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CWEKICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS

Letter dated 16 October 1989 from the **Permanent** Representative
of Australia to the United Nations addressed to the
Secretary-General

I am writing to inform you of the outcome of the Government-Industry Conference against Chemical Weapons, convened by Australia at Canberra from 18 to 22 September 1989,

Delegations from 66 countries and a small number of international organisations, including your own representative, participated in the Conference.

The Conference was a unique event, bringing together not only Governments, which have the responsibility for negotiating and implementing the chemical weapons convention which is being negotiated by the Conference on Disarmament at Geneva, but also representatives of the world's chemical industry, which will be directly affected by its implementation.

Building on the Final Declaration of the Conference of States Parties to the 1925 Geneva Protocol and Other Interested States on the Prohibition of Chemical Weapons, held in Paris from 7 to 11 January 1989, 1/ and in particular its call for a redoubling of efforts to conclude the Convention at the earliest date, government and industry representatives came together to reinforce and give new momentum to a dialogue that is crucially necessary for two purposes:

(a) To assist in the resolution of technical **issues** and the identification of workable and realistic solutions to other outstanding problems, to enable the early conclusion of the **Convention**;

(b) To convey a clear understanding of the industry's concerns, and an appreciation of how the chemical weapons convention will impact on the industry, so

as to ensure not only the speedy conclusion of the convention, but its effective practical implementation.

The **Conference** was the occasion **for** a number of important developments, including:

(a) The first collective statement by the world's chemical industry of its commitment to assist Governments in bringing about a total ban on chemical weapons through a comprehensive chemical weapons convention:

(b) Extensive dialogue between Governments and industry on issues relating both to the conclusion and implementation of the treaty and detailed exploration of ways of progressing that dialogue in the future:

(c) The identification of a number of measures in support of the objectives of the chemical weapons convention which both Governments and industry are either implementing Or have indicated a willingness to consider in advance of its coming into effect:

(d) **A** renewed expression of commitment by Governments to **conclude** and implement a comprehensive chemical weapons convention at the earliest **date**.

I enclose a copy of the summary statement made by the Chairman of the Conference, Senator The Hon. Gareth Evans, Q.C., **Minister** for Foreign **Affairs** and **Trade** of Australia, at the concluding plenary meeting. I also enclose the statement which was adopted by the Industry Forum, reflecting the views of the world's chemical industry, as represented at the Conference.

I would be grateful **if** you would circulate both texts as a document of the forty-fourth session of the General **Assembly** under agenda item 62.

Notes

1/ **A/44/88**, annex.

Annex I**SUMMARY STATEMENT BY THE CHAIRMAN DATED 22 SEPTEMBER 1989**

I. INTRODUCTION

1. This Conference has been a unique event, bringing together not only Governments, which have the responsibility **for** negotiating and implementing the **forthcoming** chemical weapons **convention**, but also representatives of the world's chemical industry, who will be directly affected by its implementation.

2. Building on the Paris Conference Declaration of January 1989, and in particular its call **for** a redoubling of efforts to conclude the convention at the earliest date, government **and** industry representatives have come together to **reinforce** and give new momentum to a dialogue that is crucially necessary for two purposes:

(a) **To** assist in the resolution of technical issues **and** the identification of workable and realistic solutions to other outstanding problems, to enable the early conclusion of the Convention;

(b) To convey a clear understanding **of** the industry's concerns, **and** an appreciation of how the chemical weapons convention will impact on the industry, so as to **ensure** not only the speedy conclusion **of** the convention, but its effective **practical** implementation.

3. This Conference has been the occasion for a number of important developments, including:

(a) The first collective statement by the world's chemical industry of its commitment to assist Governments in bringing about **a** total ban on chemical weapons through a comprehensive **chemical** weapons convention;

(b) **Extensive** dialogue between Governments **and** industry on issues relating both to the conclusion and implementation of the treaty, **and** detailed exploration of ways of progressing that dialogue in the future;

(c) The **identification** of a number of measures in support of the objectives of the chemical **weapons** convention, which both Governments and industry are either implementing, or have indicated a willingness to consider, in advance of its coming into **effect**;

(d) A renewed expression of commitment by Governments to conclude and implement a comprehensive chemical weapons convention at the earliest date.

4. There was at the **Conference** clearly evident total support for the achievement of a chemical weapons convention of comprehensive scope, which would be effective, verifiable and workable in practice, non-discriminatory in impact and attract universal adherence. It was acknowledged that no interim **régime** could be a

substitute for such a convention. The long quest for a comprehensive, global and effectively verifiable ban on chemical weapons, to which we are all firmly committed, has been brought closer to realization by the assembly here in Canberra of the relevant diplomatic skills and industrial expertise needed to complete and implement the chemical weapons convention.

II. CONCLUDING THE CONVENTION

5. The conceptual framework of the convention is already **substantially** settled, and many of its detailed provisions have already been elaborated. In bringing the convention to conclusion, 1990 is seen by most delegations as a critical year. I have clearly discerned in the contributions of all delegations both the political and practical will to work through and resolve, as fast as the complexity of the subject matter allows, remaining outstanding issues in the convention negotiations. The general view is that the major substantive issues for negotiation should be able to be completed within the coming year.

6. Much of the discussion at the Conference focused on those issues whose resolution could clearly benefit from industry input and co-operation, in particular:

- (a) Verification of régimes;
- (b) Protection of confidential commercial information;
- (c) Structure of the international authority and its relationship through national authorities with chemical industries;
- (d) Technical questions in relation to the destruction of existing stockpiles and production facilities;
- (e) Within the convention context, promotion of the free and non-discriminatory exchange of chemicals and technology only for peaceful purposes, and assistance to developing States parties.

7. In order to assist in the process of resolving outstanding issues, many countries have brought to the negotiations their own national experience with various matters relevant to the convention, and these were reported to the conference. These exercises have enabled the outstanding issues to be considered from a very practical perspective, and have helped to give a better understanding of what is required under the convention. In particular:

- (a) A number of countries have conducted national trial inspections, and others are planning to do so;
- (b) Other countries have been conducting, or are planning to conduct, trial challenge inspections.

8. It was recognised that the negotiating environment for an early conclusion of the convention would be significantly enhanced by Governments being as frank and

open as possible **in** their approach to chemical **weapons** issues, bringing their activities into conformity with their commitment to the convention, and by taking other specific steps **- in the period before the Convention** is concluded -- to increase confidence **in** it. Such **steps** could include:

(a) Acknowledgement **of** their chemical weapon stocks by **weapons-possessing States;**

(b) Bilateral and multilateral data exchanges **as** provided **for** in the rolling **text;** information could be **provided** on chemical **weapon** stockpiles, chemical weapon production **facilities,** chemical weapon destruction facilities, and production of chemicals included **in** schedule 1, 2 and **3;**

(c) Trial inspections **of** stockpiles and production facilities on a bilateral and multilateral basis;

(d) Establishing facilities to allow **for** the environmentally **sound** **destruction of** chemical weapon **stocks,** and exchanging the technology relevant to this **process;**

(e) Taking steps to eliminate existing chemical weapon **stockpiles;**

(f) Making unequivocal undertakings not to acquire chemical weapons and acting accordingly, **as** part of exercising restraint and acting responsibly **in** accordance with the purpose **of** the **Geneva** negotiations;

(g) Informing Governments outside the Conference on **Disarmament** on the negotiations for a chemical weapons conference (as has been **done,** e.g., by the **Chairman of the Ad Hoc** Committee, and through Australia's **Regional** Initiative).

III. IMPLEMENTING THE CONVENTION

9. The effectiveness **of** the convention will be **maximized** by the adherence of all States, and there were many calls **for Governments** to work actively towards that objective. The convention will provide **equal** security benefits to its adherents, and the value of those benefits will be **strengthened** by widespread support. At the same time, the operation of the chemical weapons convention will assure industry that its products can readily be traded **and distributed** on **a non-discriminatory** basis for **purposes** not prohibited **by** the convention. The convention will provide for equal treatment for all countries and all industrial entities. All Governments and their industries have a strong interest **in** confirming that these objectives are **realized** in practice.

10. A number of countries are already implementing in advance **some** of the provisions of the draft convention, adapting existing national **measures** to the convention framework, or **adopting** other measures which will assist in its implementation. For example, in addition to the trial inspections **already referred to, Governments are:**

(a) **Establishing** the framework for ~~the~~ national authorities which will implement the convention (e.g. the *decision* of Australia to establish its national chemical weapons convention authority ~~and~~ the interest of others in doing likewise);

(b) **Establishing** technical ~~assistance~~ programmes for the identification and training of **personnel** who might be **required** to carry out the obligations of the convention (e.g., the programme established by Finland);

(c) Legislating to prohibit certain activities which will be proscribed under the convention (e.g. the Federal Republic of Germany's recent amendments to the War Weapons Control Act).

Developments of this kind will contribute momentum to the negotiations, and will help to avoid misapprehensions and delays in implementing the convention. Taking such measures will also contribute to a collective understanding of the extent to which the convention can be implemented within the existing operations of Governments and industry.

11. It was proposed that all nations should consider the mechanisms they will need to put in place to implement the convention's requirements. Since the impact of the convention will vary considerably according to differing circumstances, special attention will need to be paid to the concerns of those countries with small or non-existent industries, or whose bureaucracies may require technical assistance in handling the complex requirements of the convention.

12. It was also proposed by some delegations that consideration be given to **establishing** a group or groups which could form the nucleus of the technical secretariat to be established under the convention, contribute to the resolution of certain outstanding issues in the negotiation of the convention, or both; this is a matter which will need to be taken up at Geneva.

IV. INDUSTRY'S ROLE

13. The effective implementation of the precise mechanisms to achieve the convention and its objectives will ~~depend to~~ a significant extent on the co-operation and commitment of the **chemical** industry. At this Conference ~~the~~ industry has made very clear its support for the conclusion of a convention, ~~that~~ it believes such a convention will in fact be in its own interests, and that it wants to help to make that convention as effective and practicable ~~as~~ possible. The statement adopted this week by the representatives of the world's **chemical** industry is an especially important and historic one. **It:**

(a) Expresses their unequivocal abhorrence of chemical warfare;

(b) Expresses their willingness to work actively **with Governments** to achieve a global ban on chemical weapons and contribute additional momentum to the Geneva negotiating process;

(c) Affirms their desire to foster international co-operation **for** the legitimate civil uses of chemical products and their opposition to the diversion of industry's products **for** the manufacture of chemical **weapons**;

(d) Declares their support **for efforts** to conclude and implement the chemical weapons convention **at the earliest date**.

14. The chemical industry representatives here present **have also announced this** week the establishment of a new international industry forum as a focal point for its essential practical input into the convention-making and implementation process. The group will meet at Geneva and involve an extension of present informal arrangements **so as to include** representatives of all the world's chemical industries, not just the developed countries.

15. The role which the chemical industry **has** played in promoting the economic development and improving the **living** standards of all peoples was frequently mentioned, and acknowledged by government representatives. It is clear that the industry wishes to continue vigorously to pursue its positive contribution to the raising of the quality of life of the people of all nations by the development of its products and their proper dissemination and use.

16. It was noted during the Conference **that** although the regulatory burden of the convention on industry would be significant, it would not be significantly different in kind from that which the industry already experiences. There are in **many** countries areas of extensive interaction between Governments and chemical **industry**. Examples include:

(a) **National** reporting arrangements **for** environmental, health, safety and transport **reasons**;

(b) National **inspection** of the chemical industry for these purposes;

(c) Consultation and co-operation in establishing the facts of **industry** activity.

In view of these **already-existing** national measures, and new steps announced at the Conference, many parts of the industry will be well aware of the general kinds of requirements which will have to be addressed under a convention regime. Both government and industry representatives accepted the desirability of very substantial consultations occurring in the period ahead to **ensure** that common **objectives** are achieved in the least costly and intrusive manner possible.

17. **Preparations** for the implementation of the convention will entail specific actions by Government and industry. At this Conference, a number of such matters specifically **involving** industry have been raised, including:

(a) The need by Governments for additional inputs from all sections of industry, including policy-level direction, management, technical **experts** and the **research** community;

(b) The need for a more substantial time commitment by representatives of industry to **the** Geneva negotiating process, and in **particular** extension of the formal sessions currently **devoted** to industry consultation;

(c) The need to include workers and their representatives as part of the industry resource for Governments as they draft and implement the convention)

(d) The need for more trial inspections, and trials to prepare **for** other aspects of implementing the **convention's** requirements, such as **the** collection and assembly of relevant data about the characteristics of the national chemical **industry;**

(e) The need for industry to apply its code of responsible care so as to ensure, amongst other things, the compatibility of its activities with objectives of the convention, including the objective, shared with Governments of non-diversion of its products for the manufacture of chemical weapons.

V. CONCLUSION

18. This Conference has not been a substitute for, or an alternative to, the negotiations on a chemical weapons convention in the Conference on Disarmament at Geneva. What we have endeavoured to do, and I believe succeeded in doing, is contribute to the early success of those negotiations. There was widespread support for continuing and expanding the dialogue between Government and industry **both** at the national level and in direct support of the negotiating process at Geneva. The Conference heard many calls for the earliest completion **and implementation** of the chemical weapons convention. The chemical industry stated its full and unequivocal support for such an **outcome**.

19. The tasks ahead for Governments **are:**

(a) To work for the earliest conclusion of the negotiations at Geneva;

(b) To build confidence in the convention through initial steps;

(c) To develop **appropriate** mechanisms to prepare for, and, when ready, to implement the chemical **weapons** convention;

(d) To continue and expand the dialogue **with industry** with the objective of both resolving outstanding questions in **the** Geneva negotiations, and **preparing** the ground for the effective practical implementation of the convention once concluded.

20. The **tasks ahead** for industry are:

(a) To consider the detailed requirements for the conclusion and implementation of the **chemical** weapons convention and to continue to expand **its** dialogue between Government and industry:

(b) To help to define practical, workable and effective solutions to outstanding problems being addressed in the Geneva negotiations:

(c) To **co-operate** in ensuring that their **products are** not diverted for the manufacture of chemical weapons:

(d) To collaborate with Governments and with other sections of the Industry in ensuring that the chemical weapons convention's provisions are implemented fully and effectively and apply equally to all parties: industry representatives at the Canberra Conference will no doubt wish to be in contact with those elements of the industry not physically present here to discuss with **them** in detail the issues raised at this meeting.

21. Above all else, the Government-Industry Conference against Chemical Weapons has affirmed the commitment of **Governments** and the world's chemical industry to work together to bring to fruition at the earliest date **a** comprehensive, global chemical **weapons** convention - long intensely desired, and now widely anticipated - which will operate to rid the world once and for all of these universally detested weapons. **All** of us want a **chemical** industry operating in the cause not **of** death, but of life.

Annex II

INDUSTRY FORUMS STATEMENT

The world's chemical industries, as represented by industry representatives present at the **Government-Industry** Conference against Chemical Weapons, held at **Canberra** from **18** to **22** September 1989:

1. **Welcome** the Government-Industry Conference against Chemical Weapons and the constructive dialogue which has taken place between governments and **representatives of** the world's chemical industries, and between **industrial representatives** of different **countries**;

Express their unequivocal abhorrence of chemical warfare;

3. **Express** their willingness to work actively with **Governments** to achieve a global ban on chemical weapons, and their **willingness** to contribute additional momentum to the **Geneva negotiating** process;

4. **Affirm** their **desire** to foster international **co-operation** for the legitimate civil uses of chemical products; their **opposition** to the diversion of **industry's** products for the manufacture of chemical weapons;

5. **Declare** their support for efforts to **conclude** and **implement** the chemical weapons convention at the earliest date. Industry believes that the only solution to the problem of chemical weapons is a **global, comprehensive** and effectively verifiable chemical weapons convention which requires the destruction of all **existing** stockpiles of, and production facilities for, chemical weapons and which implements measures to assure that their future production does not take place;

6. **Express** the strong hope that the negotiating parties in the Conference on Disarmament at Geneva will resolve urgently the outstanding issues and conclude a chemical weapons convention at the earliest date;

7. **State** their willingness to continue their dialogue with Governments to prepare for the entry into force of an effective chemical weapons convention which protects the free and non-discriminatory exchange of chemicals and transfer of technology for economic development and the welfare of all people. The chemical industry indicates its willingness to participate in national measures designed to facilitate early implementation of the convention following its conclusion.