

(Mr. Elaraby, Egypt)

to the question of undiminished security - an issue which imposes itself in almost every aspect and provision of our draft convention. A legal question which is very relevant to the issue of undiminished security is the relation of the chemical weapons convention to other relevant international agreements. This provision is the cover under which unilaterally declared "rights" under the 1925 Geneva Protocol are to be transferred to and thereby eternalized in the chemical weapons convention. Some maintain the position that retaliatory use of chemical weapons in conformity with the reservations attached to the 1925 Protocol must remain permissible as long as chemical weapons exist. Any such attempts aiming at creating a situation of legal uncertainty about the scope of the prohibition and the implementation of the convention should be resisted, for it would undermine the integrity of the whole edifice of the convention. The convention should be the sole international contractual legal instrument that governs chemical weapons; otherwise we will be creating a dual legal regime. Furthermore, the legal uncertainty concerning the scope of the prohibition and the implementation of the convention will continue to plague the international community. The comprehensive undertaking not to use chemical weapons, which is already provided for in article I, paragraph 3 of the draft convention, is incompatible with any claim that a reservation to the 1925 Protocol can be carried through in the future. The chemical weapons convention should, therefore, provide that all States with retaliatory rights under the 1925 Protocol should renounce their reservations at the time they sign the convention.

Another important issue that falls directly under the broad concept of undiminished security is that of sanctions. In the absence of effective international control, comprising credible assurances as well as viable monitoring arrangements, the threat to both national and international security persists. This is why the international community should not limit itself to negative assurances in the manner followed with respect to the non-proliferation Treaty. What is needed is positive and credible assurances which would be applied through a mechanism elaborated by the convention and in conformity with the rules of international law. Sanctions, in my view, are guarantees to ensure ultimate compliance. In order to sustain the credibility of these sanctions, they will have to be monitored by the executive council acting under the appropriate supervision of the Security Council. In some cases non-compliance with the convention may constitute a threat to international peace and security. This is why I suggest that a clear relation be established between the functions and competence of the executive council and the Charter-prescribed responsibilities of the Security Council. The executive council should consider the questions of non-compliance and convey its conclusions and recommendations to the Security Council. My delegation welcomes the decision taken by the Ad Hoc Committee to incorporate a new article under the title "Measures to redress a situation and ensure compliance, including sanctions". My delegation has been advocating the inclusion of such an article since 1989. We do, however, realize that further work on this article and related provisions in other parts of the draft convention is still required.