

CONFERENCE ON DISARMAMENT

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FINAL RECORD OF THE THREE HUNDRED AND EIGHTEENTH PLENARY MEETING

held at the Palais des Nations, Geneva,
on Thursday, 4 July 1985, at 10.30 a.m.

President: Mr. Bachir Ould-Rouis (Algeria)

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PRESENT AT THE TABLE

Algeria: Mr. B. OULD-ROUIS
Mr. A. BELAID
Mr. L. MOUSSAOUI

Argentina: Mr. J. CARASALES
Mr. R. GARCIA ROMITAN

Australia: Mr. R. BUTLER
Mr. R. ROWE
Miss J. COURTNEY
Mr. R.A. WALKER

Belgium: Mr. M. DEPASSE
Mr. Ph. NIEUWENHUYS
Mr. J. RAEYMAECKERS
Mr. H.C. DE BISSCHOP

Brazil: Mr. C.A. DE SOUZA E SILVA
Mr. S. DE QUEIROZ DUARTE

Bulgaria: Mr. K. TELLALOV
Mr. N. MIKHAILOV
Mr. K. STANKOV
Mr. P. POPTCHEV

Burma: U MAUNG MAUNG GYI
U MYA THAN

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Mr. R. ROCHON
Mr. G. VACHON

China: Mr. WANG ZHIYUN
Mr. XIA YISHAN
Mr. JIANG ZHENXI
Ms. ZHOU YUNHUA

Cuba: Mr. C. LECHUGA HEVIA
Mr. H. RIVERO
Mr. J.L. GARCIA

Czechoslovakia: Mr. M. VEJVODA
Mr. A. CIMA

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Mr. M. BADR

Ethiopia: Mr. F. YOHANNES
Mr. N. KEBRET

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Mr. H. RENIE

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Mr. F. GAJDA
Mr. T. TOTH

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Mr. A.M. AKBAR

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Mr. F. SHAHABI SIRJANI

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Mr. G. ADORNI BRACCESI
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Mr. A.J.J. OOMS
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Secretary-General of the Conference
on Disarmament and Personal
Representative of the
Secretary-General:

Mr. M. KOMATINA

Deputy Secretary-General of the
Conference on Disarmament:

Mr. V. BERASATEGUI

The PRESIDENT (translated from French): I declare open the 318th plenary meeting of the Conference on Disarmament.

The Conference today pursues the consideration of agenda item 5, "Prevention of an arms race in outer space". In accordance with rule 30 of the rules of procedure, however, any member wishing to do so may raise any matter relating to the work of the Conference.

I have on my list of speakers the representatives of the Union of Soviet Socialist Republics, the Federal Republic of Germany and Australia. I now give the floor to the representative of the Union of Soviet Socialist Republics, Ambassador Issraelyan.

Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (translated from Russian): Mr. President, first of all allow me on behalf of the Soviet delegation to congratulate you on your assumption of the Presidency of the Conference for the month of July. The Soviet delegation wishes you, the representative of friendly Algeria, every success in the performance of your responsible duties and assures you of its readiness to co-operate with you. I recall with great satisfaction our collaboration with you a year ago, when you were Co-ordinator of the Group of 21 and the Soviet delegation was presiding over the Conference. I have no doubt that this year too, the month of July will be marked by active contacts between yourself and the Soviet delegation. I should also like to thank the representative of Zaire for his energetic efforts during the month of June to resolve the many issues relating to the activity of the Conference.

The Soviet delegation was very sad to learn of the departure of that eminent Argentine diplomat, and head of the delegation of Argentina to the Conference on Disarmament, Ambassador Julio Carasales. The Soviet delegation will retain the best recollection of Julio Carasales as a man who represented his country with great merit and ability, who wisely defended its interests while at the same time displaying a flexible and constructive approach to working out various mutually acceptable solutions. I should like to wish our friend Julio continuing success in his diplomatic work, as well as good health and happiness for himself and his family.

In today's statement the Soviet delegation would like to explain its approach to item 7 of the agenda of the Conference on Disarmament, "New types of weapons of mass destruction and new systems of such weapons; radiological weapons". This item consists of two interrelated questions, which, however, differ both in their nature and in the degree to which they have been considered in the Conference on Disarmament. Let me first touch upon the problem of the prohibition of new types and systems of weapons of mass destruction. It is well known that this question was proposed by the Soviet Union for discussion in international forums as early as 1975, when the United Nations General Assembly adopted a resolution on the question at the initiative of the Soviet Union.

This proposal of the Soviet Union was aimed at preventing a qualitative arms race and banning the use of new scientific achievements to the detriment of mankind. The 10 years which have passed since then have convincingly demonstrated the danger of the spread of the arms race in qualitative terms.

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For the development of new types and systems of weapons of mass destruction, in other words, for a qualitative arms race, the United States currently allocates vast sums, the equivalent of five times the "Manhattan" project, which led to the development of the atomic bomb, or two and a half "Apollo" projects. These huge funds are intended to achieve a new major breakthrough in military technology -- a breakthrough in all directions: defensive as well as offensive weapons, nuclear and conventional, space and laser-beam, kinetic and all others. It will be a race towards new, unexplored perils which will many times exceed the danger of military nuclear technology, even though mankind has not yet been able to cope with the latter. Obviously, such dangerous developments should be stopped and reversed. We are convinced that the conclusion of an international agreement, based on the accommodation of mutual interests, for the prohibition of the development and production of new types and systems of weapons of mass destruction would be an effective step towards this goal.

I am confident that this approach of ours is fully substantiated and justified; it is supported by the Final Document of the first special session of the United Nations General Assembly devoted to disarmament, which contains an appeal to continue efforts to prohibit such types of weapons of mass destruction. This item has been on the Conference's agenda from the very beginning of its work with its present composition in 1979.

However, there has hitherto been no tangible progress towards the solution of the problem. For many years, substantial differences in approach by various groups of States have been a stumbling block at the Conference. Some of them favour a radical solution to this problem by a comprehensive agreement on the prohibition of the development and production of new types and systems of weapons of mass destruction, as well as separate agreements banning specific new types of such weapons. Meanwhile, other States oppose this approach and advocate negotiations on agreements to ban potential new types of weapons of mass destruction only on a case-by-case basis as such weapons are identified.

Both of these viewpoints have been reflected in United Nations General Assembly resolutions. In particular, the latest General Assembly resolution has stressed that special agreements could be concluded with regard to particular types of weapons of mass destruction, which can be identified, and that the consideration of this question should be on a continuing basis. At the same time, many States advocated the participation of scientists in the work to prohibit new types of weapons of mass destruction and the setting up for this purpose of, for example, an ad hoc group of scientific experts to promote concrete measures to prevent such types of weapons from being included in the arsenals of States.

The Soviet delegation has thoroughly analysed the current situation with regard to the prohibition of new types and systems of weapons of mass destruction. Reaffirming our previous position on that question, we are submitting today a new proposal for the consideration of the Conference on Disarmament. This proposal takes into account the views expressed on this problem by other States, including the Western countries. Specifically, we propose that all States members of the Conference on Disarmament should pledge -- through a joint declaration or unilateral declarations -- immediately following the identification

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of any new type of weapon of mass destruction to start negotiations on its prohibition, with the simultaneous introduction of a moratorium on its practical development. A group of qualified experts, meeting on periodical basis, should be entrusted with the task of detecting and identifying new types of weapons of mass destruction. This group would keep these matters under continuing supervision and, if necessary, make recommendations on issues requiring concrete negotiations.

We believe that this approach should dispel the doubts of those who do not consider it possible to make progress in prohibiting new types of weapons of mass destruction. An obligation undertaken by States to start negotiations in order to prohibit any new types of weapons of mass destruction that are identified, and to introduce a moratorium on their practical development, would be, in our view, a serious guarantee that mankind will never have to face new types of weapons of mass destruction. As to the establishment of a group of qualified experts to identify new types of weapons of mass destruction, within or outside the framework of the Conference on Disarmament, this should not cause considerable difficulties either, given the existing experience of the work of the Ad Hoc Group of Seismic Experts. We hope that our new proposal will be considered on its merits by other delegations, and provide a basis for making headway on the prohibition of new types and systems of weapons of mass destruction.

In my statement today I would also like to address the problem of the prohibition of radiological weapons and attacks against nuclear facilities. The socialist States' position is well known. It has been stated at the Conference on many occasions. The approach of the socialist countries to these problems is marked by their sincere interest in finding the earliest possible practical solution as well as by the utmost flexibility, so necessary in diplomacy. This constructive approach towards the prohibition of radiological weapons and attacks against nuclear facilities is demonstrated by the Working Paper submitted by the socialist countries to the Conference on 12 June by the Co-ordinator of a group of socialist countries for this agenda item, the distinguished representative of the Hungarian People's Republic Comrade D. Meiszter.

Let me clarify several points concerning that document. We are convinced that the prohibition of radiological weapons is precisely the problem which is ripest for solution. The most appropriate basis for such a solution continues to be "The Agreed Joint Soviet-United States Proposal on Major Elements of a Treaty Prohibiting the Development, Production, Stockpiling and Use of Radiological Weapons" of 9 July 1979. At the same time, we consider that some of the provisions of this draft have developed to some extent in the course of negotiations in the Conference on Disarmament. In particular, taking into account the position of the non-aligned and neutral States on the definition of radiological weapons, and seeking to accommodate it, the Soviet Union and other socialist countries declared in their Working Paper that they considered acceptable the relevant definition of radiological weapons contained in document CD/530 of 3 August 1984, submitted by the delegation of Sweden.

The Working Paper by a group of socialist countries of 12 June reaffirms their interest in an earliest possible adoption of practical measures to provide for the safe development of nuclear energy for peaceful purposes. For several

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years this question has been discussed in the Ad Hoc Committee on Radiological Weapons. During this period an important work has been done, which has made it possible to clarify many questions pertaining to prohibiting attacks against nuclear facilities. In particular, as early as 1983 the delegations of the States members in the Conference reached a common understanding that the definition of the scope of prohibition and the type of nuclear facilities to be protected is among the key questions of a future international document. Several concrete proposals and recommendations have been put forward in that respect by the Ad Hoc Committee's group on the prohibition of attacks against nuclear facilities, concerning categories and types of nuclear facilities to be protected. At that time, various delegations proposed five variants of criteria to prohibit attacks against nuclear facilities.

At the same time it was recognized that nuclear-powered ships, submarines, spacecraft and other vehicles intended for use as weapons systems should not be regarded as "nuclear facilities" in the sense of facilities to be protected against nuclear attack.

Having carefully analysed these proposals, the socialist countries have come to the conclusion that the most appropriate solution would be that the ban on attacks against nuclear facilities should apply to those under IAEA safeguards.

We consider that this criterion is universal and does not harm the interests of any State. By means of this criterion it would be possible successfully to overcome the difficulties which inevitably emerge in the definition of facilities to be protected. To put a facility under protection is a completely voluntary matter and a sovereign right of each State-Party. If any State wants to put its nuclear facility under protection it should confirm the peaceful character of this facility. And, vice versa, if it does not want to put its nuclear facilities under control, to extend IAEA safeguards on it, this facility will naturally not be under the protection of an international legal instrument.

The fact that the determination of the character of the activities of nuclear installations and, especially, the control over changes in their activities can only be carried out effectively on a continuing basis, is also an argument in favour of IAEA guarantees being accepted as a criterion. To create for that purpose a special international system of verification is expensive and complicated, and also unjustified since there exists an international organization entrusted, among other things, with identifying the peaceful character of activities of nuclear facilities. We hope this criterion will be acceptable to the States members of the Conference on Disarmament.

In addition to the above-mentioned steps taken to meet positions of other States, the Working Paper of the socialist countries contains other provisions which bear witness to the constructiveness of their approach. It states that the countries find acceptable the list of facilities to be protected from attacks contained in the above-mentioned document CD/530, subject to the understanding that such facilities are covered by IAEA safeguards.

During the past discussions of the protection of civilian nuclear facilities, a number of delegations have attached great importance to determining criteria of violations of a future agreement. Various criteria have been proposed, such as: the degree of destruction, the volume of radioactive materials released,

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the determination of the intentions of the attacking side, the very fact of an attack, or a combination of these criteria.

Having thoroughly analysed these approaches, we have drawn the conclusion that the most acceptable criteria of the violation of an agreement is the very fact of an attack against a facility that is under international protection in accordance with the agreement to be worked out, irrespective of the possible consequences of that attack.

Finally, for a long time one of the most difficult questions with regard to the prohibition of radiological weapons and attacks against nuclear facilities has been the question of the interrelationship between these two problems. Inter alia, in 1983 the secretariat prepared a compilation of six alternatives of this interrelationship, and the number then increased to eight. The centerpiece of the entire problem has always been the dispute between those insisting on a separate solution of the problem of prohibiting radiological weapons and attacks against nuclear facilities and those favouring its solution in the framework of a single agreement. The socialist countries have decided to approach this question too in a flexible manner. The above-mentioned Working Paper stressed that, though the members of the group of socialist countries prefer a separate solution to these problems, they are ready to resolve them in the form of a single agreement. We are confident that if other States participating in the negotiations demonstrate the same readiness to accommodate the interests of other States, the road to the rapid prohibition of both radiological weapons and attacks against nuclear facilities would be cleared.

In conclusion, I wish to make a few remarks concerning the work of the Ad Hoc Committee on Radiological Weapons. Unfortunately, instead of working specifically on the text of a future agreement or agreements, the Ad Hoc Committee has started by discussing various issues relating both to the prohibition of radiological weapons and attacks against nuclear facilities. But you must admit, Mr. President, that this stage is already over. We now face a different task, namely, the search for mutually acceptable approaches in the course of agreeing on and drafting the provisions of an international convention. We hope that the Ad Hoc Committee, under the experienced guidance of distinguished representative of Australia, will get down to this work in the very near future.

After the preparation of the text of today's statement we learnt with satisfaction that such is the intent of Ambassador Butler and we welcome this.

We appeal to all delegations immediately to start effective negotiations on the agenda item concerning the prohibition of new types of weapons of mass destruction, demonstrating flexibility and constructiveness in working out the text of a future international agreement or agreements. As far as the Soviet delegation is concerned, it has demonstrated its readiness to do so and will continue to search for mutually acceptable solutions to all the aspects of this agenda item.

The PRESIDENT (translated from French): I thank the representative of the Union of Soviet Socialist Republics for his statement and for the kind words addressed to the President.

I now give the floor to the representative of the Federal Republic of Germany, Ambassador Wegener.

Mr. WEGENER (Federal Republic of Germany): Mr. President, my delegation wishes to offer you its warm congratulations on your assumption of the Presidency of the Conference. While the presiding officer of this body is in each case determined by the mechanics of the alphabet, one can well perceive this second passage of an Algerian representative at the Presidential rostrum as symbolic of the commitment and confidence your delegation has for many years displayed in the pursuit of disarmament. Your personal experience and competence befits the Conference well during the present month.

At the end of the spring part of our Conference's session we could allow ourselves a limited amount of satisfaction when it became possible to establish an Ad hoc Committee on the Prevention of an Arms Race in Outer Space. Our sense of accomplishment was heightened when the Conference found consensus on a chairman. I would like to take this opportunity -- when I speak on the record -- to congratulate Ambassador Alfarargi of Egypt who, in the view of all delegations, appears uniquely suited to take on that important chairmanship. It appears also fitting to thank those delegations who initially had other qualified candidates in mind but then also agreed to this felicitous choice.

This, however, is the point where our self-satisfaction should end. We are now well into the penultimate month of this annual session and no concrete work on the outer space issues has been initiated. On the other hand there is universal agreement that the matter is urgent. There is equally consensus that the regulation of outer space and the prevention of a future arms race in that environment cannot be left entirely to the important bilateral negotiations between the two major Powers that have recently been launched. A great many aspects of the future outer space régime can only be handled by the international community at large. The Conference on Disarmament has affirmed over many years that it is the right forum to accomplish this task. Other international fora like the United Nations Outer Space Committee have so far allowed the Conference on Disarmament to take precedence, but they watch closely to see whether we will have the strength and competence to take in hand the work we have claimed for ourselves. Let us not indulge in illusions: should we fail to meet the expectations which we have consistently fostered ourselves, if the Conference is unable to substantiate its pretensions of competence in this domain, others will put forward their candidacy to do what seemingly we cannot achieve. Under these auspices it is regrettable that the Conference is still engaged in fancy procedural foot-work. It is particularly astounding that especially those who have proclaimed over months the dramatic consequences of a militarization of outer space, and have asserted that the heightening of the danger of nuclear war as a result of actual or future space activities goes unchecked only because a special working body of our Conference has not been established, are now speechless and have no useful contribution to make.

However, Chairman Alfarargi has a right to expect that delegations now embark on real and intensive substantive work. A formally adopted work programme

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which such substantive work could follow would certainly be useful, and the flexible outline of such a programme proposed by the distinguished delegate of Italy would seem to fit the purpose extremely well. Yet, my delegation is not prepared to countenance lengthy formalistic argument about the precise terms of such a work programme, especially since it is a logical proposition that any work programme that might conceivably be chosen would have to commence with a survey of existing international legislation relating to space, its scope and meaning, and the lacunae which would first have to be identified before any further disarmament activities can be considered. However one looks at the problems before us, we must all first know what is already prohibited and where the areas of uncertainty lie before we can collectively decide what additional prescription should govern the future of outer space. My delegation would therefore propose that the Ad Hoc Committee on agenda item 5 should set out, as of its next meeting, to deal with this important substantive area. In order to document the impatience my delegation feels at the slowness of the process so far, I intend to use my present intervention to outline some of the issues that will have to be addressed.

The first important task of the Ad Hoc Committee would be to clarify the ambiguities which we have allowed to persist throughout our long-drawn discussions in plenary on the subject. Many delegations have affirmed, often in a solemn manner, that the "militarization of outer space" must be prevented. However, outer space has been a playground of military uses at least since the first testing of intercontinental ballistic missiles and satellites of the most diverse provenance and purposes decades ago. The primary fact is that outer space is not virginal in respect of its military use. On the other hand, outer space is not an environment totally devoid of legal prescription and is therefore not open for any degree of further intensification of military use. What then does "militarization of outer space" concretely mean for the work of our Conference? Do we not need a sober and manageable assessment of the military use to which outer space is already subjected at this juncture, an analysis of the compatibility of such existing military uses with international legislation already in effect, an agreement on the various kinds of abuses from military purposes that should be prevented in the future?

One can turn the question around. What forms of use of outer space are compatible with the principle of "peaceful use of outer space"?

Article 3 of the Outer Space Treaty of 27 January 1967 implies that all States Parties, in the exploration and use of outer space, are bound by international law including the United Nations Charter. The logical consequence is that no State can dispose of the space objects of another State. A satellite in orbit in outer space enjoys a protection against interventions of other States comparable to that of a ship on the high seas. But what are the precise connotations of this protection? Do we already have in the present international legislation adequate provisions for the immunity of satellites? Would it matter whether the space object traverses air space or outer space and where -- after years of controversial debate on the subject -- would the dividing line between the two environments fall? To what extent may States invoke Article 51 of the United Nations Charter in the case of unlawful attack by, or on, satellites?

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These are key questions, questions of basic relevance for existing and future military arsenals. Treaties that have been concluded over the years in an effort to minimize or preclude the introduction of weapons, military bases and other military establishments into space -- from the Partial Test Ban Treaty to the ABM Treaty of 1972 -- are replete with ambiguities and interpretative controversy.

Article 4, paragraph 1, of the Outer Space Treaty applies exclusively to nuclear and other weapons of mass destruction in complete orbit, not, however, to similar weapons systems in fractional orbits like space ferries, outer space mines and killer satellites that would be capable of blinding, diverting, interfering with or destroying other satellites by virtue of conventional explosives or by ramming or other kinetic effect. The Outer Space Treaty and the Moon Treaty do not generally prohibit all military activities. For instance, a stationing of conventional weapons in outer space is not outlawed by these instruments. Also, there is no prohibition of laser or particle beam weapons. In addition, only the moon and other celestial bodies have been declared weapon-free zones, borrowing the prescription from the Antarctic Treaty. It appears that conventional weapon tests in outer space, the establishment of military installations and the conduct of military manoeuvres outside of such celestial bodies have not yet been the subject of explicit prohibitive norms. However, it is evident from the nature of such activities that, in all probability, they take place in the very relevant strategic space zone near the Earth. The Partial Test Ban Treaty of 1963 only deals with the testing of a nuclear explosive device in peacetime, and does not purport to regulate the use of nuclear weapons -- for instance, for the interception of geostationary or other satellites in high orbit -- under conditions of war. I leave open to what extent a multilateral assembly can be the ultimate judge for the interpretation of bilateral treaties like the ABM Treaty. Yet, the ABM Treaty is equally selective in its attempts to prescribe certain activities. Because of the dual-capability of the means of warfare which it attempts to constrain its interdiction of ballistic missile defence are equally relevant for the protection of satellites. But the scope of the prohibition is quite unclear. One could presume, for example, that the permitted upgrading of air defence rockets could provide an important loophole, in that such systems could be used for the interception of non-strategic rockets.

As indicated above, one of the haziest areas is the interpretation of the term "peaceful uses", employed both in the Outer Space and the Moon Treaties. Over the years, different schools of thought have developed over the question whether the term proscribes "military" -- in a broad sense -- or only "aggressive" uses. This needs clarification. One important feature of the Outer Space Treaty is that in its operational articles it is stipulated only for the moon and other celestial bodies that they may be used for peaceful purposes; space as such is not subjected to this particular requirement. This means that the total demilitarization of the moon and other celestial bodies contrasts with the only partial demilitarization of outer space as such. One could arrive at the assumption that all activities in outer space -- with the exclusion of those that are specifically prohibited in article 4, paragraph 1 -- are assumed to be non-military and therefore automatically peaceful.

However, this distinction would not seem to apply to satellites that are evidently designed for military use. The Convention on the Registration of Objects Launched into Outer Space of 1975 requires in its article 4 the notification of

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information on the general purpose of satellites, once launched, to the Secretary-General of the United Nations. However, if one believes the notifications that have so far been made according to this provision, none of the registered satellites would seem to have had a military function, while it is more or less of public knowledge that approximately 80 per cent of all satellites serve military or predominantly military purposes in outer space. Here, however, it must be stated clearly that these satellites do make an uncontested and important, indeed, indispensable contribution to the stabilization of military relationships by rendering possible the observation, reconnaissance and communication, early warning, control of military movements, surveillance of the compliance of treaties and crisis diplomacy. If, indeed, the "military" use of a satellite is limited to these stability-serving functions can one then in good conscience qualify the space object as designed for "non-peaceful purposes"? Other examples of a variety of satellites that would partake of this ambiguity are the satellite search systems that form the object of the Soviet-American Agreement concerning co-operation in the exploration and use of outer space for peaceful purposes dating from the year 1977. Obviously, these search systems are identical, whether they serve "peaceful" or "military" purposes. The detection of satellites is -- in each of these cases -- the prerequisite for rescue and operations for "peaceful purposes", or for capture or destruction, in other words, obviously aggressive purposes.

From these few examples it becomes utterly evident that there is a great amount of ambivalence which makes it extremely difficult to distinguish between peaceful and non-peaceful objects and uses in outer space. This ambivalence stems in part from technical factors. In most cases technology is neutral and does not indicate the purpose for which it is used. If our aim is the future construction of a protection régime for satellites this is a particularly relevant insight.

Any attempt at distinguishing between anti-satellite and space defence systems is equally beset by ambivalences. Killer satellites, launched from intercontinental ballistic missiles could be defensive just as well as offensive. A defensive use would be their deployment against a nuclear warhead, but the same weapon would be used offensively if it would be targeted at a space-based missile intercept system in order to open the path for offensive nuclear missiles from the same side. All these ambivalences prove one important point: that the international legislation for outer space which we already possess is important and covers many possible military applications in space. On the other hand it has grave lacunae -- which remain to be identified in detail -- and on the whole must be adapted to the dynamics of new space weapons technology.

A similar need for updating concerns verification techniques, so indispensable for the building of confidence. The insufficiencies of substantive legal prescription for the desired degree of demilitarization of outer space and celestial bodies correspond to the lack of suitable procedures for the verification of compliance with substantive obligations. It should be noted in this respect that none of the treaties regulating outer space has so far provided for an effective monitoring and compliance system. However, it is evident that if States are to agree to new treaties which aim at the use of outer space wholly or predominantly for "peaceful purposes", stringent provisions of verification, preventing an abuse of space technology are of the absolute essence. Even if such

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verification techniques can be identified and agreed upon, one grave problem remains, their quasi-monopolistic possession by only a few countries while the majority of signatory States will in all probability not dispose of the necessary technical prowess to verify by themselves. The involvement of international verification organizations is therefore an urgent requirement for such future international legislation. Despite the considerable cost such mechanisms may entail the projected International Satellite Monitoring Agency, planned and developed by France, or -- in a regional context -- the European Space Agency might be called upon to take on practical responsibilities in this field.

I have so far dwelt upon some of the ambiguities and seeming contradictions of the present outer space legal system. The few examples I have used should be enough to demonstrate the need to embark on a thorough analysis of the existing legal framework. The purpose of this urgent exercise should, however, not only be to find out where international lawyers and parties to the various treaties disagree, and to take stock of their differences of view. Our objective should be in each individual instance to assess the military and arms control implications of the conflicting views, then to harmonize our own positions and to come up with recommended consensus interpretations on what the existing treaty law says in terms of prohibition, and in terms of activities still permitted.

Our mandate in the Ad Hoc Committee compels us to focus on this exercise in particular. In the view of my delegation the required activities will absorb a good amount of time even if we embark on substantive consideration of these issues in earnest and without further loss of time.

Yet, both in terms of giving the necessary thrust and orientation to this indispensable legal survey, and to allow us to plan ahead, one might already at this juncture ask what direction further arms control measures and eventual multilateral negotiations could usefully take.

There are three general avenues that could come to mind.

The first approach -- often discussed -- would be the prohibition of particular, precisely defined space systems or, alternatively, the establishment of ceilings on their number. Both approaches would present evident problems. Ceilings combined, where necessary, with reductions of existing systems, might very largely be meaningless since certain important -- and conceivably stabilizing -- space tasks could probably be fulfilled by a few systems only. Other tasks would require a precise number of space systems, for instance, of satellites. If a ceiling were fixed in such a manner as to render a particular desirable space task impossible, the limitation might be counter-productive. If, however, the ceiling would be so high as to exceed the needed number, it would have no limiting effect. The total prohibition of whole categories of space systems would be an awesome task, and while in all probability needed, at some point in time, difficult to accomplish as a first step in future negotiating activities.

There are, however, two approaches that appear more realistic and promising at a relatively early stage. One would be the establishment of a protection régime for space objects, inter alia, by the improvement of the obligation to register such objects on the one side, and the legal immunization of satellites --

(Mr. Wegener, Federal Republic of Germany)

or certain types of satellites -- on the other. My delegation has already made these suggestions on earlier occasions and is pleased to note that in this respect there is a large coincidence of views with proposals the French delegation has submitted. I expect that we will detail our views on this subject in due course.

The other approach would be the establishment of a code of conduct for outer space, a sort of a traffic code for space objects. On the basis of a general consensus on the interdiction of the threat or use of force in outer space -- in agreement with Article II of the United Nations Charter -- this code could, as a confidence-building measure, contain a number of rules of behaviour which would be complied with in the interest of the security of all. Such code of conduct could contain the mutual renunciation of measures that would interfere with the operation of space objects of other States, the establishment of minimum distances between space objects, speed limits imposed on space objects that approximate one another, as well as related measures. The idea of a traffic code for increasingly used environments is not a new one. Already in 1972 the United States and the Soviet Union concluded an agreement designed to prevent incidents on the high seas. The philosophy on which this agreement was based -- and the excellent record of mutual consultations that the parties to the Treaty have established over the years -- could be an important guide for the negotiation of a similar agreement for outer space.

The necessity for the early introduction of such a comprehensive code of conduct would also seem to result from the somewhat preoccupying "overpopulation" of outer space, caused in large measure by the continued presence of elements of "space garbage", burned-out booster stages and other objects that cannot be reliably traced. The danger of the collision of an active satellite, or even more so, a manned space vehicle with elements of this space debris must increasingly be considered as a serious danger. The problem is compounded by the fact that it may take days or even weeks to discover the causes for the sudden demise of a space object. In situations of acute conflict the failure of one State to explain for itself the loss of one or several of its satellites designed to play a major role in crisis management could lead to misinterpretation, a breakdown of communication between adversaries and possibly dangerous actions, spiralling into a serious conflict. The envisaged code of conduct could also provide for enhanced duties of consultations among States in such cases, with a view to clearing up the situation and to show the peaceful inclination of all concerned. The number of States that are actively involved in space programmes is still limited at this time, but will certainly grow. There are also States that do not conduct a programme of their own at this time, but operate space observation stations on Earth. It is obvious that all of these States should be parties to the establishment and implementation of this traffic code. A code of conduct for outer space is therefore ideally suited for negotiations in a multilateral context like the Conference on Disarmament.

It is the hope of my delegation that these preliminary remarks and suggestions may contribute to a more rapid focusing of the work of the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space. It is imperative that the remaining weeks of this annual session be well used to surmount the first hurdles on the path which I have charted.

The PRESIDENT (translated from French): I thank the representative of the Federal Republic of Germany for his statement and for the kind words addressed to the President.

I now give the floor to the representative of Australia, Ambassador Butler.

Mr. BUTLER (Australia): Mr. President, may I congratulate you on your assumption of the Presidency of the Conference. I assure you of the full co-operation of the Australian delegation. I would also like to express our gratitude to the delegation of Zaire for the guidance they gave us during the month of June.

I shall take something of a leaf out of the book of Ambassador Issraelyan who addressed us this morning on radiological weapons and urged us to speed up our work. I listened to those remarks with very great interest.

The subject of my intervention today is our work on chemical weapons. My Government is deeply concerned about the work of our Conference on chemical weapons.

The Foreign Minister of Sri Lanka said on Tuesday in this room, that in the seven years we have been at work in this unique body, we have produced no treaty or agreement on disarmament. This is a fact and I think it should worry all of us.

In this seven years abundant consideration has been given to the question of chemical weapons. During the last couple of years, our concern about chemical weapons has heightened, and heightened very considerably.

The 1925 Geneva Protocol is an immensely important instrument. But we all know that, in itself, it is not enough. We need a universal convention completely banning chemical weapons -- their production, deployment and use. Under such a convention, existing stockpiles of these abhorrent weapons would be destroyed. They would not be made again in the future and they would certainly never be used.

This issue affects us all, all of us, from all corners of the globe. All the member States in this Conference recognize these facts and have committed themselves to the negotiation of such a convention. But what are we doing? Our negotiations have not in fact quickened. They have slowed down to a snail's pace. Some would say they are at a standstill.

How can this be, given our commitments, and the deeply disturbing fact that there are signs that these terrible instruments of war and death are in fact proliferating? We all know of disturbing reports of the use of chemical weapons in recent times and of a growing interest, in a number of countries in the acquisition of chemical weapons where they have not previously possessed them.

A tide is developing which looks like running in the wrong direction. The right direction is a universal convention. We have little time to lose.

Fifteen months ago our work in this field was given impetus when the Vice-President of the United States came to this Conference and tabled a new draft of a possible convention. When that draft was tabled I said, on behalf of my Government, that the action of the United States gave us an opportunity which should not be lost, an opportunity which future generations would never understand our losing.

(Mr. Butler, Australia)

Vice-President Bush made it clear that the United States draft convention was a basis for negotiation. That draft was not tabled on a take-it-or-leave-it basis. This was the understanding of my delegation when we welcomed the action of the United States in tabling that draft convention. We also acknowledged that there were other documents, other approaches, which should command our attention and this remains the position today.

There is more than enough reason to bring this work to an early and successful conclusion. There is more than enough danger to us all if we fail to do so. What then is the problem? The answer would seem to lie in the area of verification, and if one takes the verification provisions of the United States draft convention as an example, article X of that convention serves as a case in point.

Some delegations have said that draft article X is unacceptable and have even gone to the point of saying that it displays a cynical approach to a universal convention. They say it is so ambitious in its terms of verification that it was clearly never intended to be taken seriously.

My delegation has no reason to accept such a cynical interpretation. On the other hand we can understand and give serious consideration to criticisms of such a provision because verification is crucial and should not be taken lightly. It is a key to progress towards a universal convention. What we would have hoped to see, therefore, is a willingness on the part of the critics of the American approach to suggest alternatives. Surely both sincerity and rationality demand no less.

If a proposed provision is flawed or stands in the way of an effective universal convention, then let us hear alternative proposals which are not so flawed. If the sincerity of a proposal is questioned, let it be challenged by serious counter-proposals.

This is the process of negotiation, but it is precisely that process which seems to be absent.

As far as the United States is concerned, I have already stated that my delegation accepts that the United States draft, tabled by the Vice-President on 18 April 1984, is negotiable and was not put on to this table on a take-it-or-leave-it basis. We believe that that draft is negotiable. On the side of the Soviet Union we do accept that it wishes to see the universal convention brought into existence. On 4 April this year, Ambassador Issraelyan said "for the USSR the prohibition of chemical weapons has been and remains a priority task set out in the most important documents of the Communist Party of the Soviet Union and of the Soviet Government. The Soviet delegation will do everything within its power to solve this task as rapidly as possible".

Ambassador Issraelyan also said "I would like to reiterate that the Soviet delegation stands ready to continue serious and constructive negotiations with a view to the earliest conclusion of a convention banning chemical weapons".

My delegation takes this commitment by the Soviet delegation seriously but I must say, frankly, that we have not seen evidence of it being put into practice this year.

If the Soviet delegation has objections to existing proposals it would assist us all by coming forward with new proposals consistent with the policy commitment it has made and which has been illustrated in the citations I have just read out.

(Mr. Butler, Australia)

There was a vote in the United States Congress recently to resume production of chemical weapons in two years' time under certain conditions. The United States has not produced new chemical weapons for 16 years.

Let me ask this question, Mr. President. Has the Soviet Union produced chemical weapons during the last 16 years? Is it producing chemical weapons now? What are the facts?

If the Soviet Union has not stopped production is that a reason to refuse to negotiate, or is it on the contrary, a reason to negotiate vigorously? Are we to allow a vote in the United States Congress to prevent us from moving forward with our negotiations?

I most strongly suggest we should not. Indeed the opposite is the case. Given that qualified vote, surely our task, the urgency of which was already unquestionable has now even greater importance. Simply, we must negotiate a universal convention as soon as possible. Putative decisions of the kind made in the United States Congress recently should not divert us from this task. Such a vote should not be used as justification by anyone for **walking** away from our negotiations. Instead it should be seen in a clearer light, that is, as underlining the importance of our reaching agreement on this convention as soon as possible in order to ensure that no further or new production of chemical weapons takes place. I have no doubt, if we were successful in this task, there would be no such production.

I have addressed this subject today because it is one of great concern to my Government. We have looked for and hoped for negotiations on this subject in this Conference in good faith and with all possible dispatch. We have been distressed by growing evidence that at least one group of member States, the socialist group, has failed to take up the present challenge in spite of its declared policy.

Our concern and distress in the face of this situation has been heightened by the growing problem of use, and of the potential proliferation of chemical weapons. We appeal to delegations in this Conference to enter into serious negotiations on a universal convention. The way ahead is to address what we all know to be the key issues. If verification is one of those issues then let those who have problems with the existing proposals put forward some alternative proposals. This is not a subject on which there is any place for propaganda or posturing. What we need is a clear and sharply demonstrated willingness to negotiate. This is the appeal that we make to members of this Conference today, that is to move forward now in these negotiations.

The PRESIDENT (translated from French): I thank the representative of Australia for his statement and for the kind words addressed to the President.

I now give the floor to the representative of Canada, Ambassador Beesley.

Mr. BEESLEY (Canada): Mr. President, after some considerable reflection, I have decided to address a rather sensitive issue of some considerable importance raised on Tuesday by our distinguished colleague Ambassador de Souza e Silva. In so doing, I hardly need to underline that I make these observations in a spirit of the greatest friendship. In fact, it is precisely because of the deep respect we

(Mr. Beesley, Canada)

all accord him, personally, as well as his country, and also because of one of the warmest personal regards that we all hold for him, that I am taking this opportunity to offer certain observations on a very important question that he has raised, on the propriety of certain comments of the Secretary-General of the United Nations concerning the Non-Proliferation Treaty. I should emphasize that I do so not as a partisan of that Treaty, which I freely confess that I am, but as a strong supporter of the importance of the office of the Secretary-General and also, I may say, of regard for its present incumbent, which I think is an attitude shared by my distinguished colleague of Brazil. Indeed he said as much. It goes without saying, of course, that I do not speak in any sense as a right of reply, which would be highly presumptuous, but rather as one who has thought a good deal about this issue on a number of occasions.

It will be recalled, for example, that last fall the Secretary-General made an extremely significant statement on arms control and disarmament in the General Assembly. In so doing he expressed views on certain questions on which the position of Member States differed, as is well known. I would mention in passing the doctrine of deterrence. Yet it never occurred to the Canadian Government or the Canadian delegation here to make a public or even private expression of reservation about that statement. May I emphasize again that what I am saying is in no sense intended as a criticism of what was said on Tuesday, but as an expression of a different point of view. If I might cite another example, namely a legal instrument of some considerable significance, that is the Law of the Sea Convention, successive Secretaries-General have praised that instrument as one of the most important achievements, to date, of the United Nations, yet, none of those Governments which continue to have reservations about that Convention has criticized, to my knowledge, the Secretary-General for such comments nor have those of us who strongly support it, including of course, Brazil and Canada, on the grounds that the Secretary-General and his predecessor have understated the case in referring favourably to that legal instrument.

I know that it was not the intention of my distinguished colleague, the Ambassador of Brazil even to hint at the possibility of censoring the Secretary-General. He had every right to make his observations and I know full well they were made in good faith. But, for our part, we want the Secretary-General to be neutral but not neuter, we welcome his efforts to put pressure on us all, whether or not we agree with every point he makes. Indeed, were he to speak only when there is a pre-existing consensus, then there would be little or no need for him to speak at all.

If I may personalize for a moment, it happens that I have very recently written an article, a relatively unimportant article, in which I praise the Secretary-General for making statements in the full knowledge that not everything that he says would be equally well received by all Member States. I am happy to say that I wrote that article well before his comments last week, and those made on Tuesday in the Conference on Disarmament.

I hope that the Secretary-General continues to speak out and I have no doubt whatsoever that the distinguished representative of Brazil will continue to express his views with his usual elegance, frankness and wisdom. I, of course, can at least speak with frankness.

Mr. DE SOUZA E SILVA (Brazil): Mr. President, may I, through you, express my gratitude to our distinguished colleague from Canada, Ambassador Beesley, who I am sure, also in all good faith, and with great elegance, has expressed his point of view, and also for his respect for the point of view expressed by my delegation.

In order to leave no doubts about the basis of the point of view that I expressed here in our previous meeting I should like to read out the provisions of the Charter to which I referred in my intervention.

"Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities."

Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation intends to address the specific issue of the prohibition of chemical weapons and expound its views once again on this question, although I make no secret of the fact that sometimes I have doubts about whether it is necessary for us to do so, in view of the presence of some delegations such as, for example, the Australian delegation, which either cannot understand our position or, most likely, do not wish to understand it. The representative of Australia did not find time to recall a single one of the Soviet Union's proposals. His eyes are fixed on Vice-President Bush's draft treaty. But there is another draft treaty, distinguished representative of Australia. There is the draft treaty on the prohibition of chemical weapons of the Union of Soviet Socialist Republics. True, it was not presented by the Head or Deputy Head of the Soviet State, but by the Minister for Foreign Affairs of the USSR, at the second special session of the United Nations General Assembly devoted to disarmament.

The Soviet delegation has repeatedly made proposals on various issues relating to the prevention of chemical weapons, including verification, as recently as in February 1984, for example. But that is nothing to the representative of Australia. The representative of Australia must, in his opinion, subject the Soviet Union's position to serious criticism. But I would advise him to do something else: to endeavour to find a compromise solution to issues which are of universal interest; not to look at the world from his own parochial standpoint, but to seek to understand others, even if for that purpose it is necessary to read their statements. Today we were told that some countries, and I understand that this is also addressed to us, took a cynical view of the United States draft and its article 10. I do not accept this definition and

(Mr. Issraelyan, USSR)

consider it an attack on myself personally as well, as on 9 August last year I devoted my statement to a calm, reasoned analysis of article 10 of the American draft and tried to explain why this provision was not acceptable to us. My advice is therefore that before criticizing the position of any State, it is necessary at least to learn what that position is. And secondly, if the representative of Australia likes the decision of the United States House of Representatives, that is his business, let him enjoy it; but it distresses us as well as very many others who want real progress on the prohibition of chemical weapons.

Mr. BUTLER (Australia): I am grateful to the distinguished Ambassador of the Soviet Union for the clarification he has just given us. I would like to make three points.

I am here as a professional representative of my Government. I speak professionally.

Secondly, I do not believe personal invective has any place in this Conference.

Thirdly, with regard to the Soviet draft treaty, the existence of it was acknowledged on page 3 of my statement.

The PRESIDENT (translated from French): I thank the representative of Australia for his statement. I have no more speakers on my list. Does any other delegation wish to take the floor?

The secretariat has circulated today at my request a time-table of meetings of the Conference and its subsidiary bodies for next week. This time-table was drawn up in consultation with the Chairmen of the Ad Hoc Committees. As usual, it is purely indicative and may be amended as required. If there is no objection, I shall take it that the Conference adopts this time-table.

Mr. DE SOUZA E SILVA (Brazil): I have no objection at all to the time-table you have presented to us. I should only like to request that, if possible, when there are changes in the schedule, as happened this week, and these changes are only announced in the Ad Hoc Committee, we should also be informed by the President. Would you be so kind as to keep us informed of such changes so that we do not have to come here, being unaware of them, as happened this week?

The PRESIDENT (translated from French): I take note of the proposal by the representative of Brazil, and I give the floor to the representative of India.

Mr. KANT SHARMA (India): Mr. President, as this is the first time my delegation has taken the floor during this month, I would like to seek your permission to express how happy my delegation is in seeing you in the Chair for the month of July and to assure you of the fullest co-operation of my delegation in the performance of your duties.

(Mr. Kant Sharma, India)

The purpose of my intervention is the indicative, informal paper containing the time-table.

My delegation does not have any serious problems with it, but I would like to recall that over the past years, we have tacitly observed one practice, that generally, -- in deference to the smaller delegations -- we would try not to hold meetings of two Ad Hoc Committees at the same time. Possibly, one Ad Hoc Committee could meet at a time when a contact group or working group was meeting. But, for the last two weeks the Ad Hoc Committee on the Comprehensive Programme of Disarmament and the Ad Hoc Committee on Radiological Weapons have been meeting simultaneously on Tuesdays. I would point out that in the programme, for instance, Friday afternoon is still vacant. Perhaps we could adjust the programme so that two Ad Hoc Committees do not meet at the same time, but I leave this to your discretion.

The PRESIDENT (translated from French): I thank the representative of India for his statement and for the kind words addressed to the President. I should simply like to tell him that according to the information I have been given the secretariat has done everything in its power to plan meetings according to the needs and possibilities of each delegation. That is not always possible, and sometimes there are difficulties. Nevertheless, I am quite sure that in the future the secretariat will take them into account, as in the past. If you have no objection, we may therefore take it that the time-table is adopted as it stands, bearing in mind the fact that it may be modified, as I said earlier. I give the floor to the representative of India.

Mr. KANT SHARMA (India): My point was not to say that the secretariat has not done all in its power to accommodate all delegations, but just to recall that in the past we have not had two Ad Hoc Committees meeting at the same time, and, in August 1983, this was observed by the President -- that as far as possible we would try not to put two Ad Hoc Committees together.

The PRESIDENT (translated from French): I thank the representative of India for his statement.

As I said when introducing this document, the time-table was drawn up in consultation with the Chairmen of the Ad Hoc Committees. I would ask that this problem be raised with the Chairmen of the Ad Hoc Committees in future, but I should like meanwhile, pending possible modifications, to have the time-table adopted as it stands, on the understanding, of course, that it can be amended as necessary, as I said earlier. If there is no other objection, I take it that the Conference so decides.

It was so decided.

The PRESIDENT (translated from French): I would remind you that the Conference will hold an informal meeting today immediately after the plenary meeting to consider the question of the improved and effective functioning of the Conference. The next plenary meeting of the Conference on Disarmament will be held on Tuesday, 9 July, at 10.30 a.m. The meeting is adjourned.

The meeting rose at 12.25 p.m.