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**CHEMICAL 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 organizations, 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 recognized that the negotiating environment for an early conclusion of the convention would be significantly enhanced by Governments being as frank and

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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 schedules 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 régime. 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.