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

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

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

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

## II. Verification

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

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

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

OTHER FACILITIES 2/

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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.

2/ Additional work on the production of Schedule [1] chemicals outside the single small-scale production facility was undertaken and substantial progress has been achieved. The relevant material, for further inclusion into Appendix I, is contained in Appendix II.



ANNEX TO ARTICLE VI [1]  
SCHEDULE [1]

PROVISIONAL LIST 1/

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

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

To be discussed further

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

ANNEX TO ARTICLE VI [2]

KEY PRECURSOR CHEMICALS

DECLARATIONS

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

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

Key Precursor Chemical(s)

- (i) The chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service Registry Number (if assigned).
- (ii) The total amount produced, consumed, imported and exported in the previous calendar year. 3/
- (iii) The purpose(s) for which the key precursor chemical(s) are produced, consumed or processed:
  - (a) conversion on-site (specify product type)
  - (b) sale or transfer to other domestic industry (specify final product type)
  - (c) export of a key precursor (specify which country)
  - (d) other.

---

1/ A view was expressed that the question of a quantitative threshold 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/ Whether the total amount is to be expressed as an exact figure or within a range is to be discussed.

Facility 1/ 2/

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

---

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

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

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

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

Advance notifications

3. (a) Each State Party shall annually notify the 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).

Verification 1/

Aim

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

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

---

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

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

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

Obligation and Frequency

5. (i) Each facility notified to the 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 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.

---

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).

### 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.

### 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/

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

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

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

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

14. (a) The (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.

#### 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. Information received during the inspection shall be treated as confidential (procedures to be developed).

17. The International Inspectors may request clarification of any ambiguities arising from the inspection. In the event that any ambiguities arise which cannot be resolved in the course of the inspection, the Inspectors shall inform the (Director-General of the) Technical Secretariat immediately.

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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.

ANNEX TO ARTICLE VI [2]  
SCHEDULE [2]

PROVISIONAL LIST

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

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TO BE DISCUSSED FURTHER

(1) The following compounds:

Bis(2-hydroxyethyl)sulphide (thiodiglycol)

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

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

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

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

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

ANNEX TO ARTICLE VI [3]

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

DECLARATIONS

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

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

ANNEX TO ARTICLE VI [3]  
SCHEDULE [3]

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

ANNEX TO ARTICLE VI [...] 1/

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

The provisions of this Annex cover:

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

---

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

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

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

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

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

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

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

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

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

DECLARATIONS 1/

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

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

Chemical(s)

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

Facility

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

---

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

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

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

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

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

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

Advance notifications

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

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

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

---

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



VERIFICATION 1/

Aim 2/

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

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

Obligation and frequency

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

---

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

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

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

### Selection

6. The particular facility to be inspected shall be chosen by the Technical Secretariat in such a way to preclude the prediction of precisely when the facility is to be inspected.

### Host State Party

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

### Agreement on Inspection Procedures

8. Each State Party shall execute an agreement, based on a model agreement, with the 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] [those facilities which are determined by the Technical Secretariat on the basis of the initial visit of International Inspectors to warrant systematic international on-site verification on a routine basis]. The agreement shall provide for the detailed subsidiary arrangements which shall govern inspections at each facility.

9. Such agreements shall be based on a Model Agreement and shall specify for each facility the number, intensity, duration of inspections, detailed inspection procedures and the installation, operation and maintenance of on-site instruments by the 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.

### Verification Inspections

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

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

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

11. (a) The (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.

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

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

- have unimpeded access to all areas that have been agreed for inspection. While conducting their activity, Inspectors shall comply with the safety regulations at the facility. The items to be inspected will be chosen by the Inspectors;
- bring with them and use such agreed instruments as may be necessary for the completion of their tasks;
- receive samples taken at their request at the facility. Such samples will be taken by representatives of the State Party in the presence of the Inspectors;
- perform on-site analysis of samples;
- transfer, if necessary, samples for analysis off-site at a laboratory designated by the Organization 1/ in accordance with agreed procedures;
- afford the opportunity to the Host State Party to be present when samples are analysed;
- ensure, in accordance with procedures (to be developed), that samples transported, stored and processed are not tampered with;
- communicate freely with the Technical Secretariat.

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

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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.

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

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

#### Submission of Inspectors' Report

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

14. The International Inspectors may request clarification of any ambiguities arising from the inspection. In the event that any ambiguities arise which cannot be resolved in the course of the inspection, the Inspectors shall inform the (Director-General of the) Technical Secretariat immediately.

OTHER DOCUMENTS

I.

Preparatory Commission 1/

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

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

(d) make studies, reports and recommendations for the first session of the Conference of the States Parties and the 1st meeting of the Executive Council on subjects requiring immediate attention after the entry into force of the Convention, including the programme of work and the budget for the first year of activities of the Organization, the location of the permanent offices of the Organization, technical problems relevant to activities connected with the implementation of the Convention, establishment of the Technical Secretariat and of its staff and financial regulations.

7. The Commission shall report on its activities to the 1st meeting of the Conference of the States Parties.

## II.

### PROCEDURES FOR TOXICITY DETERMINATIONS 1/

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

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

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

#### Recommended standardized operating procedures for acute subcutaneous toxicity determinations

##### 1. Introduction

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

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

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

##### 2. Principles of the test method

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

##### 3. Description of the test procedure

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

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

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

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

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

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

#### 4. Data reporting

A test report should include the following information:

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



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

2. Principles of the test method

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

3. Description of the test procedure

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

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

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

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

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

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

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

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

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

#### 4. Data reporting

A test report should include the following information:

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

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

ADDENDUM TO APPENDIX I

GUIDELINES ON THE INTERNATIONAL INSPECTORATE 1/

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;

(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;

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

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

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

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

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

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

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

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

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

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

3. In the performance of their duties on the territory of a State Party, Inspectors shall, if the State Party so requests, be accompanied by representatives of this State, provided Inspectors are not thereby delayed or otherwise hindered in the exercise of their functions. If a State Party designates the Inspectors' point of entry into, and departure from, the State concerned and their routes and modes of travel within the State, it shall be guided by the principle of minimizing the time of travel and any other inconvenience.

4. In exercising their functions, Inspectors shall avoid unnecessarily hampering or delaying the operation of a facility or affecting its safety. In

particular, Inspectors shall not operate any facility or direct the staff of the facility to perform any operation. If Inspectors consider that, to fulfil their mandate, particular operations should be carried out in a facility, they shall request the designated representative of the management of the facility to perform them.

5. After the inspection visit, Inspectors shall submit to the Technical Secretariat a report on the activities conducted by them and on their findings. The report shall be factual in nature. It shall only contain facts relevant to compliance with the Convention, as provided for under the inspection mandate. Relevant regulations, governing the protection of confidential information, shall be observed. The report shall also provide information as to the manner in which the State Party inspected co-operated with the inspection team. Different views held by Inspectors may be attached to the report.

6. The report shall be kept confidential. The National Authority of the State Party shall be informed of the findings of the report. Any written comments, which the State Party may immediately make on these findings shall be annexed to it. Immediately after receiving the report, the Technical Secretariat shall transmit a copy of it to the State Party concerned.

7. Should the report contain uncertainties, or should co-operation between the National Authority and the Inspectors not measure up to the standard required, the Technical Secretariat shall approach the State Party for clarification.

8. If the uncertainties cannot be removed or the facts established are of a nature to suggest that obligations undertaken under the Convention have not been met, the Technical Secretariat shall inform the Executive Council without delay.

#### 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.

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.

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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. 141-144), 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.

- (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.

(b) The 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. 2/ 3/

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. 4/

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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.

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

4/ This provision needs to be discussed further.

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 1/ 2/ and security personnel shall be drawn up by the Director-General. 3/ 4/ Paragraphs I 1, 2 and 3 and subparagraph 2 (a) (ii) and (iii) above shall apply to this list.

(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 5/ for the purpose of carrying out inspection activities under article IX. These documents shall have a validity of at least 24 months.

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

2/ 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.

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

5/ 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.



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.

4. The Director-General shall select the members of an inspection team. 3/ 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. 1/ 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).

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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.

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

(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 fulfill 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 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

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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.

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. 1/

(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. 2/

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. 3/

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. 3/

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1/ 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.

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

3/ 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.

(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 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. 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) 1/ 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, 2/
- (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,

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1/ 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.

2/ A view was expressed that this point can be usefully considered only after solution of the pending issues in paragraph 12, page 142.

(iv) inspect documentation and records it deems relevant to the conduct of its mission, 1/ and

(v) have photographs taken at its request by representatives of the State Party receiving the inspection.

(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. 2/

(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. 3/ 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.

(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)

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

2/ 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 ... .

3/ 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.

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APPENDIX II

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).

6. Each State Party possessing chemical weapons

- shall start the destruction of Category 1 chemical weapons not later than one year after it becomes a Party to the Convention, and shall complete it not later than 10 years after the entry into force of the Convention; the comparison factor for such weapons shall be agent tons, i.e. the aggregate weight of the chemicals within such Category,

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

2/ The view was expressed that possible additional provisions applicable to States possessing chemical weapons but which ratify the Convention at a later stage would need to be discussed. The view was also expressed that the Convention should include from the beginning all States possessing chemical weapons. Another view was expressed that the final version of this paragraph depends on what is agreed in Article IV.



- 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		(TO BE DEVELOPED)	
6			
7			
8			
9			
10			

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

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

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

GUIDELINES FOR SCHEDULE [1] 1/

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

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

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

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

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

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

12. Key precursors which may possess the following characteristics:

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

Production of Schedule [1] chemicals outside the  
single small-scale production facility

Facilities which synthesize, produce, acquire or use chemicals in Schedule [1] for research, pharmaceutical or other medical purposes shall be approved by the State Party. 1/

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

Production of a specific Schedule [1] chemical in quantities of more than 100 g per year may be carried out under systematic international verification for [pharmaceutical] [research, pharmaceutical or other medical] purposes outside a single small-scale production facility in quantities not exceeding [10 kg] [the fixed amount depending on properties and specific purpose of the consumption of the chemical] per year. 2/

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 appropriate [, 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 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);

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1/ A view was expressed that synthesis for protective purposes in such facilities should also be allowed.

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

- (ii) the [methods employed and] quantity produced;
- (iii) the name and quantity of precursor chemicals listed in Schedules [1], [2] or [3] used for production of chemicals in Schedule [1];
- (iv) the quantity consumed at the facility and the purpose 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 during the year compared to previously submitted detailed technical description of the facility including inventories of equipment and detailed diagrams. 1/

(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 during the year compared to previously submitted detailed technical descriptions of the facility. 1/

## 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;

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1/ Feasibility and practicability of these provisions need to be further considered.

(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] [the fixed amount] 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 (to be developed) 1/ 2/

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1/ Several delegations expressed the view that such synthesis may be conducted only for research and medical purposes. Another view was that synthesis for protective purposes should also be allowed. A proposal was made that the number of such facilities in any State Party should not exceed a certain limit. Some other delegations considered that facilities in question should be subject to (an) annual declaration(s). The content of such declarations, in their view, needed further consideration. According to another view there was no need for any declaration of such facilities.

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

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

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

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

REPORT ON HOW TO DEFINE "PRODUCTION CAPACITY"

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

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

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

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

Verbal part:

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

Mathematical formulae:

Production capacity per year =

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

or in the case of dedicated units not yet in operation

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



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

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

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

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

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

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

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

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

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

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

$$\begin{aligned} &\text{Production capacity (tons/year) =} \\ &= \frac{\text{des. cap.}}{\text{pl. op. hours}} \times \text{op. factor} \times \text{no. of units} \end{aligned}$$

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 THE ANNEX TO ARTICLE VI [2]

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/

1. Identification of the facility

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

2. Information on the facility

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

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

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

- (e) Data on safety and health measures at the facility
- (f) Data on clean-up procedures and general overhauls
- (g) Data on feedstocks used in the production or processing of declared chemicals (type and capacity of storage)
- (h) Maps and plans of the facility, including data on infrastructure for transportation (site maps showing, for example, all buildings and functions, pipework, roads, fences, mains electricity, water and gas points, and diagrams indicating the relevant material flow at the designated facility).

#### 2.1. Storage of information

Designation of information, provided about the facility under paragraph 2, which shall be kept by the Technical Secretariat under lock and key at the facility. (In the event of unresolved ambiguities, the Organization 1/ shall have the right to study such information.)

#### 3. Number and modalities of inspections

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

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

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

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

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

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

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

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

5. Inspection activities

5.1. Mode of routine inspection

To be developed on the basis of the initial visit.

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

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

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

5.3. Specific arrangements for the use of special equipment

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

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

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



7. Records

7.1. Type of records

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

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

(b) Operating records

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

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

(c) Calibration records

Information on the functioning of analytical/monitoring equipment.

7.2. Location and language of records

To be determined during the initial visit.

7.3. Access to records

To be determined after the initial visit.

7.4. Retention period of records

To be determined on the basis of the initial visit.

8. Services to be provided by the facility

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

- . operator assistance
- . medical and health services.

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

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

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

11. Interpretation services

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

Proposal by the Co-ordinator of Cluster IV for the 1987 session

1. Information on the single small-scale production facility

(a) Identification

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

If the facility is located within a complex, then also

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

(b) Detailed technical information

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

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

- (c) Specific facility health and safety procedures to be observed by inspectors
- (d) Dates
  - (i) Date when the initial visit took place
  - (ii) Date(s) when additional information was provided
- (e) Storage of information

Identification of which information, provided about the facility under paragraph 1, shall be kept by the 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 <sup>1/</sup>

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

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

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

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

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

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

11. Other matters

12. Revisions of the agreement

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

Proposal by the Co-ordinator of Cluster IV 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.

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

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

(b) Detailed description of loading procedures;

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

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

3. Number and modalities of systematic inspections, etc.

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

4. Inspections

(a) Systematic on-site inspections

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

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

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

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

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

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

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



(d) Continuous presence of inspectors

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

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

5. Seals and markers

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

6. Monitoring system

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

- (e) Replacements, modernizations
- (f) Dismantling and removal
- 7. Provisions governing instruments and other equipment to be used during inspections
  - (a) Instruments and other equipment brought in by inspectors:
    - (i) Description;
    - (ii) Testing, calibration and examination by the State Party;
    - (iii) Routine use.
  - (b) Instruments and other equipment to be provided by the State Party:
    - (i) Description;
    - (ii) Testing, calibration and examination by inspectors;
    - (iii) Routine use and maintenance.
- 8. Provisions governing sample-taking, on-site analyses of samples and on-site analysis equipment
  - (a) Sample-taking from munitions, notably the standardization of methods for each different type of munition present at the facility
  - (b) Sample-taking from bulk stocks
  - (c) Other sample-taking
  - (d) Duplicates and additional samples
  - (e) On-site analyses (e.g. provisions concerning on-site/in-house analyses, analytical methods, equipment, precision and accuracy of analyses)
- 9. Administrative arrangements
  - (a) Preparations for arrival of inspectors
  - (b) Transport for inspectors
  - (c) Accommodation for inspectors
  - (d) ...

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

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

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

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

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

11. Amendments and revisions of the agreement

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

12. Other matters

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

Guidelines to be used in the elaboration of a régime for  
the handling and protection of confidential information

1. All data and documents obtained by the Technical Secretariat will be evaluated by the appropriate unit of the Technical Secretariat in order to establish, using appropriate criteria, whether they contain confidential information. Data may also be considered as confidential upon request of a State Party providing this data. 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.
2. The level of sensitivity of confidential data or documents will be established in order to ensure its appropriate handling and protection. For this purpose, a classification system shall be introduced, taking into account relevant work undertaken in the preparation of the Convention.
3. Confidential information provided to the Organization will be stored securely at its premises. Some data or documents (to be specified) may also be stored with the National Authority of a State Party. Highly sensitive information, required only for the inspection of a specific facility, shall be kept under lock and key at this facility in conformity with the agreement to be concluded on the basis of a relevant model.
4. Information classified as confidential may be released by the Organization only through agreed procedures which ensure that release of information occurs only in strict conformity with the needs of the Convention.
5. Access to confidential information will be regulated, in accordance with its classification, on a "need-to-know" basis and specific procedures will be developed for the handling of highly sensitive information.
6. Employment of inspectors and other staff members will be organized in a way to ensure, that:
  - only citizens of States Parties shall serve as international inspectors or as other members of the professional and clerical staff;
  - personnel enter into individual secrecy agreements with the Technical Secretariat covering their period of employment and an agreed time after it is terminated;
  - individual liability for any breach of secrecy agreements by them shall be established.
7. In order to avoid improper disclosures, inspectors and staff members should be appropriately advised and reminded about security considerations and of the possible penalties that they could incur, including the likelihood of the Organization's waiving their immunity from private suit.
8. Appropriate inquiry and appeal procedures shall be established for cases of breach of confidentiality by the personnel of the Technical Secretariat.

Classification system of confidential information

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 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, (paragraphs 1-13) material is found on the initial process for an on-site inspection on challenge, up until the submission of the report by the inspectors, as put together by the Chairman of the Ad Hoc Committee for the 1987 session. Under Part II (paragraphs 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.

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 ...].

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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.



(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/

17. 3/ 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].

---

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.

3/ The question of the procedure and decision-making of the Executive Council in connection with this paragraph needs to be considered.

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]. 1/ 2/ [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 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.

2/ 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.

Article X: Assistance and protection against chemical weapons 1/

GENERAL

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: protective equipment and advice on protective measures, medical antidotes and treatments, detection equipment and alarm systems, decontamination equipment and decontaminants.
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.

Alternative 1

1. Each State Party has the right to request assistance [for protection against chemical weapons] through the Executive Council:
  - (a) in case it considers that chemical weapons have been used against it;
  - (b) in case it has serious reasons to believe that there is a threat of use of chemical weapons against it;
  - [(c) in case it feels that its security has been, or is likely to be, threatened as a result of any other violation of the Convention by another State Party or of the development, production, acquisition, stockpiling possession of chemical weapons by a State not Party to the Convention or of the transfer of chemical weapons to any such State.]

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1/ It was proposed that paragraphs on "Assistance" be added to the four existing paragraphs of the general part subsequently.

2. Such a request shall be substantiated by relevant information supporting its validity.

3. The Technical Secretariat shall promptly inform all States Parties about the request.

4. The Executive Council shall: 1/

(a) meet [immediately] to evaluate the request in the light of the information provided; 2/

(b) if so deemed necessary, instruct the Technical Secretariat, within ... hours, to initiate an investigation of the facts related to the alleged use or threat of use and, when applicable, to establish an inventory of the specific assistance needed; [in appropriate cases, the Executive Council may direct that the investigation should include on-site inspection;] if an on-site inspection takes place, its conduct shall be governed by the principles and rules established in Article IX of the Convention; 3/

(c) on the basis of the results of the investigation carried out by the Technical Secretariat, decide on whether to request the provision of assistance; the decision to request assistance shall require a two-thirds majority;

(d) inform all States Parties of its decision.

5. Each State Party to the Convention undertakes:

(a) to co-operate and facilitate, as appropriate, the investigation including on-site inspection initiated by the Executive Council under paragraph 4 (b);

[(b) that, whenever so requested by the Executive Council, it shall, to the extent possible, provide assistance and support the provision of assistance to the requesting State.]

---

1/ A view was expressed that assistance should be provided automatically in case of actual use of chemical weapons. Another view was expressed that assistance should be provided on a voluntary basis.

2/ Some reservations have been expressed about the ability of the Executive Council to assess "threat of use".

3/ A view was expressed that all aspects related to investigations and fact-finding procedures should be dealt with in the context of Article IX.

6. The Technical Secretariat, in close co-operation, as appropriate, with the relevant international agencies in the humanitarian field, will co-ordinate the actions undertaken in providing the necessary assistance. 1/ 2/

[7. Within six months after the entry into force of the Convention, States Parties shall conclude with the Organization an agreement on the provision of assistance under this Article. Such agreement shall be based on a Model Agreement and shall specify the equipment, training facilities and other technical advice or services to be provided by the State Party to the States concerned.]

[8. The organization 3/ shall prepare, and be responsible for the implementation of, programmes for the promotion of international co-operation for the development and strengthening of a protective capacity against chemical weapons by interested States, including programmes for the dissemination of scientific and technological information on protective measures against chemical weapons and for training in such measures.]

9. Nothing in this Convention shall be interpreted as affecting the right of all the Parties to the Convention to conduct research with, develop, produce, acquire and use means of protection against chemical weapons, for purposes not prohibited by the Convention.

[10. All the parties to the Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information for protection against chemical weapons.] 4/

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1/ A view was expressed that States Parties should conclude subsidiary arrangements with the Technical Secretariat whereby they indicate ways and means by which they can provide assistance. Another view was expressed that the conclusion of such arrangements was not needed.

2/ The question of how to meet the costs needs to be discussed.

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

4/ The view was expressed that co-operation in this field could be conducted through voluntary bilateral and multilateral agreements.

Alternative 2:

ASSISTANCE

A. Request

1. Each State Party has the right to request assistance from [other States Parties] [the Organization] if it considers that: (i) chemical weapons have been used against it; or (ii) it faces actions or activities by another State which are prohibited for States Parties to this Convention.
2. Such a request shall be addressed to the [Director-General of the Technical Secretariat] [Organization] and shall be accompanied by relevant information.
3. The Director-General of the Technical Secretariat shall promptly inform all States Parties [and the United Nations Security Council] about the request.

B. Investigation

4. In all cases where chemical weapons are alleged to have been used on the territory of a State Party or States Parties to this Convention, the Director-General of the Technical Secretariat shall instruct the Technical Secretariat to initiate within ... hours an investigation in accordance with the General Procedures for Verification of Alleged Use of Chemical Weapons contained in Annex to Article IX. In the case of use outside the territories of States Parties, the Director-General of the Technical Secretariat shall instruct the Technical Secretariat [, in co-operation with the United Nations Secretary-General as appropriate,] to conduct what investigations are possible. [Such action under this Article does not alter or affect the right of States to invoke such United Nations procedures as may be available to investigate violations of the 1925 Geneva Protocol.]
5. In cases where the request for assistance is not based on allegations of chemical weapons use, but on actions and activities of the type mentioned in paragraph 5 (ii) above, the Director-General of the Technical Secretariat shall, if the activities concerned are being undertaken by a State Party, instruct the Technical Secretariat to investigate the matter within ... hours in accordance with the provisions for on-site challenge inspection laid down in Article IX. If the activities are being undertaken by a non-State Party, the Director-General of the Technical Secretariat shall instruct the Technical Secretariat to carry out what investigations it can [in co-operation, as appropriate, with the relevant organs of the United Nations.]

C. Decision-making

6. In all cases the Executive Council shall meet as soon as possible (within ... hours) to consider the results of the investigation(s) carried out by the Technical Secretariat. On the basis of these results, the Executive Council shall decide whether to instruct the Technical Secretariat to co-ordinate multilateral efforts and distribute the requested assistance in accordance with paragraph 14 below. Such a decision shall require a two-thirds majority.

7. The Executive Council shall in all cases inform all States Parties [and the United Nations Security Council] of the results of the investigation and of its decision.

D. Provision of Assistance

8. Within six months after becoming a party to the Convention, a State shall declare to the [Technical Secretariat] [Organization] what forms of assistance it might make available in response to a request for multilateral assistance. The Technical Secretariat shall collate the information contained in these declarations and circulate it to all States Parties.

9. Taking into account their declarations under paragraph 12, States Parties shall make every effort to respond to a request for assistance circulated in accordance with paragraphs 10 and 11 above.

10. The Technical Secretariat shall, in close co-operation, as appropriate, with the relevant international agencies in the humanitarian field, co-ordinate multilateral efforts in collecting and distributing the requested assistance.

[OTHER ACTION

1. Nothing in this Convention shall be interpreted as limiting or detracting from the right of a State Party to refer such issues to the Security Council of the United Nations in accordance with the United Nations Charter.]

Article XI: Economic and technological development <sup>1/</sup>

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].

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<sup>1/</sup> 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.



Articles XII, XIII, XIV, XV and XVI 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 (Articles XII to XVI).

This discussion paper constitutes an attempt by the Chairman to summarize the views expressed during these consultations. The paper is presented with the aim of facilitating further consideration. Nothing contained therein constitutes any agreement and therefore does not in any way bind any delegation.

Together with existing as well as future proposals and documents on these Articles, the discussion paper will be used for further work on these Articles.

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 XIII: Amendments

Commentary

(a) There is a common understanding by the delegations that any State Party may, in accordance with the agreed procedure, propose amendments to this Convention.

(b) Views were expressed that certain basic provisions should not be subject to amendments. Article I, Article IV, paragraph 5 (a) and Article V, paragraph 8 (a) were mentioned in this respect.

(c) According to the majority of the views expressed, 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.

(d) Views were expressed that, regardless of the type of procedure to be followed for the adoption of amendments, they shall enter into force for all States Parties at the same time; another view is based on the premise that ratification or acceptance by a State Party is required for an amendment to enter into force in regard to this State.

Possible wording for article XIII

1. Any State Party may, in accordance with the agreed procedure, propose amendments to this Convention.

2. (a) Amendments may be made to any provision of this Convention.

- or alternatively -

2. (a) No amendments may be made to the following provisions of this Convention: Article I, Article IV, paragraph 5 (a), Article V, paragraph 8 (a) ...

(b) The provisions contained in [...] 1/ may be amended by unanimous agreement of States Parties.

(c) Provisions not mentioned in paragraph 2 (b) may be amended by majority of [...].

(d) Provisions not mentioned in paragraphs 2 (b) and 2 (c) may be amended by simple majority.

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1/ It is understood that such provisions should be enumerated.

3. (a) The text of any proposed amendment shall be communicated to the [Depositary] [Director-General of the Technical Secretariat] not less than ... [days, months] prior to a regular session of the Conference of the States Parties and shall be promptly communicated by him to all States Parties.

(b) Proposed amendments shall be discussed at the nearest regular session of the Conference of the States Parties and may be adopted at its next regular session. This does not preclude the Conference of the States Parties from taking a decision, by a two-thirds majority of the States Parties present and voting, to convene a special session to discuss and adopt the proposed amendments. 1/

4. Adopted amendments shall be subject to acceptance [ratification] by States Parties according to their constitutional processes and shall enter into force for all States Parties upon the deposit of instruments of acceptance [ratification] with the Depositary by:

(a) all States Parties as regards amendments to the provisions listed in paragraph 2 (b) above,

(b) a [qualified] majority of States Parties as regards amendments to provisions not mentioned in paragraph 2 (b) above,

(c) a simple majority of States Parties, as regards other provisions,

(d) original States Parties

- or as an alternative to paragraphs 3 (b) and 4 above -

Amendments shall enter into force for Parties ratifying or acceding to them on the thirtieth day following the deposit of instruments of ratification of 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.

5. The provisions of this Article do not affect the special amendment procedures provided for in relevant parts of this Convention.

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1/ 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.

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 -

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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.

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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.

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1/ Views were expressed that this provision would not be necessary.

Article XV: Signature, ratification, accession, entry into force

Commentary

There seems to be an understanding that:

1. (a) The Convention shall be open for signature to all States and shall be ratified by signatories;
  - (b) Non-signatory States shall be entitled to accede to the Convention;
  - (c) Provisions on the entry into force shall ensure the widest possible adherence of States to the Convention.
2. The preference was expressed for the number of 60 ratifications for the Convention to enter into force.

Note:

In the course of consultations on this Article 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 Article XV 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.

Possible wording for Article XV:

1. Signature.

This Convention shall be open for signature to all States until [its entry into force] [date] [indefinitely] at (venue).

2. Ratification.

This Convention [and its Annexes, which form an integral part thereof] 1/ shall be subject to ratification by signatories according to their constitutional processes.

3. Accession.

Any State which does not sign the Convention [before its entry into force] [date] may accede to it at any time. 2/

4. Deposit of instruments of ratification or accession.

Instruments of ratification and instruments of accession shall be deposited with the [Depositary] [Secretary-General of the United Nations, hereby designated as the Depositary].

5. Entry into force.

(a) This Convention shall enter into force [... days after the date of] [upon] the deposit of the [60th] [40th] instrument of ratification [or accession];

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

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1/ See paragraph 1 in the Note above.

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

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.

Article XVI: 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 Article XV, XVI or a separate article might be needed.

(d) Provisions for languages, authentic texts and registration as given below, were not objected.

Possible wording for Article XVI

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 XVI: 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;

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1/ It is to be discussed if other functions might be entrusted to the Depositary with regard to the special needs of the Convention.

- (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.

Article XVII: 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 ...

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The questions of the settlement of disputes not related to compliance issues, as well as the placement of the provision for review conferences, were also raised but have not yet been discussed.

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