

proposal was to satisfy the concept categories not yet agreed upon in its, and information. The package, a balanced document that should

accompanied by a stated willingness over the weekend, to negotiate and our final document.

discussions with many delegations military conference, we would be experts meeting as proposed by y of making intensive efforts to l thus move our process forward. as quickly dismissed as unacceptable of those who responded.

the weekend to negotiate on the taken up; that, too, was the right on.

to bring us together toward a con- only was rejected but was met with proposed formula far from the basis usly unacceptable to most of us ask ourselves whether those who disarmament in Europe; here, too, e right to do so.

consider an experts meeting met e part of the other side; that, too,

to state our own views as clearly is meeting in the light of those

age on the mandate. We believe it agreement on a conference on ose who rejected it will reconsider ey should know that our position sition. Our views are firmly held y will not change. Our position ay, because it is a reasonable and the progress that would advance damage the security interests of

Netherlands Working Paper Submitted to the Committee on Disarmament: Consultation and Cooperation, Verification Measures, and Complaints Procedure in the Framework of a Convention on the Prohibition of the Development, Production, and Stockpiling of Chemical Weapons and on Their Destruction, July 30, 1981¹

1. CONSULTATION AND CO-OPERATION

1. The States Parties to this Convention undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of the Convention.

2. Consultation and co-operation pursuant to this article may be undertaken directly between two or more States Parties to this Convention and through appropriate international procedures within the framework of the United Nations and in accordance with the Charter. These international procedures include the services of appropriate international organizations, as well as of a Consultative Committee of experts as provided for in paragraph 3 of this article.

3. For the purpose of providing a permanent body for consultation and co-operation pursuant to paragraph 1 of this article and to ensure the availability of international data and expert advice for assessing and verifying compliance with the provisions of this Convention in accordance with the provisions of this Convention a Consultative Committee of experts shall be established at the entry into force of this Convention for the duration of the Convention. Each State Party to the Convention may appoint .. representative. to this Committee.

4. The depositary or his personal representative shall serve as president of the Committee and convene it at least once a year, or otherwise immediately upon receipt of a request from any depositary to this Convention.

5. Each State Party to this Convention undertakes to co-operate with the Committee in carrying out its tasks, including through its National Implementation Agency specified in article ... paragraph ..

6. The functions, organization and procedures of the Committee are set forth in annex ..

2. VERIFICATION

(A) GENERAL

1. Verification will consist of national and international measures that shall be considered as complementary to each other.

2. Each State Party to this Convention will designate a National Implementation Agency that will oversee the implementation of the Conven-

¹ CD/203.

tion and that will be responsible for the collection of all data relevant to the activities required by the provisions of this Convention.

3. The National Implementation Agency of each State Party to this Convention will provide the Consultative Committee of experts with all data necessary to the execution of the task of the Committee with respect to verification of compliance with the Convention. In case of inspections or other on-site visits by experts, organized by and under responsibility of the Consultative Committee according to the provisions of this Convention, the National Implementation Agency will extend all assistance requested including technical assistance and the provision of data.

(B) VERIFICATION TASKS OF THE CONSULTATIVE COMMITTEE OF EXPERTS

Destruction and Diversion of Stocks

4. The Consultative Committee of experts shall permanently oversee the destruction and diversion for permitted purposes of declared stocks of chemical weapons as stipulated in article .. of this Convention.

5. The Consultative Committee shall undertake on-site inspections, if it so deems necessary on a permanent basis, in order to confirm, in conformity with its task specified in paragraph 4 above, received information that the destruction and diversion for permitted purposes of declared stocks of chemical weapons as stipulated in article .. of this Convention is effectuated in accordance with this Convention.

Destruction, Dismantling and Conversion of Means of Production

6. The Consultative Committee of experts shall oversee the destruction, dismantling and temporary conversion of declared means of production of chemical weapons as stipulated in article .. of this Convention.

7. The Consultative Committee shall undertake on-site inspections at the beginning as well as upon completion of the destruction, dismantling and temporary conversion of declared means of production of chemical weapons as stipulated in article .. of this Convention, in order to confirm, in conformity with its task specified in paragraph 6 above, received information that these activities are effectuated in accordance with this Convention.

Production of Supertoxic Lethal Chemicals

8. The Consultative Committee shall check periodically whether the declared production of supertoxic lethal chemicals for permitted purposes does not exceed the quantity specified in

9. The Consultative Committee shall randomly inspect on-site in order to confirm, in conformity with its task specified in paragraph 8 above, that the declared production of supertoxic lethal chemicals for permitted purposes does not exceed the quantity specified in

Confidence with Respect to Compliance

10. The Consultative Committee shall in any possible way endeavour to create confidence that the production of supertoxic lethal chemicals for

collection of all data relevant to
of this Convention.

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CONSULTATIVE COMMITTEE OF EXPERTS

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Means of Production

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permitted purposes does not exceed the quantity specified
in and that production of chemicals for non-permitted purposes does
not take place.

11. The Consultative Committee shall undertake on-site inspection on a
random basis at facilities and on the territory of States Parties that will at
regular intervals be assigned by lot, with a view to enhance confidence, in
conformity with paragraph 10 above, that the production of supertoxic
lethal chemicals for permitted purposes does not exceed the quantity
specified in and that production of chemicals for non-permitted pur-
poses does not take place.

Alleged Ambiguities and Violations

12. The Consultative Committee shall be competent to enquire into
facts concerning alleged ambiguities in or violations of the compliance
with the Convention, including reports or indications the confirmation of
which would corroborate the conclusion that a State Party would have
violated any obligation under this Convention. This competence includes
enquiry into facts concerning reports or indications of use of chemical
weapons by or with the assistance of a State Party to this Convention.

13. The Consultative Committee shall be competent to undertake on-
site inspections in order to enquire into facts concerning alleged am-
biguities or violations according to paragraph 12 of this article. Such on-
site inspection shall take place only after consultation with the State Party
concerned. If that State party does not agree to on-site inspection, it must
give appropriate explanations to the effect that an on-site inspection
would at that time jeopardize its supreme interests. In such case the Con-
sultative Committee shall examine the validity of these explanations.

(C) NATIONAL TECHNICAL MEANS OF VERIFICATION

14. Each State Party to this Convention may use national technical
means of verification, at its disposal for the purpose of monitoring com-
pliance with the provisions of this Convention in a manner consistent with
generally recognized principles of international law.

15. Each State Party to this Convention undertakes not to impede, in-
cluding through the use of deliberate concealment measures, the national
technical means of verification of other States Parties operation in accord-
ance with paragraph .. above.

3. COMPLAINTS PROCEDURE

1. Any State Party to this Convention which has reason to believe that
any other State Party is acting in breach of obligations deriving from the
provisions of the Convention may lodge a complaint with the Security
Council of the United Nations. Such a complaint should include all rele-
vant information as well as all possible evidence supporting its validity.

2. Each State Party to this Convention undertakes to co-operate in
carrying out any investigation which the Security Council may initiate, in
accordance with the provisions of the Charter of the United Nations, on

the basis of the complaint received by the Council. The Security Council shall inform the States Parties of the results of the investigation.

3. Each State Party to this Convention undertakes to provide or support assistance, in accordance with the provisions of the Charter of the United Nations, to any State Party which so requests, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of violation of the Convention.

Five-Nation Working Paper Submitted to the Committee on Disarmament: Establishment of Subsidiary Organs, July 30, 1981¹

The following addition to rule 25 of the rules of procedure of the Committee on Disarmament is hereby proposed:

The rule of consensus shall not be used either in such a way as to prevent the establishment of subsidiary organs for the effective performance of the functions of the Committee, in conformity with the provisions of rule 23.

Commentary

Since February 1980, the Group of 21, in its statement issued the 27 of that month as document CD/64,² declared that it was "the considered view of the Group of 21 that working groups are the best available machinery for conduct of concrete negotiations within the Committee on Disarmament". It added therefore that "the Group of 21 in principle supports the establishment of working groups on the items on its annual agenda".

This position of the Group of 21 has been subsequently reiterated in the statements CD/72 of 4 March 1980, CD/116 of 9 July 1980, CD/134 of 6 August 1980,³ CD/180 of 24 April 1981,⁴ CD/181 of the same date⁵ and CD/192 of 8 July 1981. In all these statements special emphasis has been placed on the necessity and urgency of establishing working groups on the first two items of the Committee's agenda, particularly on the first of such items entitled "Nuclear test ban".

For reasons well known to all members of the Committee it has been so far impossible to implement the repeated and well substantiated proposals of the Group of 21 to which reference has just been made. The delegations sponsoring the present working paper believe that the paralysis of an important section of the negotiating function of the Committee which has thus occurred is contrary to the spirit of the rule of consensus included in

¹ CD/204. The paper was submitted by Mexico, Nigeria, Pakistan, Sweden, and Yugoslavia.

² *Documents on Disarmament, 1980*, pp. 115-116.

³ *Ibid.*, pp. 339-341.

⁴ *Ante.*

⁵ *Ante.*