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CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS

Report of the First CommitteeRavoorter: Mr. Virgilio A. REYES (Philippines)

I. INTRODUCTION

1. The **item** entitled "Chemical and bacteriological (biological) weapons*" was included in the provisional agenda of the forty-third session in accordance with General Assembly resolutions **42/37** A to C of 30 November 1957.
2. At its 3rd plenary meeting, on 23 September 1988, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.
3. At its 2nd **meeting**, on 12 October, the First Committee decided to hold a general debate on the disarmament items allocated to it, namely, items 51 to 69 and 139, 141 and 145. The deliberations on those items took place between the 3rd and the 25th meetings, from 17 October to 2 November (see **A/C.1/43/PV.3-25**). Consideration of and action on draft resolutions on those **items** took place between 3 and 18 November (see **A/C.1/43/PV.26-43**).
4. In connection with item 63, the First Committee had before it the following documents:
 - (a) Report of the Conference on Disarmament: 1/
 - (b) Report of the Secretary-General on chemical and bacteriological (biological) weapons (**A/43/690**);

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

(c) Letters dated 11 January and 25 February 1988 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General (**A/43/88-S/19427, A/43/172**);

(d) Letters dated 22 and 24 March, 4, 5 and 27 April 1988 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/43/233-S/19669, A/43/239-S/19682, A/43/279-S/19726, A/43/280-S/19727, A/43/281-S/19733, A/43/282-S/19734, A/43/288-S/19741. A/43/338-S/19844);

(e) Letter dated 28 March 1988 from the **Chargé** d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/43/262-S/19699);

(f) Letter dated 30 March 1988 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General (A/43/268-S/19715);

(g) Letter dated 31 **March** 1988 from the Permanent Representative of Bulgaria to the United Nations addressed to the Secretary-General, transmitting the texts of the communique and the appeal issued by the Committee of the Ministers for Foreign Affairs of the States Parties to the Warsaw Treaty at its Sofia meeting, on 29 and 30 March 1988 (**A/43/276**);

(h) Letter dated 12 April 1988 from the Permanent Representative of the Federal Republic of Germany to the United Nations addressed to the Secretary-General (A/43/297);

(i) Letter dated 13 April 1988 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (A/43/303-S/19774);

(j) Letter dated 11 May 1988 from the Permanent Representatives of the Federal Republic of Germany and Thailand to the United Nations addressed to the Secretary-General, transmitting the text of the joint declaration of the seventh meeting of the Foreign Ministers of the European Community and of the Association of South-East Asian Nations, which took place at Diisseldorf, Federal Republic of Germany, **on** 2 and 3 May 1988 (**A/43/373**);

(**k**) Letter dated 31 May 1988 from the Permanent Representatives of Thailand and the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General (A/43/387-S/19918);

(l) Letter dated 9 June 1988 from the **Chargé** d'affaires a.i. of the Permanent Mission of Trinidad and Tobago to the United Nations addressed to the Secretary-General, transmitting the text of the communique of the Fourteenth Meeting of the Standing Committee of Ministers responsible for Foreign Affairs of the Caribbean Community, held at Port of Spain on 20 and 21 May 1988 (**A/43/399**);

(m) Letter dated 30 June 1988 **from** the Permanent Representative **of** the Federal Republic of Germany to the United Nations addressed to the Secretary-General, transmitting the text of the conclusions of the Heads **of** State

of the Twelve States members of the European Community at the European Council, which was held at Hanover, Federal Republic of Germany, on 27 and 28 June 1988 (A/43/436-S/19975);

(n) Letter dated 7 July 1988 from the **Chargé d'affaires a.i.** of the Permanent Mission of the Federal Republic of Germany to the United Nations addressed to the Secretary-General (A/43/456-S/20000);

(o) Letter dated 22 July 1988 from the **Chargé d'affaires a.i.** of the Permanent Mission of Antigua and Barbuda to the United Nations addressed to the Secretary-General, transmitting the text of the communiqué of the ninth meeting of the Conference of Heads of Government of the Caribbean Community, held at Deep Bay, Antigua and Barbuda, from 4 to 8 July 1988 (A/43/480);

(p) Letter dated 29 September 1988 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General, transmitting the final documents adopted by the Conference of Foreign Ministers of the Movement of Non-Aligned Countries, held at Nicosia from 5 to 10 September 1988 (A/43/667-S/20212);

(q) Letter dated 6 October 1988 from the Permanent Representative of Zimbabwe to the United Nations addressed to the Secretary-General, transmitting the text of the final communiqué of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries to the forty-third session of the General Assembly, held in New York on 3 October 1988 (A/43/709);

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.1/43/L.52 and Rev.1

5. On 31 October, Australia, Austria, Belgium, Cameroon, Canada, Colombia, Côte d'Ivoire, Denmark, Germany, Federal Republic of, Greece, Iceland, Italy, Japan, the Netherlands, New Zealand, Norway, Spain, Sweden, the United States of America and Zaire submitted a draft resolution entitled "Measures to uphold the authority of the 1925 Geneva Protocol and to support the conclusion of a chemical weapons convention" (A/C.1/43/L.52), which was later also *sponsored by Ecuador, Liberia, Thailand, Turkey and Uruguay.*

6. On 14 November, Australia, Austria, Belgium, Cameroon, Canada, Colombia, Côte d'Ivoire, Denmark, Ecuador, France, Germany, Federal Republic of, Greece, Iceland, Italy, Japan, Liberia, the Netherlands, New Zealand, Norway, Spain, Sweden, Thailand, Turkey, the United States of America, Uruguay and Zaire submitted a revised draft resolution (A/C.1/43/L.52/Rev.1), which was later also sponsored by Bulgaria, the German Democratic Republic, Poland, Portugal and the Union of Soviet Socialist Republics. The revised draft resolution was introduced by the representative of Australia at the 36th meeting, on 14 November, and contained the following changes:

(a) The seventh preambular paragraph, which had read:

"Bearing in mind the relevant resolutions of the Security Council";

was replaced by a new paragraph reading:

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

(b) Operative paragraph 8, which had read:

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

was replaced by a new paragraph reading:

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

7. In connection with draft resolution A/C.1/43/L.52/Rev.1, the Secretary-General submitted a statement on its programme budget implications (A/C.1/43/L.79 and Corr.1).

8. At its 39th meeting, on 16 November, the Committee adopted draft resolution A/C.1/43/L.52/Rev.1 without a vote (see para. 14, draft resolution A).

B. Draft resolution A/C.1/43/L.59

9. On 31 October, Argentina, Australia, Austria, Belgium, Bolivia, Bulgaria, the Byelorussian Soviet Socialist Republic, Canada, Chile, China, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, Germany, Federal Republic of, Greece, Guyana, Hungary, Iran (Islamic Republic of), Ireland, Italy, Japan, Liberia, Mongolia, the Netherlands, New Zealand, Norway, Pakistan, Poland, Romania, Spain, Sweden, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zaire submitted a draft resolution entitled "Second Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction" (A/C.1/43/L.59). The draft resolution was introduced by the representative of Austria at the 27th meeting, on 4 November 1988,

10. At the 39th meeting, on 16 November, the Secretary of the Committee informed the Committee that the draft resolution had no programme budget implications (see A/C.1/43/PV.39).

11. At the same meeting, the Committee adopted draft resolution A/C.1/43/L.59 without a vote (see para. 14, draft resolution B).

C. Draft resolution A/C.1/43/L.67

12. On 31 October, Argentina, Australia, Austria, Belgium, Canada, Denmark, Finland, France, the German Democratic Republic, Germany, Federal Republic of, Greece, Iceland, Ireland, Italy, Japan, Mexico, Mongolia, the Netherlands, Norway, Philippines, Poland, Spain, Sweden, the Ukrainian Soviet Socialist Republic, the United Kingdom of Great Britain and Northern Ireland and Viet Nam submitted a draft resolution entitled "Chemical and baateriological (biological) weapons" (A/C.1/43/L.67), which was later also sponsored by Bulgaria, Hungary, Malaysia, Portugal, Samoa, Turkey and Uruguay. The draft resolution was introduord by the representative of Poland at the 36th meeting, on 14 November 1988.

13. At its 39th meeting, on 16 November, the Committee adopted draft resolution A/C.1/43/L.67 without a vote 2/ (see para. 14, draft resolution C).

III, RECOMMENDATIONS OF THE FIRST COMMITTEE

14. The First Committee recommends to the General Assembly the adoption of the following draft resolutions:

Chemical and bacteriological (biological) weapons

A

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

The General Assembly,

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

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

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

Expressing deep dismay at the use of chemical weapons in violation of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, 3/ and of other rules of customary international law, at indications of their emergence in an increasing number of national arsenals and at the growing risk that they may be used again,

2/ Subsequently, the delegation of the Islamic Republic of Iran indicated that it had not participated in the action on the draft resolution.

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

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

Recalling also the necessity for adherence by all States to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed in London, Moscow and Washington on 10 April 1972, 4/

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

Noting that prompt and impartial investigation of reports of possible use of chemical and bacteriological weapons would further enhance the authority of the 1925 Geneva Protocol,

Taking note of the report of the Secretary-General 5/ on the meeting of the group of qualified experts established in pursuance of General Assembly resolution 42/37 C to develop further the technical guidelines and procedures available to the Secretary-General for the timely and efficient investigation of reports of the possible use of chemical and bacteriological (biological) or toxin weapons,

Recalling that, in its resolution 620 (1988) of 26 August 1986, the Security Council decided to consider immediately, taking into account the investigations of the Secretary-General, appropriate and effective measures in accordance with the Charter of the United Nations,

Expressing its appreciation for the work of the Secretary-General, and noting the procedures available to him in support of the principles and objectives of the 1925 Geneva Protocol,

1. Renews its call to all States to observe strictly the principles and objectives of the 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, and condemn vigorously all actions that violate this obligation;

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

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

4/ Resolution 3826 (XXVI), annex.

5/ A/43/690.

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

5. Requests the Secretary-General to carry out promptly investigations in response to reports that may be brought to his attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxin weapons that may constitute a violation of the 1925 Geneva Protocol or other rules of customary international law in order to ascertain the facts of the matter, and to report promptly the results of any such investigation to all Member States, in accordance with the procedures established by the General Assembly in its resolution 42/37 C;

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

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

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

B

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

The General Assembly,

Recalling its resolution 2626 (XXVI) of 16 December 1971, in which it commended the Convention of the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction ^{3/} and expressed the hope for the widest possible adherence to the Convention,

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

Recalling that the States parties to the Convention met at Geneva from 8 to 26 September 1986 to review the operation of the Convention with a view to assuring that the purposes of the preamble to and the provisions of the

Convention, including the provisions concerning negotiations on chemical weapons, were being realized,

Recalling also its resolution 41/58 A of 3 December 1986, in which it, inter alia, noted with appreciation that on 26 September 1986, the Second Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction adopted by consensus a Final Declaration, 6/

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

1. Notes with appreciation that, in accordance with the Final Declaration of the Second Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, an Ad Hoc Meeting of Scientific and Technical Experts from States parties to the Convention was held at Geneva from 31 March to 15 April 1987, which adopted by consensus a report 7/ finalising the modalities for the exchange of information and data agreed to in the Final Declaration, thus enabling States parties to follow a standardized procedure;

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

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

4. Requests the Secretary-General to render the necessary assistance and to □□□❖)(≡ℓ • such services as may be required for the implementation of the relevant parts of the Final Declaration;

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

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

7/ BWC/CONF.II/EX/2.

C

Chemical and bacteriological (biological) weapons

The General Assembly,

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

Reaffirming the urgent necessity, particularly following recent United Nations reports, of strict observance by all States of the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, 3/ and taking note with satisfaction of the proposal to convene a conference to that effect,

Reaffirming also the urgent necessity of the adherence by all States to the Convention of the Prohibition of the Development and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, 4/ signed in London, Moscow and Washington on 10 April 1972,

Taking note of the Final Document of the Second Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, adopted by consensus on 26 September 1966, 5/ and, in particular, of article IX of the Final Declaration of the Conference, 6/

Having considered the report of the Conference on Disarmament, 9/ which incorporates, inter alia, the report of its Ad Hoc Committee on Chemical Weapons, 10/ and noting that following the precedents set over the past four years, consultations are continuing during the inter-sessional period, thus increasing the time devoted to negotiations,

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

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

8/ BWC/CONF.II/13.

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

10/ Ibid., para. 77.

Conscious of the need to **share** data relevant to the negotiation⁸ on a future convention banning all chemical weapons on a global basis and of the fact that the provision of such data would be an important confidence-building measure,

Noting the bilateral and other discussions, including *the* ongoing exchange of views between the Union of the Soviet Socialist Republic⁶ and the United States of America in the framework of the multilateral negotiations, on issues related to the prohibition of chemical weapons,

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

1. **Takes note with satisfaction** of the work of the Conference on Disarmament during its 1988 session regarding the prohibition of chemical weapons, and in particular appreciates the progress in the work of its **Ad Hoc** Committee on Chemical Weapons⁶ on that question and the tangible results recorded in its report;

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

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

4. **Requests** the Conference on Disarmament to report to the General Assembly at its forty-fourth session on the results of its negotiations¹

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

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

7. **Welcomes** the offer by the French Government to convene in Paris from 7 to 11 January 1989 a conference of the States parties to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous and Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and of other interested States;

a. **Expresses** the hope that all States will contribute actively to the objectives of the conference,
