

State becomes a party to a convention  
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e that verification should not be built  
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e but still only a link—in the chain of  
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settlement of verification issues has  
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The Soviet Union delegation, for its part, intends to be guided by this precise approach, remembering that it alone leads to a success.

**Statement by the French Representative (de la Gorce) to the Committee on Disarmament: Chemical Weapons [Extract], April 2, 1981**<sup>1</sup>

My delegation would like today to present its views on the state of our work on chemical weapons, and also briefly to recall its position on the question of nuclear disarmament, in connection with the discussions we are holding on this subject at informal meetings.

My Government attaches considerable importance to the question of chemical disarmament. Chemical weapons are a real menace, both because of their lethal power and because it is relatively easy to manufacture and use them.

It was for that reason that my delegation, at our first session, urged that the Committee should initiate negotiations on chemical disarmament and adopt the method which seemed to us the most suitable, namely, the establishment of a working group.

We are pleased to note the progress that has been made by the Working Group on Chemical Weapons and wish to pay tribute to its successive chairmen, Ambassador Okawa and Ambassador Lidgard, for their very efficient guidance of its work. The group has made the best possible use of the opportunities offered it by its mandate, which we would have preferred to be broader and which should undoubtedly be reconsidered when the time comes for the Group to embark on a more advanced stage in the negotiation process.

The latest discussions have brought out the many points of agreement that exist as regards definitions. They have also revealed the divergencies of opinion that remain as regards the scope of the convention and verification.

The first thing to be defined is the scope of the convention, since verification problems depend directly on it.

Some delegations have expressed a desire for the scope to be extended to include a prohibition on the use of chemical weapons, as prescribed in the Geneva Protocol of 1925.<sup>2</sup>

In our view, it is essential to maintain the necessary distinction between two different areas and between the legal instruments of which they are

<sup>1</sup> CD/PV.120, pp. 24-27.

<sup>2</sup> The protocol is printed in *Documents on Disarmament, 1969*, pp. 764-765.

respectively the subject: on the one hand the rules of warfare, under which comes the prohibition on the use of chemical weapons, which is the subject of the Geneva Protocol, and on the other hand the sphere of disarmament, under which comes the prohibition on the manufacture and possession of such weapons, which is the subject of the convention we are now discussing.

The Geneva Protocol lays down a general prohibition on the use of toxic substances in warfare, a prohibition which is a rule of the law of war.

The prohibition on the manufacture, acquisition or stockpiling of chemical weapons, which is a disarmament measure, can apply only to a limited number of products and equipment which are precisely defined; in the case of other products which, although capable of being used as chemical weapons, are currently and legitimately used in industry or agriculture, it is hardly possible to go beyond declarations by States in the form of statistics. Lastly, as regards the manufacture and stockpiling of innumerable chemical products with a lower level of toxicity, these will continue to escape any restriction.

If we were to include a clause prohibiting use in the convention we are to negotiate, we should inevitably have to choose between two solutions, either to repeat the general prohibition laid down in the Geneva Protocol, which would be pointless, or to adopt a more restricted definition, which it would be difficult to establish and would have the effect of weakening the authority of the Geneva Protocol. In the view of the French Government, which is the depositary of the Protocol, the rule of the law of war embodying a general prohibition on the use of chemical weapons is a valuable achievement which should be preserved intact.

My delegation understands and shares the concerns of those who would like to secure the adoption of provisions for the verification of possible breaches of the Geneva Protocol. We showed our active interest in this matter at the thirty-fifth session of the General Assembly by co-sponsoring the resolution in which the Assembly requested the Secretary-General to verify, with the help of experts, certain allegations relating to possible violations.<sup>3</sup> The French delegation wonders, however, what legal framework would be the most suitable for provisions of a permanent kind. Bearing in mind the distinction referred to above, it is not convinced that the convention we are discussing offers the best solution.

Another proposal has been put forward for the broadening of the scope of the convention to include a prohibition on the possession or acquisition of a "chemical warfare capability". My delegation has serious reservations with regard to that proposal.

The concept of a chemical warfare capability seems to us too difficult to define precisely, and liable to too broad a range of interpretations to be included in a legal text. Interpreted broadly, it might, for instance, be invoked, improperly, to justify criticism of certain activities essential for the maintenance of a capacity for protection against possible attacks with the

<sup>3</sup> G.A. res. 35/143.

and the rules of warfare, under which chemical weapons, which is the subject of the other hand the sphere of disarmament, on the manufacture and possession of chemical weapons. The object of the convention we are now

a general prohibition on the use of chemical weapons which is a rule of the law of war. The manufacture, acquisition or stockpiling of chemical weapons as a disarmament measure, can apply only to a measure which are precisely defined; in principle, although capable of being used as chemical weapons and legitimately used in industry or agriculture beyond declarations by States in the field of the manufacture and stockpiling of chemical weapons of a lower level of toxicity, these will con-

tributing use in the convention we are now have to choose between two solutions, one laid down in the Geneva Protocol, and another, a more restricted definition, which would have the effect of weakening the convention. In the view of the French Government, the rule of the law of war in the use of chemical weapons is a rule which should be preserved intact.

It shares the concerns of those who would like to see provisions for the verification of possible chemical weapons. We showed our active interest in this matter at the General Assembly by co-sponsoring a resolution. The Assembly requested the Secretary-General to appoint experts, certain allegations relating to chemical weapons. My delegation wonders, however, what legal basis there is for provisions of a permanent kind. As stated above, it is not convinced that this is the best solution.

My delegation is in favour of the broadening of the scope of the convention on the possession or acquisition of chemical weapons. My delegation has serious reservations

regarding the capability seems to us too difficult to have a range of interpretations to be made. Broadly, it might, for instance, be interpreted as covering certain activities essential for the defence of a State against possible attacks with the

use of chemical weapons—a purely passive capacity, I would point out, which my country considers it very important to retain for reasons which our delegation has explained several times over. Furthermore, the concept of chemical warfare capability covers such matters as defence plans, research and the training of personnel, the prohibition of which would be unrealistic because it would be impossible to verify.

My delegation therefore considers that we should not be too ambitious about the scope of the future convention because it believes that only what can be verified can be prohibited or regulated.

The implementation of a rigorous system of verification of the non-manufacture or non-possession of chemical agents and weapons is likely to raise insoluble problems if it is to be applied to a large number of products. A distinction should therefore be made between super-toxic lethal chemical products and other lethal chemical products; such a distinction could be made on the basis of the definitions proposed in the joint United States-USSR report of 7 July 1980 (CD/112),<sup>4</sup> which would, however, require supplementing as regards the modes of penetration of these products into the body.

As it has already explained in document CD/106 of 27 June 1980,<sup>5</sup> my delegation proposes that only the manufacture of the super-toxic products and their specific precursors should be prohibited. It follows that very strict international control of such products should be contemplated. The other lethal products would be subject to national control, and every State should undertake to furnish, to an international body set up for the purpose, usable statistical data. Explanations could be asked for if excessive stocks were being built up, and international control should be provided for until unjustified stocks were eliminated. As for low-toxicity products such as weedkillers or irritants used for maintaining public order, my delegation feels that these should not be covered by the future convention.

The reason why my delegation wishes so stringently to define the scope of the convention and to restrict the list of prohibited products and of products subject merely to control is that it is anxious that verification of these provisions should be as effective and reliable as possible.

For the reasons explained here last week by the Ambassador of the Federal Republic of Germany, it would not be possible to rely exclusively on the national institutions of each State party to ensure the full implementation of all the provisions of the Convention. There must be international supervision, over and above national supervision, which should be entrusted to a committee set up for the purpose under the convention. Such a committee's duties would include the processing of the statistical data furnished by States parties under the convention. It should be provided with the necessary resources in staff and equipment; it might have access to data furnished by the national technical facilities of States parties, for instance in connection with remote sensing. It might perhaps in due course benefit from the assistance of the international satellite

<sup>4</sup> *Documents on Disarmament, 1980*, pp. 285-289.

<sup>5</sup> *Ibid.*, pp. 275-283.

monitoring agency the establishment of which is under consideration. Lastly and more particularly, the committee should be authorized, where it considered it necessary, to have on-the-spot inspections conducted by experts recruited for the purpose, to investigate possible violations.

The purpose of international measures of verification would be to check compliance with two separate aspects of the Convention:

First, the fulfilment of undertakings to destroy stocks and dismantle specific production or munition filling facilities. Such measures would cease as soon as the subject of the action had been eliminated;

Secondly, the observance of undertakings prohibiting the manufacture and stockpiling of agents of chemical warfare or chemical weapons and stipulating the cessation of all activities connected therewith. These measures would be applied on a continuing basis so long as the convention remained in force.

Verification of the destruction of chemical agents and munitions and of the dismantling of specific production facilities would not be possible without on-the-spot inspection. The risks referred to by some who oppose such inspection (divulgence of the nature of the agents destroyed, violation of manufacturing secrecy if the destruction took place in proximity to industrial plants) seem slight. Most chemical warfare agents are in fact known, and for reasons of safety the installations for destruction would almost always need to be established in isolated areas away from large industrial complexes.

In order that these inspection operations should be effective, it would be desirable for international experts to be authorized to enquire into the destruction process and the plans for destruction facilities. They should then be authorized to observe and check the destruction operations carried out at each facility. No problem of secrecy need be involved, since the destruction facilities would be eliminated when their task was completed. Such verification, which would, by its nature, be temporary, would seem to be the easiest to carry out and the most acceptable.

The standing procedures to be devised for the verification of fulfilment of undertakings not to manufacture or stockpile would be of a different type. Such verification should not normally require the presence of international experts on the spot. It would be based mainly on the analysis by the international committee of the statistical data furnished by the States parties and of any other information which those States might provide. However, where the committee or a State party had any doubt about the behaviour of another State party with respect to the convention, the latter State should either furnish explanations of a kind which the committee deemed satisfactory or accept an on-the-spot inspection.

The insistence of many delegations, including our own, on the need for all parties to accept, where necessary, inspections on their territory, should not be interpreted as a sign of systematic distrust. On the contrary, we consider that the opening of frontiers to international inspection should be regarded by all as a pledge of the mutual trust there should be between the parties to a disarmament convention.



ment of which is under consideration. The committee should be authorized, where appropriate, on-the-spot inspections conducted by the committee to investigate possible violations.

Measures of verification would be to check compliance with the Convention:

Measures to destroy stocks and dismantle production facilities. Such measures would be taken only if no other action had been eliminated;

Measures prohibiting the manufacture of chemical warfare or chemical weapons and activities connected therewith. These measures would be taken on a continuing basis so long as the convention

Measures concerning chemical agents and munitions and of destruction facilities would not be possible because of the risks referred to by some who oppose the nature of the agents destroyed, violation of the convention took place in proximity to chemical warfare agents are in fact the installations for destruction would be in isolated areas away from large in-

Measures should be effective, it would be authorized to enquire into the destruction facilities. They should check the destruction operations carried out in secrecy need be involved, since the nature of the task was completed. The measures, being temporary, would seem to be the most acceptable.

Measures for the verification of fulfilment of the Convention would be of a different nature and normally require the presence of international inspectors. The analysis by international inspectors should be based mainly on the analysis by the States in which those States might provide. If a State party had any doubt about the nature of the convention, the latter should be of a kind which the committee should be authorized to conduct on-the-spot inspection.

Measures, including our own, on the need for international inspections on their territory, to overcome systematic distrust. On the contrary, the frontiers to international inspection and the mutual trust there should be taken into account in the convention.

My Government attaches the greatest importance to the questions of the nuclear arms race and nuclear disarmament; it weighs the risks attaching to the existence of such weapons; it understands the legitimate concern felt in that respect within the international community. My delegation therefore welcomes the initiation of an examination of these questions by the Committee at informal meetings. We had already recommended discussions of this kind in the First Committee of the General Assembly.

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**Statement by the British Representative (Summerhayes) to the  
Committee on Disarmament: Chemical Weapons, April 3,  
1981<sup>1</sup>**

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Turning now to chemical weapons, I should like first of all to stress our gratitude to the distinguished representative of Sweden for the energy, resourcefulness and commitment he has shown in his chairmanship of the *Ad Hoc* Working Group on Chemical Weapons. My Government considers that the elimination of chemical weapons from the arsenals of all States is of the greatest importance. We are determined to do all we can to assist in that process. We shall be giving further serious thought to the discussion that has been taking place in that Group. My comments now are intended to show the direction of our thinking.

In tackling the question of chemical weapons, we are dealing not with some potential future weapon, but with armaments which exist in the world and which have been used in the past to terrible effect. The United Kingdom has always taken the view that in any disarmament treaty there must be appropriate and adequate measures of verification. Where the arms concerned are actually in existence, that view is reinforced; it takes on increased importance. The United Kingdom Government believe that a CW convention must be adequately verifiable. Without adequate verification States will not have confidence that such a convention would be observed. Indeed, it is mainly because we have been unable so far to agree on provisions for verification in which all States would have confidence, that better progress has not been made. Verification is and will remain the keystone of progress.

I should like, therefore, to take a few minutes to examine further what my delegation means when we talk of adequate verification. Obviously we cannot realistically hope for agreement on a verification system that would provide a 100 per cent certainty of compliance. Desirable as it would be to devise such a system, we recognize that this would not be possible—and this fact was admirably demonstrated in document

<sup>1</sup> CD/PV.121, pp. 13-16.