

(Mr. Evans, Australia)

the chemical industry in the industrialized world, and its Governments, share a concern that the convention not hinder trade unnecessarily. So, with all this in mind, the Australian text advances what we consider is another balanced compromise between the emphasis of various delegations on the issue of, in shorthand, export controls.

We are proposing that the convention clearly outlaw restrictions which could be said to be designed to impede the development and promotion of technological knowledge. We also believe it appropriate that parties undertake to ensure that their national restrictions are applied completely consistently with the objectives and purposes of the convention: this requirement is set out in article XI, paragraph 1 (d). This means that CWC parties in good standing should be able to expect that there would be no restrictions placed on them in the field of chemistry, including in the trading of chemicals.

Of course the high ideals enshrined in this convention can only be achieved by parties monitoring responsibly their national chemicals trade. National machinery must be able to ensure that our individual chemical industries give no assistance whatsoever to those still bent on inflicting the scourge of chemical weapons on us all. It is clear that present export control regimes, including the policy harmonization work of the Australia Group, will need to be significantly modified to ensure consistency with the convention. But we are equally persuaded, from our wide consultations, that if we do not achieve a convention, significantly more draconian export control regimes will necessarily emerge - and so damage the prospects for the development of legitimate chemical industries and trade in many parts of the world.

The question of how to handle the problem of old or abandoned chemical weapons stocks is an issue which affects a large number of the countries represented here. The Indonesian Ambassador, as a Friend of the Chair, has done useful work on this issue and indeed has helped advance our own thinking. Our text seeks to outline a balanced compromise based on a clear and realistic definition of what constitutes a chemical weapon. Accordingly we have introduced, in article I, the concept of "other toxic munitions and devices". This removes any ambiguity, making it clear that other toxic munitions or devices are not to be regarded as chemical weapons under the convention.

The question of responsibility for abandoned chemical weapons is addressed in article IV of the convention. Our text builds on the very considerable effort that has been given to this question in the CD negotiations by including a compromise formulation which ensures that the abandoning State party is consulted before, and involved in the process of, destruction of chemical weapons abandoned by it.

The provisions in articles I and IV thus interact to ensure that a State party does not seek to circumvent its obligations in relation to chemical weapons by resorting to abandonment of CW. This is achieved by placing a 1925 cut-off date for defining abandoned CW as "other toxic munitions and devices".