

Statement by the New Zealand Representative (Martin) to the First Committee of the General Assembly: Investigation Into Use of Chemical Weapons, November 25, 1980¹

I wish, on behalf of the delegations of Canada, France, the Federal Republic of Germany, Norway, Turkey, Spain and New Zealand, to introduce draft resolution A/C.1/35/L.43/Rev.1, which proposes investigation into reports of alleged use of chemical weapons.²

The use of chemical and biological weapons has always been viewed with abhorrence, and the world has justly condemned their use in war. It was that hostility to the use of chemical weapons, and the general acceptance that those weapons were an unconventional and unacceptable means of waging war, that was given formal expression in the 1925 Protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare.³

Abhorrence of the use of chemical weapons brought the Protocol into existence as a signpost no authority could overlook. The Protocol is not, however, supported by any formal system of control, and makes no provision for investigation of allegations of use. In those circumstances, whenever serious allegations of the use of chemical weapons are made, or it is widely believed that the Protocol has been, or may have been, flouted, the international community has a clear duty to mobilize the moral and political authority of the United Nations to heighten respect for the rules. It has in our view no less a duty to ensure that all reasonable steps are taken to look into all reports of alleged use to determine whether or not they can be verified.

The Stockholm International Peace Research Institute's study on chemical and biological warfare observes that since 1925 there have been only a few unambiguous and relatively well documented cases of the use of chemical and bacteriological weapons, but a much larger number of allegations where evidence about the truth of the alleged events was either non-existent or was inconclusive. In a few cases, investigations took place, sometimes under auspices of debatable impartiality. What those investigations highlighted, no less than the allegations, is that there was and continues to be a real need for machinery to investigate allegations of use.

Perhaps what is really called for is permanent machinery for this purpose. This would demonstrate the determination of the international community to uphold the authority of the Protocol. It would also, we are confident, act as a deterrent to the use of prohibited chemical weapons. At the same time, it would constrain those who might otherwise be tempted to make false complaints of use and it would provide a means by which States that may be falsely or recklessly accused could have that fact established by an international

¹ A/C.1/35/PV.43, pp. 2-7.

² A further revised version was adopted by the G.A. as res. 35/144C, Dec. 12, 1980.

³ For text, see *Documents on Disarmament*, 1969, pp. 764-765.

**Representative (Martin)
General Assembly: In-
ternational Weapons, November**

of Canada, France, the Federal Republic of Germany, Spain and New Zealand, to the General Assembly, Rev.1, which proposes investigational machinery for chemical weapons.²

Chemical weapons has always been viewed as a heinous and condemned their use in war. The Protocol on Chemical Weapons, and the general prohibition of unconventional and unacceptable weapons, even formal expression in the Protocol on the use in war of asphyxiating, poisonous or other gases, and all kinds analogous methods of warfare.³ The Protocol on Chemical Weapons brought the Protocol on Chemical Weapons could overlook. The Protocol on Chemical Weapons formal system of control, and the prohibition of allegations of use. In those instances of the use of chemical weapons, the Protocol has been, and the international community has a clear authority of the United Nations Security Council in our view no less a duty to be taken to look into all reports of alleged use that they can be verified.

The Research Institute's study on Chemical Weapons shows that since 1925 there have been a number of very well documented cases of alleged use of chemical weapons, but a much larger number of cases about the truth of the alleged use are inconclusive. In a few cases, where the use is under auspices of debatable legitimacy, it is highlighted, no less than the fact that it continues to be a real need for a permanent machinery for this purpose.

The determination of the international community of the Protocol. It would be essential to the use of prohibited weapons, it would constrain those who make false complaints of use and it would states that may be falsely or established by an international

G.A. as res. 35/144C, Dec. 12, 1980. pp. 764-765.

body. We think it would be appropriate for further consideration to be given to the question of such machinery during the next session of the General Assembly.

We have noted the suggestion that the question of machinery could perhaps be taken up in the Committee on Disarmament. Our own view is that, as the Committee on Disarmament has a limited membership and because all States Parties to the 1925 Protocol should have an opportunity to participate fully in the consideration of this matter—and would doubtless expect as much—it would be more appropriate for the subject to be taken up by the General Assembly.

But in the meantime, in the absence of permanent machinery we can at least look to the results of earlier consideration of the requirements for fact-finding machinery. In the course of those earlier discussions three criteria were proposed—that investigation should be speedy, that it should be impartial and that it should be carried out by a respected body. That is the approach reflected in draft resolution A/C.1/35/L.43/Rev.1. There having been reports of the alleged use of chemical weapons, we believe that the international community has an obligation to try to ascertain the facts. We may not now be able to fulfil the criterion of speed. But we can at least satisfy the other requirements. Accordingly, the draft resolution requests the Secretary-General to carry out an impartial investigation with the help of qualified medical and technical experts.

For the purposes of this enquiry we consider that a balanced panel of up to five experts should be appointed, to be drawn preferably from neutral or non-aligned countries. Their task, as the draft resolution states, would be (a) to seek relevant information from all concerned Governments, international organizations and other sources necessary and (b) to collect and examine evidence, including on-site, to the extent relevant to the purposes of the investigation. It is thus left to the discretion of the experts to decide, after examining the information provided by Governments, international organizations and other sources, whether there would be any point in taking their investigations further.

I wish to refer to a suggestion that has been made to the sponsors. This was that, as a demonstration of impartiality and as confirmation that we are not pursuing the subject of this draft resolution for political reasons or solely in order to embarrass any of the States which are alleged to have used chemical weapons, one change should be made [in] the fifth preambular paragraph, that is, that the word "recent" as a description of the reports of alleged use should be omitted. We considered this suggestion carefully. However, it seemed to us that there had to be some restriction on the scope of the investigation, which otherwise might seem to apply to all reports of alleged use since 1925. That, of course, was not what the delegations which suggested the change were looking for. They felt that it might be best if the wording would permit investigation of the use of chemical weapons in Viet Nam. We had no strong views on that subject and did not in any case consider that the wording necessarily excluded such investigation.

It is, however, our view that there would be little advantage in such an enquiry. The reason for that is, of course, that the use of chemicals in that country is extensively documented. There would be little point in asking the Secretary-General to carry out an investigation in order to re-establish facts which are well known, which are not denied and which have been the subject of Government reports, all of which are readily available.

In conclusion, I should like to commend this draft resolution to the Committee. Its objective is to uphold the continued authority of the 1925 Protocol. We believe that this Organization has a duty and an obligation to see that this is done.

Statement by the U.S. Representative (Flowerree) to the First Committee of the General Assembly: Report of the Committee on Disarmament, November 25, 1980¹

The United States supports the recognized role of the Committee on Disarmament as the single multilateral negotiating body and has supported the Committee's involvement in negotiations on specific issues determined by consensus within the Committee. In this regard, we should like to recall paragraph 120 (e) of the Final Document of the first special session devoted to disarmament, in which it was recorded that the Committee on Disarmament would adopt its own agenda taking into account the recommendations made to it by the General Assembly and the proposals presented by the members of the Committee.² Clearly, it was not envisaged that the Committee would take up every issue on the international arms control and disarmament agenda without reflection on whether the subject was appropriate or ready for negotiation in the multilateral body. Logically, certain issues should be addressed by the countries directly concerned, and involvement by the Committee on Disarmament at an inappropriate stage would not be useful and could even jeopardize the productive potential of particular negotiations. Nuclear disarmament issues, for example, are the primary responsibility of the nuclear-weapon States, as stressed in the Final Document of the first special session devoted to disarmament. Measures of a bilateral or regional character are, of course, the primary responsibility of the parties directly concerned.

¹ A/C.1/35/PV.43, pp. 72-73.

² *Documents on Disarmament, 1978*, pp. 433-434.