

2. At the present time it is not known how many and what States will be parties to the convention which is to be prepared, and there is no guarantee that all the States parties to the Geneva Protocol, of which there are already more than 100, will also become parties to the future convention on the complete prohibition of chemical weapons. The Geneva Protocol is unique in the sense that its characteristic feature is the participation in it of all five Powers which are permanent members of the United Nations Security Council, and of other militarily significant States. It would therefore be undesirable to take any steps which, directly or indirectly, may undermine the effectiveness and efficacy of this important instrument.

3. Under the relevant resolutions of the United Nations General Assembly, and particularly resolution 34/72, adopted at the Assembly's last session, it is a priority responsibility of the Committee on Disarmament to undertake negotiations on an agreement on the complete and effective prohibition of the development, production and stockpiling of all chemical weapons, and on their destruction. Those resolutions do not speak of the prohibition of the use of chemical weapons. The statement concerning the complete prohibition of chemical weapons in the Final Document of the tenth special session of the United Nations General Assembly, devoted to disarmament, is in the same spirit.

4. It would be appropriate to mention the importance of the Geneva Protocol in the preamble to the future convention, and also to include in the convention an article to the effect that no provision of the convention should be interpreted as in any way limiting or detracting from the obligations assumed under the Geneva Protocol by States; for such a provision is to be found in many agreements concluded in the sphere of disarmament. A duplicate prohibition of the use of chemical weapons will undoubtedly create difficulties of a legal nature, however, and may constitute a precedent with serious consequences for possible attempts to review other existing agreements on the limitation of the arms race and on disarmament.

5. The Geneva Protocol prohibits the use, both of chemical and of bacteriological weapons. Bacteriological weapons, and their development, production and stockpiling, are fully prohibited and subject to complete destruction under the 1975 Convention; and there is of course no provision in that Convention concerning the non-use of bacteriological weapons. There is no reason why the future convention on the prohibition of chemical weapons, covering the second of the different kinds of weapons of mass destruction considered together in the Geneva Protocol should, unlike the 1975 Convention, contain a provision on non-use. This would only result in a weakening both of the Geneva Protocol and of the future convention on the complete prohibition of chemical weapons.