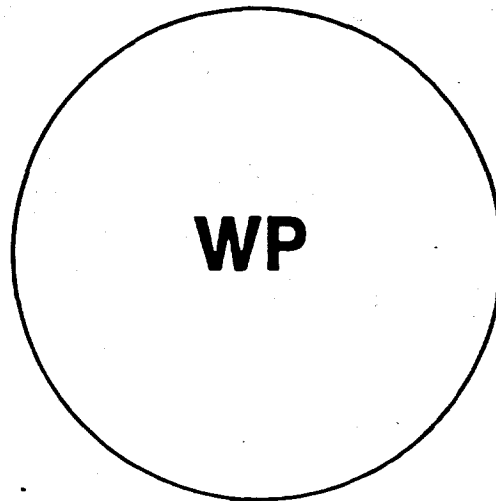


# CONFERENCE ON DISARMAMENT

## RADIOLOGICAL WEAPONS — WORKING PAPERS (WP)

1970-1984



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THE DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, CANADA

JANUARY 1985

PREFACE

CONFERENCE ON DISARMAMENT - 1985 SESSION

This book is the result of a survey of the working papers submitted to the Conference on Disarmament (CD) and its predecessors from 1970 to 1984, relating to Radiological Weapons (RW). It has been compiled to facilitate research on the RW issue and is a compendium of the more significant material made available to the CD.

4. CD/40

43-240-571

RADIOLOGICAL WEAPONS

I. CONFERENCE OF THE COMMITTEE ON DISARMAMENT (CCD)

1. CCD/291 Netherlands Working Paper concerning 14/VII/1970  
United Nations General  
General Assembly  
resolutions 2602 C (XXIV)

II. COMMITTEE ON DISARMAMENT (CD)

2. CD/31 USSR Letter dated 9 July 1979 9/VII/1979  
addressed to the Chairman  
of the Committee on  
Disarmament from the  
Representative of the  
Union of Soviet Socialist  
Republics transmitting a  
document entitled "Agreed  
Joint USSR-United States  
Proposal on Major Elements  
of a Treaty Prohibiting  
the Development,  
Production, Stockpiling  
and Use of Radiological  
Weapons"
3. CD/32 United States Letter dated 9 July 1979 9/VII/1979  
addressed to the  
Chairman of the  
Committee on Disar-  
mament from the  
Representative of the  
United States of America  
transmitting a document  
entitled "Agreed Joint  
US-USSR Proposal on  
Major Elements of a  
Treaty Prohibiting the  
Development, Production,  
Stockpiling and Use of  
Radiological Weapons"
4. CD/40 Hungary Working Paper on the 23/VII/1979  
draft preambular part  
of the Treaty on the  
Prohibition of the  
Development, Manufacture,  
Stockpiling and Use of  
Radiological Weapons

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|-----|--------|----------------------------|--|--------------|
| 5.  | CD/42  | German Democratic Republic | Working Paper on draft paragraph XI, subparagraph 3, and paragraph XII, subparagraph 3, of the Treaty on the Prohibition of the Development, Manufacture, Stockpiling and Use of Radiological Weapons                  | 25/VII/1979  |
| 6.  | CD/79  |                            | Decision adopted at the 69th Plenary Meeting held on 17 March 1980 (Originally submitted as Working Paper No. 9/Rev.1)   | 17/III/1980  |
| 7.  | CD/104 | Secretariat                | Compilation of relevant documents on radiological weapons covering the period 1979-1980 (Prepared by the Secretariat at the request of the Committee on Disarmament)   | 26/VI/1980   |
| 8.  | CD/133 |                            | <u>Ad Hoc Working Group</u> established with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons: Report to the Committee on Disarmament | 8/VIII/1980  |
| 9.  | CD/151 |                            | Decision adopted by the Committee on <u>ad hoc</u> working groups at its 105th plenary meeting on 12 February 1981   | 13/II/1981   |
| 10. | CD/218 |                            | Report of the <u>Ad Hoc Working Group</u> on Radiological Weapons  | 14/VIII/1981 |

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|--------------------------------|-------------------------------------|---|------------|
| 11. CD/243                     |                                     | Decision adopted by the Committee on Disarmament on <u>ad hoc</u> working groups at its 156th plenary meeting on 18 February 1982   | 19/II/1982 |
| 12. CD/284/Rev.1<br>and Corr.1 |                                     | Special Report to the Committee on Disarmament in view of the Second Special Session Devoted to Disarmament: <u>Ad Hoc</u> Working Group on Radiological Weapons  | 23/IV/1982 |
| 13. CD/289                     |                                     | Statement made by Ambassador Henning Wegener, Chairman of the <u>Ad Hoc</u> Working Group on on Radiological Weapons, on the occasion of the submissions to the Committee on Disarmament of the Report of the Group | 21/IV/1982 |
| 14. CD/323<br>and Corr.1       | Japan                               | Working Papers: Prohibition of Attacks against Nuclear Facilities (also issued as CD/RW/WP.37)  | 1/IX/1982  |
| 15. CD/328                     |                                     | Report of the <u>Ad Hoc</u> Working Group on Radiological Weapons   | 9/IX/1982  |
| 16. CD/331<br>CD/RW/<br>WP.40  | Germany,<br>Federal<br>Republic of  | Working Paper: Issues Relating to a Prohibition of Attacks Against Nuclear Facilities in the framework of a Radiological Weapons Treaty (also issued as CD/RW/WP.40)  | 13/IX/1982 |
| 17. CD/345                     | Group of<br>socialists<br>Countries | Ensuring the Safe Development of Nuclear Energy (Proposal by a group of socialist countries)  | 14/II/1983 |

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|------------|-------------------|--|--------------|
| 18. CD/358 |                   | Decision on the re-<br>establishment of <u>ad hoc</u><br>working groups for the<br>1983 session of the<br>Committee on Disarmament<br>(adopted at the 207th<br>Plenary Meeting held on<br>29 March 1983) | 20/III/1983  |
| 19. CD/374 | United<br>Kingdom | Definition of Radio-<br>logical Weapons and the<br>scope of a Radiological<br>Weapons Treaty (also<br>issued as CD/RW/WP.41)   | 13/IV/1983   |
| 20. CD/414 |                   | Report of the <u>Ad Hoc</u><br>Working Group on<br>Radiological Weapons  | 18/VIII/1983 |

III. CONFERENCE ON DISARMAMENT (CD)

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|--------------|----------------------------------|--|--------------|
| 21. CD/434*/ | Group of<br>Socialists<br>States | Organization Matters of<br>the Work of the<br>Conference on Disar-<br>mament: Memorandum of<br>a group of socialist<br>States  | 17/II/1984   |
| 22. CD/499   |                                  | Decision on the estab-<br>lishment of an <u>Ad Hoc</u><br>Committee on Radiological<br>Weapons   | 17/IV/1984   |
| 23. CD/530   | Sweden                           | Working Paper:<br>Proposals for parts of a<br>treaty prohibiting<br>Radiological Weapons<br>and the release or<br>dissemination of<br>radioactive material for<br>hostile purposes (also<br>issued as CD/RW/WP.52) | 18/VI/1984   |
| 24. CD/540   |                                  | Report of the CD to the<br>UNGA part G: New types<br>of weapons of mass<br>destruction and new<br>systems of such weapons;<br>radiological weapons<br>(also issued as CD 533)                                      | 31/VIII/1984 |

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\*/ This document is listed under other agenda items to which it is also relevant.

IV. WORKING PAPERS OF THE AD HOC WORKING GROUP ON  
RADIOLOGICAL WEAPONS

- |    |                          |                                    |  |            |
|----|--------------------------|------------------------------------|--|------------|
| 1. | CD/RW/<br>WP.2/<br>Rev.1 | Chairman                           | Main elements in the negotiations of a treaty on the prohibition of radiological weapons   | 20/VI/1980 |
| 2. | CD/RW/<br>WP.3           | Canada                             | Comments on major elements of a Treaty prohibiting the development, production stockpiling and use of radiological weapons   | 18/VI/1980 |
| 3. | CD/RW/<br>WP.4           | Germany,<br>Federal<br>Republic of | Proposal for a new Article V   | 23/VI/1980 |
| 4. | CD/RW/<br>WP.5           | Germany,<br>Federal<br>Republic of | Comments on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons  | 25/VI/1980 |
| 5. | CD/RW/<br>WP.6           | Sweden                             | Proposal for Articles I, II and III, of a Treaty prohibiting radiological warfare including the development, production, stockpiling and use of radiological weapons         | 30/VI/1980 |
| 6. | CD/RW/<br>WP.7           | Italy                              | Comments on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons (CD/31 and CD/32)                                | 30/VI/1980 |
| 7. | CD/RW/<br>WP.8           | France                             | Proposed amendments to the agreed joint USSR-USA proposal on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons | 8/VII/1980 |



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|-----|------------------------------------|-------------|---|-------------|
| 8.  | CD/RW/<br>WP.9                     | Pakistan    | Proposals for a revised Article V and a new article after Article V   | 8/VII/1980  |
| 9.  | CD/RW/<br>WP.10                    | Yugoslavia  | Proposal for an article of the Treaty related to the definition of radiological weapons   | 8/VII/1980  |
| 10. | CD/RW/<br>WP.11                    | Argentina   | Observations on a Treaty prohibiting radiological weapons   | 9/VII/1980  |
| 11. | CD/RW/<br>WP.12                    | Venezuela   | Proposals for a title and for substitution of the Articles I, II and III of the "agreed joint USSR-USA proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons" | 11/VII/1980 |
| 12. | CD/RW/<br>WP.14                    | Sweden      | Proposal for a study on IAEA safeguards   | 14/VII/1980 |
| 13. | CD/RW/<br>WP.15                    | Secretariat | Tabulation of the texts of all proposals concerning the provisions of a treaty on radiological weapons  | 21/VII/1980 |
| 14. | CD/RW/<br>WP.15<br>Add.1/<br>Rev.1 | India       | Proposals for amendments of Articles I, II, III, V and VII of the elements of the proposed Draft Treaty on the Prohibition of Radiological Weapons  | 16/III/1981 |
| 15. | CD/RW/<br>WP.15/<br>Add.2          | Indonesia   | Statement delivered by the delegation at the 4th meeting of the <u>Ad Hoc Working Group on Radiological Weapons</u> held on 13 March 1981   | 16/III/1981 |

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|-----|--------------------------------------|------------|--|-------------|
| 16. | CD/RW/<br>WP.15/<br>Add.2/<br>Supp.1 | Indonesia  | Comment on the agreed joint USSR-United States CD/31-CD/32, especially para.3, Article VIII, concerning compliance and verification and on the French proposal contained in CD/RW/WP.8 | 30/III/1981 |
| 17. | CD/RW/<br>WP.15/<br>Add.3            | Yugoslavia | Proposal for amendments to Article II of the elements of the proposed Draft Treaty on the Prohibition of Radiological Weapons  | 23/III/1981 |
| 18. | CD/RW/<br>WP.16/<br>Rev.1            |            | Report to the Committee on Disarmament   | 1/VIII/1980 |
| 19. | CD/RW/<br>WP.17                      | Chairman   | Brief delivered at 1st meeting of the <u>Ad Hoc</u> Working Group on Radiological Weapons held on 20 February 1981   | 25/II/1981  |
| 20. | CD/RW/<br>WP.18/                     | Chairman   | Working Paper containing alternative texts of Articles on definition and scope of prohibition of a future treaty   | 11/III/1981 |
| 21. | CD/RW/<br>WP.18/<br>Add.1            | Chairman   | Working Paper containing alternative texts of Articles on activities and obligations and peaceful uses   | 24/III/1981 |
| 22. | CD/RW/<br>WP.18/<br>Add.2            | Chairman   | Working Paper containing alternative texts of Articles on relationship with other Disarmament measures and agreements and compliance and verification                                  | 31/III/1981 |
| 23. | CD/RW/<br>WP.18/<br>Add.2/<br>Supp.1 | Chairman   | Working Paper containing alternative text for Annex  | 3/IV/1981   |

24.	CD/RW/ WP.18/ Add.3	Chairman	Working Paper containing alternative texts of Articles on Amendments, Duration and Withdrawal, Review of Conferences, Adherence, Entry into Force, Depositary	6/IV/1981
25.	CD/RW/ WP.19	Sweden	Memorandum on certain aspects of a convention prohibiting radiological warfare	16/III/1981
26.	CD/RW/ WP.20	Chairman	Working Paper containing consolidated text based on proposals submitted by the Chairman	21/IV/1981
27.	CD/RW/ WP.20/ Add.1	Sweden	Proposal for Article VI of the consolidated text by the Chairman	6/VII/1981
28.	CD/RW/ WP.20/ Add.1/ Supp.1	Morocco	Proposal for Article VI of the consolidated text by the Chairman	10/VII/1981
29.	CD/RW/ WP.20/ Add.2	Japan	Proposed amendment to Article V of CD/RW/WP.20	7/VII/1981
30.	CD/RW/ WP.20/ Add.3	Germany, Federal Republic of	Proposal for Article VII and Annex of the consolidated text by the Chairman	23/VII/1981
31.	CD/RW/ WP.20/ Add.4	Sweden	Proposal for Article VIII of the consolidated text by the Chairman	27/VII/1981
32.	CD/RW/ WP.20/ Add.5	Venezuela	Proposed amendment to Article IX of document CD/RW/WP.20	27/VII/1981
33.	CD/RW/ WP.20 Add.6	Morocco	Proposed amendment to Article VII of document CD/RW/WP.20	30/VII/1981

34.	CD/RW/ WP.20/ Add.7	Chairman	Working Paper on definition and scope of prohibition	30/VII/1981
35.	CD/RW/ WP.20/ Add.8	Chairman	Working Paper on peace- ful uses	30/VII/1981
36.	CD/RW/ WP.20/ Add.9/ Rev.1	The Netherlands	Proposed amendments to Articles VIII and X	7/IV/1982
37.	CD/RW/ WP.22	Australia	Working Paper on the scope and definition of the future Treaty on Radiological Weapons	1/VII/1981
38.	CD/RW/ WP.23	Group of 21	Working Paper on certain elements of the Conven- tion on the Prohibition of Radiological Weapons	15/VII/1981
39.	CD/RW/ WP.25	Chairman	Statement (of 9March1982)	9/III/1982
40.	CD/RW/ WP.25/ Add.1/ Rev.1	Chairman	Amended Proposal for the organization of work during the opening session (adopted by the Working Group on 15 March 1982)	15/III/1982
41.	CD/RW/ WP.26	Chairman	Working Paper: Positive formulations of a RW definition	10/III/1982
42.	CD/RW/ WP.28	Chairman	Working Paper: Suggested formulation of the provision on scope of the Radiological Weapons Treaty	15/III/1982
43.	CD/RW/ WP.29	Chairman	Working Paper: Suggested formulation of the provisions on peaceful uses	22/III/1982
44.	CD/RW/ WP.30	Yugoslavia	Definition of Radio- logical Weapons - Article II	18/III/1982

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|-----|----------------------------------|-------------|---|-------------------------|
| 45. | CD/RW/<br>WP.31<br>and Add.1     | Australia   | Proposal on Definition<br>and Scope of Prohibition<br>(giving two alternative<br>texts)   | 19/III and<br>2/IV/1982 |
| 46. | CD/RW/<br>WP.32                  | Chairman    | Working Paper: Suggested<br>mechanism of compliance<br>and verification<br>(following on document<br>CD/RW/WP.20)   | 22/III/1982             |
| 47. | CD/RW/<br>WP.33                  | Chairman    | Summary of suggested<br>issues of initial<br>relevance relating to<br>protection of nuclear<br>facilities for<br>discussion during<br>Working Group meetings<br>on 26 March and 2 April<br>1982 | 30/III/1982             |
| 48. | CD/RW/<br>WP.34                  | Sweden      | Memorandum of certain<br>aspects of a convention<br>prohibiting radiological<br>weapons   | 5/IV/1982               |
| 49. | CD/RW/<br>WP.35                  | Chairman    | Draft Report to the<br>Committee on Disarmament<br>in view of the Second<br>Special Session devoted<br>to Disarmament<br>(Introduction) (Parts A<br>and C)                                      | 13/IV/1982              |
| 50. | CD/RW/<br>WP.35/<br>Add.1        | Chairman    | Discussions on the<br>provisions of the Draft<br>Treaty on Radiological<br>Weapons ("traditional"<br>RW subject-matter)<br>(Part B)   | 16/IV/1982              |
| 51. | CD/RW/<br>WP.36                  | Group of 21 | Text proposed for an<br>Article in the Draft<br>Treaty on Radiological<br>Weapons   | 14/IV/1982              |
| 52. | CD/RW/<br>WP.37<br>and<br>Corr.1 | Japan       | Working Paper: Prohibi-<br>tion of attacks against<br>nuclear facilities<br>(see CD/323)  | 1/IX/1982               |

53.	CD/RW/ WP.38	Chairman	Statement (of 6 September 1982)	6/IX/1982
54.	CD/RW/ WP.39	Chairman	Working Paper: Compilation of Radio- logical Weapons	9/IX/1982
55.	CD/RW/ WP.40	Germany, Federal Republic of	Working Paper: Issues relating to a pro- hibition of attacks against nuclear facilities in the frame- work of a radiological weapons treaty (see CD 331)	13/IX/1982
56.	CD/RW/ WP.41 CD/374	United Kingdom	Definition of Radio- logical Weapons and the scope of a Radiological Weapons Treaty (see CD 374)	13/IV/1983
57.	CD/RW/ WP.44	Chairman	Working Paper containing Co-ordinator's progress reports of Groups A and B	29/IV/1983
58.	CD/RW/ WP.45 and Corr.1	Sweden	Compliance and Verification	13 and 21/VI/1983
59.	CD/RW/ WP.46	United States	Proposal by the delegation of the United States	16/VI/1983
60.	CD/RW/ WP.47	United Kingdom	The prohibition of attacks on nuclear facilities	30/VI/1983
61.	CD/RW/ WP.48	Group of 21	Proposal for an Article on "Peaceful Uses"	30/VI/1983
62.	CD/RW/ WP.49	Japan	Proposal for Article I ("Definition"), Article II ("Scope of Prohibition") and the related Article	6/VII/1983

63. CD/RW/  
WP.50/  
Rev.1 A compilation of types 12/VIII/1983  
or categories of nuclear  
facilities to be  
considered
64. CD/RW/  
WP.51 A compilation of 11/VIII/1983  
alternative mechanisms  
for the linkage between  
"traditional  
radiological weapons  
subject-matter" and  
"prohibition of attacks  
against nuclear facilities"
65. CD/RW/ Sweden Working Paper: Proposals 18/VI/1984  
WP.52 for Parts of a Treaty  
Prohibiting Radio-  
logical Weapons and the  
Release or Dissemination  
of Radiological Material  
for Hostile Purposes.  
(see CD 530)
66. CD/RW/ United Working Paper: A 20/VI/1984  
WP.53 Kingdom Definition Relevant to  
the Prohibition of  
Attacks on Nuclear  
Facilities
67. CD/RW/ Sweden Notes from the inter- 12/VII/1984  
WP.54 vention by Ambassador  
Ekēus on 21 June 1984  
concerning criteria  
and definitions used in  
CD/RW/WP.52
68. CD/RW/ Sweden Answers to questions 19/VII/1984  
WP.55 raised by the Federal  
Republic of Germany  
concerning the Swedish  
proposal for draft  
provisions prohibiting  
attacks on nuclear  
facilities contained  
in CD/RW/WP.52

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| 69. CD/RW/<br>WP.56 | Sweden                             | Notes from the inter-<br>vention by the Swedish<br>Delegation on 1 August<br>in the <u>Ad Hoc</u> Committee<br>on Radiological Weapons<br>concerning some<br>definitions on nuclear<br>facilities in document<br>CD/530, CD/RW/WP.52 | 3/VIII/1984  |
| 70. CD/RW/<br>WP.57 | Chairman                           | Criteria and categories<br>on nuclear facilities<br>regarding the scope of<br>the prohibition of<br>attacks against<br>nuclear facilities  | 2/VIII/1984  |
| 71. CD/RW/<br>WP.58 | Germany,<br>Federal<br>Republic of | Questions addressed to<br>the Swedish Delegation<br>with respect to draft<br>provisions regulating<br>the prohibition of<br>attacks in Document<br>CD/RW/WP.52   | 13/VIII/1984 |



V. CONFERENCE ROOM PAPERS OF THE AD HOC WORKING GROUP  
ON RADIOLOGICAL WEAPONS

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|----|--|--|---------------------|
| 1. | CD/RW/<br>CRP.1<br>and<br>Corr.1           | <u>Definition:</u> Proposals<br>by USSR-United States,<br>Netherlands, France,<br>Sweden, Egypt, Mexico<br>Pakistan, Canada and<br>Italy   | 30/VI/1980          |
| 2. | CD/RW/<br>CRP.1/<br>Add.1<br>and<br>Corr.1 | <u>Definition:</u> Proposals<br>by Egypt, Pakistan,<br>Italy and Australia   | 1 and<br>7/VII/1980 |
| 3. | CD/RW/<br>CRP.1/<br>Add.2                  | <u>Definition:</u> Proposals<br>by India   | 3/VII/1980          |
| 4. | CD/RW/<br>CRP.1/<br>Add.3                  | <u>Definition:</u> Proposal by<br>Yugoslavia   | 7/VII/1980          |
| 5. | CD/RW/<br>CRP.1/<br>Add.4                  | <u>Definition:</u> Proposals<br>by Venezuela and<br>Argentina  | 14/VII/1980         |
| 6. | CD/RW/<br>CRP.1/<br>Add.5                  | <u>Definition:</u> Proposal<br>by Morocco  | 15/VII/1980         |
| 7. | CD/RW/<br>CRP.2                            | <u>Scope of Prohibition:</u><br>Proposals by USSR-United<br>States, Belgium, Sweden,<br>Netherlands and Australia                          | 1/VII/1980          |
| 8. | CD/RW/<br>CRP.2/<br>Add.1                  | <u>Scope of Prohibition:</u><br>Proposal by France   | 7/VII/1980          |
| 9. | CD/RW/<br>CRP.3                            | <u>Activities and<br/>Obligations:</u> Proposals<br>BY USSR-United States,<br>Italy, Canada, Sweden,<br>Netherlands,<br>Pakistan and India | 7/VII/1980          |

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| 10. CD/RW/<br>CRP.3/<br>Add.1 | <u>Activities and obligations:</u> Proposals by Australia and France  | 7/VII/1980  |
| 11. CD/RW/<br>CRP.4           | <u>Peaceful Uses:</u> Proposal by USSR-United States, Germany, Federal Republic of, Italy and Pakistan                                  | 7/VII/1980  |
| 12. CD/RW/<br>CRP.4/<br>Add.1 | <u>Peaceful Uses:</u> Proposal by France  | 7/VII/1980  |
| 13. CD/RW/<br>CRP.4/<br>Add.2 | <u>Peaceful Uses:</u> Proposal by Pakistan  | 7/VII/1980  |
| 14. CD/RW/<br>CRP.4/<br>Add.3 | <u>Peaceful Uses:</u> Proposal by Romania   | 11/VII/1980 |
| 15. CD/RW/<br>CRP.5           | <u>Relationship with other disarmament measures and agreements:</u> Proposals by USSR-United States, Pakistan, Egypt, Canada and France | 7/VII/1980  |
| 16. CD/RW/<br>CRP.5/<br>Add.1 | <u>Relationship with other disarmament measures and agreements:</u> Proposal by Australia and France                                    | 7/VII/1980  |
| 17. CD/RW/<br>CRP.5/<br>Add.2 | <u>Relationship with other disarmament measures and agreements:</u> Proposal by Pakistan  | 14/VII/1980 |
| 18. CD/RW/<br>CRP.6           | <u>Compliance and Verification:</u> Proposals by USSR-United States, Belgium, France and Sweden   | 8/VII/1980  |
| 19. CD/RW/<br>CRP.6/<br>Add.1 | <u>Compliance and Verification:</u> Proposal by Pakistan  | 14/VII/1980 |
| 20. CD/RW/<br>CRP.7           | <u>Annex:</u> Proposals by USSR-United States and France  | 8/VII/1980  |

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| 21. CD/RW/<br>CRP.8            | <u>Amendments: Proposals</u><br>by USSR-United States<br>and France  | 9/VII/1980  |
| 22. CD/RW/<br>CRP.9            | <u>Duration and Withdrawal:</u><br><u>Proposals by USSR-United</u><br>States and France  | 9/VII/1980  |
| 23. CD/RW/<br>CRP.10           | <u>Review Conferences:</u><br><u>Proposals by USSR-</u><br>United States, German<br>Democratic Republic,<br>Australia and France   | 9/VII/1980  |
| 24. CD/RW/<br>CRP.10/<br>Add.1 | <u>Review Conferences:</u><br><u>Proposal by Morocco</u>   | 15/VII/1980 |
| 25. CD/RW/<br>CRP.11           | <u>Adherence, Entry into</u><br><u>Force, Depositary:</u><br><u>Proposals by USSR-United</u><br>States, German Democratic<br>Republic, Australia,<br>France and Pakistan | 9/VII/1980  |
| 26. CD/RW/<br>CRP.12           | <u>Preamble: Proposals by</u><br>Hungary, Sweden, Egypt<br>and Belgium   | 9/VII/1980  |
| 27. CD/RW/<br>CRP.12/<br>Add.1 | <u>Preamble: Proposal by</u><br>Bulgaria   | 14/VII/1980 |
| 28. CD/RW/<br>CRP.12/<br>Add.2 | <u>Preamble: Proposals by</u><br>Sweden and Germany,<br>Federal Republic of  | 17/VII/1980 |
| 29. CD/RW/<br>CRP.13           | <u>Invitation to the</u><br><u>International Atomic</u><br><u>Energy Agency: Proposal</u><br>by The Netherlands  | 9/VII/1981  |
| 30. CD/RW/<br>CRP.14           | <u>Scope on Prohibition:</u><br><u>Proposal by</u><br>The Netherlands  | 17/VII/1981 |
| 31. CD/RW/<br>CRP.16           | <u>Definition of facilities</u><br><u>to be protected:</u><br>Proposal by Pakistan   | 30/III/1982 |

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|--------------------------------|--|--------------|
| 32. CD/RW/<br>CRP.17           | <u>Draft Consolidated<br/>Radiological Weapons<br/>Treaty Provisions:</u><br>Submitted by the Chairman   | 6/IV/1982    |
| 33. CD/RW/<br>CRP.19           | Suggestions by the Co-<br>ordinator on the Issues<br>of Definition, Peaceful<br>Uses, and Relationship<br>to Other Agreements  | 28/IV/1983   |
| 34. CD/RW/<br>CRP.20           | Suggestions by the Co-<br>ordinator for the<br>Structure of a Treaty<br>Prohibiting Radiological<br>Weapons  | 23/IV/1983   |
| 35. CD/RW/<br>CRP.20/<br>Rev.1 | Submission by the Co-<br>ordinator of Group A  | 3/VIII/1983  |
| 36. CD/RW/<br>CRP.21/<br>Rev.1 | Report of Group A  | 9/VIII/1983  |
| 37. CD/RW/<br>CRP.22/<br>Rev.2 | Report of Group B on the<br>question of prohibition<br>of attacks against<br>nuclear facilities  | 12/VIII/1983 |
| 38. CD/RW/<br>CRP.25           | A list of proposals by<br>the Chairman for the<br>items to be discussed<br>in the <u>Ad Hoc</u> Committee<br>on Radiological Weapons<br>during the summer session  | 20/VI/1984   |
| 39. CD/RW/<br>CRP.26           | Questions addressed to<br>the Swedish Delegation<br>by the Delegation of the<br>Federal Republic of<br>Germany with respect to<br>the draft provisions<br>regulating the prohibition<br>of attacks in Working<br>Paper CD/RW/WP.52 | 6/VII/1984   |
| 40. CD/RW/<br>CRP.27           | Submission by Sweden:<br>Notes from the inter-<br>vention by Ambassador<br>Ekēus on 21/VI/1984<br>concerning criteria and<br>definitions used in<br>CD/RW/WP.52  | 12/VII/1984  |

- |                      |  |             |
|----------------------|--|-------------|
| 41. CD/RW/<br>CRP.28 | Programme of work of the<br><u>Ad Hoc</u> Committee on<br>Radiological Weapons   | 12/VII/1984 |
| 42. CD/RW/<br>CRP.29 | Answers provided by the<br>Delegation of Sweden to<br>questions raised by the<br>Federal Republic of<br>Germany concerning the<br>Swedish proposal for<br>draft provisions pro-<br>hibiting attacks on<br>nuclear facilities<br>contained in CD/RW/WP.52 | 19/VII/1984 |

VI. In addition, during the 1983 session of the Committee on Disarmament, the Secretariat prepared and circulated to the Working Group on Radiological Weapons a number of informal papers relating to proposals made by Members under the item as follows:

- (1) Compilation of texts regarding "Definition" and "Scope of Prohibition" as contained in CD/31, CD/32, CD/RW/WP.20 and CD/RW/WP.39
- (2) Compilation of texts regarding "Peaceful Uses" as contained in CD/31, CD/32, CD/RW/WP.20 and CD/RW/WP.39
- (3) Compilation of texts regarding "Relationship with other disarmament measures and agreements" as contained in CD/31, CD/RW/WP.20 and CD/RW/WP.39
- (4) Compilation of texts regarding "Compliance and Verification" as contained in CD/31, CD/32, CD/RW/WP.20 and CD/RW/WP.39
- (5) A list of proposed draft treaties on radiological weapons
- (6) A list of proposals on the draft preamble part of the Treaty on Radiological Weapons
- (7) A list of proposals on "Definition" and "Scope of Prohibition" parts of the Treaty on Radiological Weapons
- (8) A list of proposals on "Peaceful Uses" part of the Treaty on Radiological Weapons
- (9) A list of proposals on "Relationship with other disarmament measures and agreements" part of the Treaty on Radiological Weapons
- (10) A list of proposals on "Compliance and Verification" part of the Treaty on Radiological Weapons
- (11) A list of proposals on "Amendments", "Review Conferences", "Duration and Withdrawal", "Adherence, Entry into Force, Depositary" parts of the Treaty on Radiological Weapons
- (12) A list of proposals on "Annex" part of the Treaty on Radiological Weapons
- (13) A list of proposals regarding the question of prohibition of attacks against nuclear facilities

Please note: to avoid unnecessary duplication the following Working Papers have not been included:

- |     |   |             |   |              |
|-----|---|-------------|---|--------------|
| 1.  | CD/RW/<br>WP.1  | Secretariat | Compilation of relevant documents on Radiological Weapons covering the period 1979-1980                             | 26/VI/1980   |
| 2.  | CD/RW/<br>WP.13/<br>Rev.2                                   | Secretariat | List of documents, working papers and conference room papers  | 21/VIII/1980 |
| 3.  | CD/RW/<br>WP.21   | Chairman    | Working Paper containing time-table for the work of the Working Group during the second part of the CD 1981 session | 18/VI/1981   |
| 4.  | CD/RW/<br>WP.24/<br>Rev.1                                   |             | Draft report of the <u>Ad Hoc Working Group on Radiological Weapons</u>   | 10/VIII/1981 |
| 5.  | CD/RW/<br>WP.27   | Chairman    | Tentative programme of work   | 15/III/1982  |
| 6.  | CD/RW/<br>WP.42   | Chairman    | Working Paper: Meetings in the first part of the 1983 session   | 14/IV/1983   |
| 7.  | CD/RW/<br>WP.43   | Chairman    | Working Paper: Meetings in the second part of the 1983 session  | 26/IV/1983   |
| 8.  | Similarly omitted are the following Conference Room Papers: |             |   |              |
| 9.  | CD/RW/<br>CRP.15  |             | Amendments to text of draft report  | 13/VIII/1981 |
| 10. | CD/RW/<br>CRP.18  |             | Draft report of the <u>Ad Hoc Working Group on Radiological Weapons</u>   | 6/IX/1982    |
| 11. | CD/RW/<br>CRP.23  |             | Draft report of the <u>Ad Hoc Working Group on Radiological Weapons</u>   | 2/VIII/1983  |
| 12. | CD/RW/<br>CRP.24  |             | A list of proposals regarding the question of prohibition of attacks against nuclear facilities                     | 10/VIII/1983 |

**CONFERENCE ON DISARMAMENT**

**RADIOLOGICAL WEAPONS**

**WORKING PAPERS 1970-1984**



**1970**

# CONFERENCE OF THE COMMITTEE ON DISARMAMENT

CCD/291

14 July 1970

Original: ENGLISH

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## The Netherlands

### Working Paper concerning United Nations General Assembly resolution 2602 C (XXI)

#### A. Prospects for radiological warfare

Two modes of radiological warfare are distinguished in the literature, and also in the United Nations General Assembly resolution: on the one hand the use of nuclear weapons in such a way as to maximize their radioactive effects, on the other hand the use of radioactive agents independently of nuclear explosions.

It is technically possible to manufacture nuclear weapons in such a way that they will cause a maximal amount of fall-out. But it is not probable that a country would deliberately do so, because it would hardly offer distinct military advantages. If nuclear weapons would ever be used, it may be assumed that they will be used with the aim of achieving a decisive effect against an opponent in a short span of time. The short-term lethal effects of a nuclear explosion are caused by blast, heat and initial radiation. Increasing the fall-out would cause harmful effects after weeks, months and even years. Normally, such long-term effects would seem not to be interesting from a military point of view. Moreover, the attacked area would become badly accessible on account of its radioactive contamination. The trend in nuclear weapons technology is going in the direction of cleaner weapons rather than dirtier ones.

The second method of radiological warfare, namely the use of radioactive agents independently of nuclear explosions, is likewise not very plausible.

In order to kill or harm people within a few hours, a radiation dose would be required of at least 1,000 roentgen. But the highly radioactive isotopes one would need for that purpose all have a short or very short half-life. This implies that they cannot be stored for later use. It is true, such isotopes can be produced. For instance, by irradiating uranium in a high-flux reactor one would obtain a considerable amount of highly radioactive material which would remain lethal during a few days. But the transport of this material to the target area would be a very difficult and cumbersome job, in the first place on account of the heavy protective shielding which would be needed for this extremely dangerous material. Large-scale use of such isotopes for so-called strategic purposes is out of the question.

Whereas the use of highly radioactive materials for causing short-term effects would run into almost unsurmountable practical difficulties, the same does not apply to the use of less radioactive materials which can harm life or health after months or years. For this purpose one might use materials having a long half-life, for instance strontium-90, which has a half-life of thirty years. Such materials are not so difficult to handle and can be obtained relatively easily from the radioactive waste of reactors. But here the same would apply as with regard to the deliberate manufacture of "dirty" nuclear weapons: What would be the military rationale for achieving these long-term harmful effects?

Summing up: judging by the available information possibilities for radiological warfare do exist theoretically, but do not seem to be of much or even of any practical significance.

B. Arms control aspects of radiological warfare

In the light of the foregoing considerations it is difficult to see the practical usefulness of discussing arms control measures related to radiological warfare.

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**1979**

CD/51  
9 July 1979

ENGLISH  
Original: RUSSIAN

LETTER DATED 9 JULY 1979 ADDRESSED TO THE CHAIRMAN OF  
THE COMMITTEE ON DISARMAMENT FROM THE REPRESENTATIVE  
OF THE UNION OF SOVIET SOCIALIST REPUBLICS TRANSMITTING  
A DOCUMENT ENTITLED "AGREED JOINT USSR-UNITED STATES  
PROPOSAL ON MAJOR ELEMENTS OF A TREATY PROHIBITING THE  
DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF  
RADIOLOGICAL WEAPONS"

I am submitting a document entitled "Joint USSR-United States proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons".

I should be grateful if you would arrange to have this document distributed to the members of the Committee on Disarmament.

(Signed): V.L. ISSRAELYAN

USSR Representative to the  
Committee on Disarmament

AGREED JOINT USSR-UNITED STATES PROPOSAL ON MAJOR ELEMENTS  
OF A TREATY PROHIBITING THE DEVELOPMENT, PRODUCTION,  
STOCKPILING AND USE OF RADIOLOGICAL WEAPONS

I

Each State Party to the Treaty undertakes not to develop, produce, stockpile, otherwise acquire or possess, or use radiological weapons.

II

For the purpose of the Treaty, the term "radiological weapon" means:

1. Any device, including any weapon or equipment, other than a nuclear explosive device, specifically designed to employ radioactive material by disseminating it to cause destruction, damage or injury by means of the radiation produced by the decay of such material.
2. Any radioactive material, other than that produced, by a nuclear explosive device, specifically designed for employment, by its dissemination, to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

III

Each State Party to the Treaty also undertakes not to employ deliberately, by its dissemination, any radioactive material not defined as a radiological weapon in paragraph II, subparagraph 2, and not produced by a nuclear explosive device, to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

IV

Each State Party to the Treaty undertakes not to assist, encourage, or induce any person, State, group of States or international organization to engage in any of the activities which the Parties to the Treaty have undertaken not to engage in under the provisions of paragraphs I and III.

V

Provisions of the Treaty shall not hinder the use of sources of radiation from radioactive decay for peaceful purposes and shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

VI

Each State Party to the Treaty undertakes, in accordance with its constitutional procedures, to take any measures which it deems necessary to prevent loss of and to prohibit and prevent diversion of radioactive materials that might be used in radiological weapons and any activities contrary to the provisions of the Treaty in its territory or at any place under its jurisdiction or under its control.

VII

Nothing in the Treaty shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Treaty on the Non-Proliferation of Nuclear Weapons, the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, or any existing rules of international law governing armed conflict.

VIII

1. The States Parties to the Treaty undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of, the Treaty. Consultation and co-operation pursuant to this paragraph may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a Consultative Committee of Experts as provided for in subparagraph 2 of this paragraph.
2. For the purposes set forth in subparagraph 1 of this paragraph, the Depositary shall, within one month of the receipt of a request from any State Party, convene a Consultative Committee of Experts. Any State Party may appoint an expert to this Committee, whose functions and rules of procedure are set out in the Annex, which constitutes an integral part of the Treaty. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.
3. Any State Party to the Treaty which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.

4. Any State Party to the Treaty undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Treaty of the results of the investigation.

5. Each State Party to the Treaty undertakes to provide or support assistance, in accordance with the provisions of the Charter of the United Nations, to any Party to the Treaty which so requests, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of violation of the Treaty.

#### IX

1. A State Party may propose amendments to the Treaty. Each proposed amendment shall be submitted to the Depository, which shall promptly transmit it to all States Parties.

2. An amendment shall enter into force for each State Party accepting the amendment after the deposit with the Depository of documents of acceptance by a majority of the States Parties. Thereafter, the amendment shall enter into force for each remaining State Party on the date of the deposit by it of the acceptance document.

#### X

1. The Treaty shall be of unlimited duration.

2. Each State Party to the Treaty shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardized the supreme interest of its country. It shall give notice of such withdrawal to all other States Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

#### XI

1. Ten years after entry into force of the Treaty, or earlier if requested by a majority of States Parties, a conference of States Parties should be convened to review the operation of the Treaty, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review should take into account any new scientific and technological developments relevant to the Treaty.

2. Thereafter, a majority of the States Parties could obtain the convening of a conference with the same objectives.



3. If no review conference has been convened within (blank) years following the conclusion of a previous review conference, the Depositary should solicit the views of all States Parties on the holding of such a conference. If (blank fraction) or (blank number) of the States Parties, whichever number is less, respond affirmatively, the Depositary should take immediate steps to convene the conference.

## XII

1. The Treaty shall be open to all States for signature. A State which does not sign the Treaty before its entry into force in accordance with subparagraph 3 of this paragraph may accede to it at any time.
2. The Treaty shall be subject to ratification by signatory States. Instruments of ratification and accession shall be deposited with the Secretary-General of the United Nations.
3. The Treaty shall enter into force upon the deposit of the instruments of ratification by (blank) Governments in accordance with subparagraph 2 of this paragraph.
4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of the Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
5. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of entry into force of the Treaty, as well as of any amendment to it and of the receipt of other notices.
6. The Treaty shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

## XIII

The Treaty, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall transmit duly certified copies of the Treaty to the Governments of the signatory and acceding States.

Annex to the Treaty

Consultative Committee of Experts

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to paragraph VIII, subparagraph 1, of the Treaty by the State Party requesting the convening of the Committee.
2. The work of the Consultative Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this Annex. The Committee shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.
3. The Depositary or his representative shall serve as the Chairman of the Committee.
4. Each expert may be assisted at meetings by one or more advisers.
5. Each expert shall have the right, through the Chairman, to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work.

CD 32

9 July 1979

Original: ENGLISH

LETTER DATED 9 JULY 1979 ADDRESSED TO THE CHAIRMAN  
OF THE COMMITTEE ON DISARMAMENT FROM THE REPRESENTATIVE  
OF THE UNITED STATES OF AMERICA TRANSMITTING A DOCUMENT  
ENTITLED "AGREED JOINT US-USSR PROPOSAL ON MAJOR ELEMENTS  
OF A TREATY PROHIBITING THE DEVELOPMENT, PRODUCTION,  
STOCKPILING AND USE OF RADIOLOGICAL WEAPONS"

I am transmitting herewith a document entitled "Agreed Joint US-USSR Proposal on Major Elements of a Treaty Prohibiting the Development, Production, Stockpiling and Use of Radiological Weapons".

I respectfully request that this document be circulated among the members of the Committee on Disarmament.

(Signed). Adrian S. Fisher  
United States Representative  
to the Committee on  
Disarmament

Agreed Joint US-USSR Proposal on Major Elements of  
a Treaty Prohibiting the Development, Production,  
Stockpiling and Use of Radiological Weapons

I

Each State Party to the Treaty undertakes not to develop, produce, stockpile, otherwise acquire or possess, or use radiological weapons.

II

For the purpose of the Treaty, the term "radiological weapon" means:

1. Any device, including any weapon or equipment, other than a nuclear explosive device, specifically designed to employ radioactive material by disseminating it to cause destruction, damage or injury by means of the radiation produced by the decay of such material.
2. Any radioactive material, other than that produced, by a nuclear explosive device, specifically designed for employment, by its dissemination, to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

III

Each State Party to the Treaty also undertakes not to employ deliberately, by its dissemination, any radioactive material not defined as a radiological weapon in Paragraph II, Subparagraph 2, and not produced by a nuclear explosive device, to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

IV

Each State Party to the Treaty undertakes not to assist, encourage, or induce any person, State, group of States or international organization to engage in any of the activities which the Parties to the Treaty have undertaken not to engage in under the provisions of Paragraphs I and III.

V

Provisions of the Treaty shall not hinder the use of sources of radiation from radioactive decay for peaceful purposes and shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

VI

Each State Party to the Treaty undertakes, in accordance with its constitutional procedures, to take any measures which it deems necessary to prevent loss of and to prohibit and prevent diversion of radioactive materials that might be used in radiological weapons and any activities contrary to the provisions of the Treaty in its territory or at any place under its jurisdiction or under its control.

VII

Nothing in the Treaty shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Treaty on the Non-Proliferation of Nuclear Weapons, the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925, or any existing rules of international law governing armed conflict.

VIII

1. The States Parties to the Treaty undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of, the Treaty. Consultation and co-operation pursuant to this Paragraph may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a Consultative Committee of Experts as provided for in Subparagraph 2 of this Paragraph.

2. For the purposes set forth in Subparagraph 1 of this Paragraph, the Depositary shall, within one month of the receipt of a request from any State Party, convene a Consultative Committee of Experts. Any State Party may appoint an expert to this Committee, whose functions and rules of procedure are set out in the Annex, which constitutes an integral part of the Treaty. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.

3. Any State Party to the Treaty which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.

4. Each State Party to the Treaty undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Treaty of the results of the investigation.

5. Each State Party to the Treaty undertakes to provide or support assistance, in accordance with the provisions of the Charter of the United Nations, to any Party to the Treaty which so requests, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of violation of the Treaty.

#### LI.

1. A State Party may propose amendments to the Treaty. Each proposed amendment shall be submitted to the Depository, which shall promptly transmit it to all States Parties.

2. An amendment shall enter into force for each State Party accepting the amendment after the deposit with the Depository of documents of acceptance by a majority of the States Parties. Thereafter, the amendment shall enter into force for each remaining State Party on the date of the deposit by it of the acceptance document.

#### LII

1. The Treaty shall be of unlimited duration.

2. Each State Party to the Treaty shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardised the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardised its supreme interests.

#### LIII

1. Ten years after entry into force of the Treaty, or earlier if requested by a majority of States Parties, a conference of States Parties should be convened to review the operation of the Treaty, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review should take into account any new scientific and technological developments relevant to the Treaty.

2. Thereafter, a majority of the States Parties could obtain the convening of a conference with the same objectives.

3. If no review conference has been convened within (blank) years following the conclusion of a previous review conference, the Depositary should solicit the views of all States Parties on the holding of such a conference. If (blank fraction) or (blank number) of the States Parties, whichever number is less, respond affirmatively, the Depositary should take immediate steps to convene the conference.

### III

1. The Treaty shall be open to all States for signature. A State which does not sign the Treaty before its entry into force in accordance with Subparagraph 5 of this paragraph may accede to it at any time.

2. The Treaty shall be subject to ratification by signatory States. Instruments of ratification and accession shall be deposited with the Secretary General of the United Nations.

3. The Treaty shall enter into force upon the deposit of the instruments of ratification by (blank) Governments in accordance with Subparagraph 2 of this Paragraph.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of the Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of entry into force of the Treaty, as well as of any amendment to it and of the receipt of other notices.

6. The Treaty shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

### IV

The Treaty, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary General of the United Nations, who shall transmit duly certified copies of the Treaty to the Governments of the signatory and acceding States.

Annex to the Treaty

Consultative Committee of Experts

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to Paragraph VIII, Subparagraph 1, of the Treaty by the State Party requesting the convening of the committee.
2. The work of the Consultative Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in Paragraph 1 of this Annex. The Committee shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.
3. The Depository or his representative shall serve as the Chairman of the Committee.
4. Each expert may be assisted at meetings by one or more advisers.
5. Each expert shall have the right, through the Chairman, to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work.



HUNGARY

Working paper on the draft preambular part of the Treaty  
on the Prohibition of the Development, Manufacture,  
Stockpiling and use of Radiological Weapons

The States Parties to this Treaty,

Determined to further enhance international peace and security and to save mankind from the danger of the use of new means of warfare and to contribute to the cause of the cessation of the arms race with the final goal of achieving general and complete disarmament under strict and effective international control and to continue negotiations to achieve further progress in the disarmament field,

Convinced of the importance of adopting effective measures to prevent the use of scientific and technological achievements for developing new types and systems of weapons of mass destruction including radiological weapons,

Realizing the threatening possibility of the development and deployment of radiological weapons in the arsenal of armed forces of States

Recalling that the General Assembly of the United Nations called for the prohibition of development, production, stockpiling and use of radiological weapons,

Conscious that the use of radiological weapons would have devastating consequences for mankind,

Convinced that the prohibition of radiological weapons will contribute to the preservation of the natural environment for the present and future generations,

Recognizing the need for peaceful uses of sources of radiation from radioactive decay in different fields of human activities,

Desiring to further confidence and peaceful relations among States and to improve international atmosphere in accordance with the purposes and principles of the Charter of the United Nations

Have agreed on the following:

GD/42  
25 July 1979

Original ENGLISH

GERMAN DEMOCRATIC REPUBLIC

Working paper on draft paragraph XI, subparagraph 5, and paragraph XII, subparagraph 2, of the Treaty on the Prohibition of the Development, Manufacture, Stockpiling and Use of Radiological Weapons

Paragraph XI, subparagraph 5

If no review conference has been convened within ten years following the conclusion of a previous review conference, the Depositary should solicit the views of all States Parties on the holding of such a conference. If one-third or ten of the States Parties, whichever number is less, respond affirmatively, the Depositary should take immediate steps to convene the conference.

Paragraph XII, subparagraph 2

The Treaty shall enter into force upon the deposit of the instruments of ratification by 25 Governments (including the nuclear-weapon States) in accordance with subparagraph 2 of this paragraph.

**1980**

COMMITTEE ON DISARMAMENT

CD/79

17 March 1980

Original: ENGLISH

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Decision adopted at the 69th plenary meeting held on 17 March 1980  
(originally submitted as Working Paper No.9/Rev.1)

The Committee on Disarmament decides to establish for the duration of its 1980 session an ad hoc working group of the Committee with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons.

The ad hoc working group will report to the Committee on the progress of its work at any appropriate time and in any case before the conclusion of its 1980 session.

Compilation of relevant documents on radiological  
weapons covering the period 1979 - 1980

(Prepared by the Secretariat at the request of  
the Committee on Disarmament)

At its 69th plenary meeting, the Committee on Disarmament decided to establish for the duration of its 1980 session an ad hoc working group of the Committee with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons (document CD/79).

At its first meeting on 24 April 1980, the ad hoc working group on radiological weapons requested the Secretariat to prepare a compilation of relevant documents on radiological weapons which should cover the period 1979 - 1980 including a short summary of the development of the preceding period. That compilation should be divided into two main sections: the first dealing with statements of a general character and the second incorporating specific proposals, which should be prepared in a systematic manner.

In carrying out its task, the Secretariat adopted the following criteria:

- (a) As requested, the compilation refers mainly to statements made at and working papers submitted to the General Assembly and the Committee on Disarmament.
- (b) The compilation covers the period 1979 - April 1980. Only a summary of developments in the preceding period is included as an introduction.
- (c) The compilation consists of a summary description of the main points covered in relevant documents and statements.
- (d) In the compilation views are not attributed to any particular delegation. However, a list of references to sources is provided.

(e) No reference is made to informal meetings, since no records exist for them.

(f) The ~~text of the~~ compilation was arranged under headings that roughly followed the provisions of the proposals submitted to the Committee on Disarmament, as well as the proposals and suggestions contained in relevant working papers and statements.

OUTLINE

Introduction

I. Statements of a general character

1. Approaches
2. Relationship with other disarmament measures and/or agreements
3. Priorities and timing
4. Peaceful use of radioactive material
5. Complaint procedures
6. Terminology

II. Specific proposals

1. Preambular part
2. Scope of the prohibition
  - 2.1 Definition of radiological weapons
  - 2.2 Activities and obligations
  - 2.3 Relationship to other treaties
3. Peaceful uses
4. Compliance and verification
5. Other provisions
  - 5.1 Amendments
  - 5.2 Duration and withdrawal
  - 5.3 Review conferences
  - 5.4 Adherence, entry into force, depositary
  - 5.5 Annexes

I. Introduction

As early as 1948, a resolution adopted by the Commission of the United Nations for Conventional Armaments stated that weapons of mass destruction had to be defined to include, inter alia, "radio-active material weapons".<sup>1</sup>

In 1969, the General Assembly took up the issue for the first time and adopted resolution 2602 C (XXIV) by which the Conference of the Committee on Disarmament (CCD) was invited to consider the question of controls against the use of radiological methods of warfare conducted independently of nuclear explosions.<sup>2</sup> At that time the CCD considered this proposal and concluded that it was difficult to see the practical usefulness of discussing measures related to radiological weapons.<sup>3</sup>

After a lapse of six years, in 1976, the CCD, taking into account the new developments and trends in science and technology, considered the question of the prohibition of the development and manufacture of new types of weapons of mass destruction and of new systems of such weapons.<sup>4</sup> The General Assembly, at its thirty-first session took up and discussed briefly the question of the prohibition of radiological weapons. No draft resolution was submitted on the question.<sup>5</sup>

Two divergent approaches on the issue emerged and continued to persist. Some delegations expressed preference for a comprehensive prohibition of the development and manufacture of new types and systems of weapons of mass destruction, which would contain a list of specific weapons to be banned. Other delegations advocated



conclusion of separate conventions concerning specific new types of weapons of mass destruction which might emerge and could be identified.<sup>6</sup> While this discussion was proceeding in disarmament bodies, the question of the prohibition of radiological weapons became the subject of bilateral USSR-USA negotiations.

In 1978, the Tenth Special Session of the General Assembly considered the issue and its Final Document incorporated relevant provisions in paragraphs 76 and 77.<sup>7</sup>

In 1979, the Committee on Disarmament decided to include in its agenda an item entitled "New types of weapons of mass destruction and new systems of such weapons; radiological weapons", which was again inscribed in its agenda for 1980.

In 1979, the participants in the bilateral talks produced and submitted to the Committee on Disarmament an "agreed joint proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons".<sup>8</sup> The General Assembly, at its thirty-fourth session, adopted resolution 34/87 A which requested the Committee on Disarmament to proceed as soon as possible "to achieve agreement, through negotiations, on the text of such a convention" and to report to the General Assembly at its thirty-fifth session.<sup>9</sup>

I. Statements of a general character

1. Approaches

It was generally accepted that the need of preventing the emergence of radiological weapons arose with the rapid development of nuclear energy and technology and the increasing accumulation of radioactive materials throughout the world. The international community, therefore, should prevent the use of scientific and technological progress for the purpose of developing such weapons.

In this context the radiological weapons, on one hand, were regarded as one of the categories of weapons of mass destruction identified by the United Nations which was not already prohibited and thus the ban would fill a gap in the set of multilateral agreements dealing with those weapons; such a ban would represent a first step which could be followed by the prohibition of specific and clearly identified types of weapons.<sup>10</sup>

On the other hand, the prohibition of particular types of weapons of mass destruction, including radiological weapons, was regarded as a part of the solution to the problem of the comprehensive prohibition of new types and systems of such weapons.<sup>11</sup>

The ban would constitute yet another important contribution to the limitation of the arms race;<sup>12</sup> a contribution to the total scheme of control and ultimate disarmament<sup>13</sup>; a timely response to the appeal contained in paragraph 75 of the Final Document of the Tenth Special Session;<sup>14</sup> an unique opportunity to ban a system before it comes into existence.<sup>15</sup> The provisions of a future convention would not have the effect of discriminating against any State, particularly between nuclear and non-nuclear States.<sup>16</sup>

2. Relationship with other disarmament measures and/or agreements

Views were expressed that the future treaty on radiological weapons should be properly integrated in the framework of the existing international legal arrangements in the field of disarmament - in particular, the Non-Proliferation Treaty and the Geneva Protocol of 1925 - without prejudice to the obligations or rights of States under those treaties.<sup>17</sup> Any misconception should be prevented that the convention on radiological weapons was to be regarded as a substitute to nuclear disarmament.<sup>18</sup> The provisions of the future agreement should not call in question the basic provisions of the Non-Proliferation Treaty.<sup>19</sup> The future convention

or agreement should not detract from an existing convention or any convention under negotiations.<sup>20</sup> A provision mentioning the Non-Proliferation Treaty would create difficulties for the States non-parties to the Treaty.<sup>21</sup> Coordination with the Convention on the Physical Protection of Nuclear Materials could be envisaged.<sup>22</sup>

### 3. Priorities and timing

The negotiations should start and the completion of the draft treaty be pursued with a view to submitting it to the thirty-fifth session of the General Assembly.<sup>23</sup> The urgency of making progress in nuclear disarmament is far greater than that of concluding a radiological weapons treaty.<sup>24</sup> The radiological weapons item is far from being one of those which call for priority attention; however, if feasible, a complete draft treaty could be transmitted to the General Assembly for examination at its next session.<sup>25</sup> The negotiations on a draft treaty on radiological weapons are not a matter of first priority and should not be held at the expense of urgent priority items agreed upon.<sup>26</sup>

### 4. Peaceful use of radioactive material

It should be made clear that the treaty does not apply to any of the uses of radiation from radioactive decay for peaceful purposes.<sup>27</sup> The treaty should in no way prejudice the principle of the peaceful use of radiological resources, and the need for the exchange of information in this field.<sup>28</sup> No provision of the convention on the radiological weapons should impinge on the development and operation of peaceful nuclear programmes, especially of the developing countries; it should not compromise the freedom of scientific research.<sup>29</sup>

### 5. Complaints procedure and verification

Verification system provided for in the treaty prohibiting radiological weapons should be without prejudice to and not binding for any other real disarmament agreement which would be negotiated in the future.<sup>30</sup> The implications of the verification procedure for other disarmament agreements should be studied.<sup>31</sup> The complaint procedures should be non-discriminatory in character and result in an effective and fair convention.<sup>32</sup> The verification machinery should be effective, non-discriminatory, and acceptable to all the countries concerned.<sup>33</sup> Loopholes in the verification machinery should be avoided.<sup>34</sup> The envisaged complaints procedure should not be regarded as a model for any other future arms

control and disarmament convention.<sup>35</sup> Verification measures provided for any agreement on arms limitation should correspond to the subject and scope of the prohibition.<sup>36</sup> The measures of verification should be adequate to the special nature of the weapons to be controlled.<sup>37</sup>

6. Terminology

The future treaty should adopt terminology which would be fully consistent with the rights and obligations under other international legal instruments and allow for no ambiguity.<sup>38</sup> Any ambiguity in the text should be avoided.<sup>39</sup>

## II. Specific Proposals:

### 1. Preambular part

Various suggestions, as indicated below, have been made regarding the preambular part. It was proposed that it should note the determination of the parties to the treaty to further enhance international peace and security and to save mankind from the danger of the use of new means of warfare and to contribute to the cause of the cessation of the arms race with the final goal of achieving general and complete disarmament and to continue negotiations on disarmament; the importance of adopting effective measures to prevent the use of scientific and technological achievements for developing new types and systems of weapons of mass destruction including radiological weapons; the threatening possibility of the development and deployment of radiological weapons in the arsenals of armed forces of States; that the General Assembly of the United Nations called for the prohibition of development, production, stockpiling and use of radiological weapons; that the use of radiological weapons would have devastating consequences for mankind; that the prohibition of radiological weapons will contribute to the preservation of the natural environment for the present and future generations; the need for peaceful uses of sources of radiation from radioactive decay; and the desire to further confidence and peaceful relations among States in accordance with the Charter of the United Nations.<sup>40</sup> It was also suggested that reference should be made in the preamble to the importance and priority of nuclear disarmament.<sup>41</sup> It would be advisable to state in precise terms the basic objective of nuclear disarmament.<sup>42</sup>

### 2. Scope of the prohibition

The development, production, stockpiling, otherwise acquiring or possessing, or use of radiological weapons should be prohibited.<sup>43</sup> With regard to the scope, it was stated that no obligation undertaken by States in the projected treaty should be interpreted as covering the use of radioactive materials or any sources of radiation for the purpose of any activity except such activities as the parties to the treaty had undertaken not to engage in pursuant to the provisions of the treaty.<sup>44</sup> Some delegations felt that the activities mentioned in the above statement needed clarification.<sup>45</sup> In order to eliminate any doubt about the application of the treaty in time of war it was suggested that the parties

to the treaty would "never under any circumstances" take action contrary to the prohibition.<sup>46</sup> The view was expressed that the application of the convention should cover actions taken for purely defensive purposes.<sup>47</sup> It was pointed out that careful consideration should be given to the question whether the prohibition should be limited only to radiation effects produced by non-explosive means.<sup>48</sup> In the convention, it should be stated explicitly that the prohibition of the dissemination of radioactive material would cover actions for defensive purposes.<sup>49</sup> The use of radioactive barriers on one's own territory should be banned.<sup>50</sup>

## 2.1 Definition of radiological weapons

It was proposed, for the purpose of the treaty, that the definition of "radiological weapons" should contain the following elements:  
any device, including any weapon or equipment, other than a nuclear explosive device, specifically designed to employ radioactive material by disseminating it; any radioactive material other than that produced by a nuclear explosive device, specifically designed for employment, by its dissemination; the destruction, damage or injury would be caused by means of the radiation produced by the decay of such material.<sup>51</sup> The view was expressed that the definition should include also the so-called particle-beam weapons, which produce radiation in ways other than through radioactive decay.<sup>52</sup> Others felt that particle-beam weapons should be dealt with separately in another context.<sup>53</sup> In order to eliminate any ambiguity as to the particular method of warfare, it was proposed to specify that dissemination occurs independently of nuclear explosions.<sup>54</sup> The concept of "nuclear explosive device" needs to be defined precisely.<sup>55</sup>

## 2.2 Activities and obligations

With respect to other activities of each State Party to the Treaty which might be prohibited, a proposal covered the following categories: undertaking not to employ deliberately, by its dissemination, any radioactive material not defined as a radiological weapon, and not produced by a nuclear explosive device; undertaking not to assist, encourage, or induce any person, State, group of States or international organizations to engage in any of the activities prohibited by the treaty; undertaking to prevent loss of and to prohibit and prevent diversion of radioactive material that might be used in radiological weapons and any activities contrary to the provisions of the treaty in its territory or at any place under its jurisdiction or under its control.<sup>56</sup>

It was suggested that the prohibition of the dissemination of radioactive material should cover actions for defensive purposes.<sup>57</sup> Military attacks or deliberate damaging in war of nuclear reactors or other nuclear-fuel-cycle facilities should be taken into account, and the prohibition should cover all facilities containing large amounts of radioactive substances.<sup>58</sup> A reference to the Convention on the physical protection of nuclear material should be considered.<sup>59</sup> The application of IAEA safeguards could be explored.<sup>60</sup>

The Convention should provide guarantees against the diversion of radioactive material from unsafeguarded facilities in non-nuclear weapon States, as well as in nuclear-weapon States.<sup>61</sup> The convention should contain categorical provisions regarding the obligations of all member States to promote nuclear disarmament, to prevent the threat of nuclear war and to preserve international peace and security.<sup>62</sup>

### 2.3 Relationship to other treaties

It was proposed that nothing in the treaty should be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Treaty of Non-Proliferation of Nuclear Weapons, the Geneva Protocol of 17 June 1925, or any existing rules of international law governing armed conflict.<sup>63</sup> The mention of a particular treaty could create difficulties for certain delegations.<sup>64</sup>

### 3. Peaceful uses

A proposal was made that the provisions of the treaty should not hinder the use of sources of radiation from radioactive decay for peaceful purposes and should be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.<sup>65</sup> The wording of the provision should ensure explicitly the peaceful use of the radiation produced by radioactive decay; and the development and operation of peaceful nuclear programmes, especially of the developing countries.<sup>66</sup>

### 4. Compliance and verification

With respect to the question of compliance and verification, it was proposed that in order to solve any problems which may arise in relation to the objectives of the treaty or its application, consultations and co-operation would be undertaken by the parties themselves and also through appropriate international procedures within the framework of

the United Nations and in accordance with its Charter. The services of appropriate international organizations, as well as of a consultative Committee of Experts are envisaged. It was also proposed that any State Party which has reasons to believe that any other State Party is acting in breach of obligations deriving from the treaty may lodge a complaint with the Security Council of the United Nations, which may initiate an investigation. It was further proposed that each State Party should undertake to co-operate in carrying out any investigation which the Security Council may initiate and to provide or support assistance to any Party which so requests, in accordance with the Charter of the United Nations, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of violation of the treaty.<sup>67</sup> Views were expressed that the complaint procedure involving the Security Council should be considered insufficient as long as the permanent members may exercise their right of veto in such matters.<sup>68</sup> The machinery for consultation and co-operation needed careful examination.<sup>69</sup> The procedure for convening the Consultative Committee of Experts should be more efficient, assuring more powers for the Depositary and for the Committee itself.<sup>70</sup> The procedures of consultation and co-operation need to be more specific and effective. The role and powers of the Consultative Committee and its activities should be regarded as a first step before the submission of a specific complaint to the Security Council.<sup>71</sup> Doubts were expressed regarding the complaint procedures and the role of the Security Council, as inconsistent with the principles of equal obligations and with the principle that only parties to a treaty have the right to participate in the implementation of the treaty.<sup>72</sup>

## 5. Other provisions

### 5.1 Amendments

It was suggested that amendments to the treaty might be proposed by any State Party through the Depositary. An amendment would enter into force after the deposit of documents of acceptance by a majority of State Parties. Thereafter - on the date of the deposit by the State Party of the acceptance document.<sup>73</sup>

### 5.2 Duration and withdrawal

It was proposed that the treaty would be of unlimited duration. When the supreme interests of a State Party are jeopardized, it shall have the right to withdraw from the treaty after prior notification. Notice of such



withdrawal shall be given to all other Parties and to the Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.<sup>76</sup>

### 5.3 Review Conferences

It was proposed that a review conference should be convened ten years after entry into force of the treaty, or earlier if requested by a majority of States Parties, with a view to assuring that the purposes of the preamble and the provisions of the treaty are being realized. Such review should take into account any new scientific and technological developments relevant to the treaty. Thereafter, a majority of the State Parties could obtain the convening of a conference with the same objective. The Depositary should solicit the views of all State Parties on the holding of a review conference if such a conference has not been convened during a certain period of time.<sup>75</sup> Five years after the entry into force of the treaty for the first review conference was considered a more appropriate time length.<sup>76</sup> Further review conferences could be held at longer intervals, depending on the need expressed by a majority of States or a number of States not constituting a majority, as may be agreed upon.<sup>77</sup> If no review conference had been convened within ten years following the conclusion of a previous review conference, the depositary should solicit the views of all States parties. If one third or ten of the States parties, whichever number is less, respond affirmatively, the depositary should convene the conference.<sup>78</sup>

### 5.4 Adherence, ratification, entry into force, Depositary

It was proposed that the treaty should be open to all States for signature. Any State could accede to it at any time. The treaty should be subject to ratification by signatory States. Instruments of ratification and accession should be deposited with the Secretary-General of the United Nations. The treaty should enter into force upon the deposit of an agreed number of instruments of ratification.<sup>79</sup> It was also proposed that the treaty should enter into force upon the deposit of 25 instruments of ratification (including those of the nuclear-weapon States.)<sup>80</sup>

### 5.5 Annex

It has been proposed that in an annex which would constitute an integral part of the treaty, the functions and rules of procedure of a Consultative Committee of Experts would be set out.<sup>81</sup>

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18. Sweden, CD/PV.63, p.12
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25. Mexico, CD/PV.74, p.20
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28. Egypt, CD/PV.77, p.9
29. Pakistan CD/PV.77, pp.13 and 16
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38. Italy, CD/PV.74, p.19
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42. Belgium, CD/PV.76, p.19-20
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78. German Democratic Republic, CD/42, para. 1
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AD HOC WORKING GROUP ESTABLISHED WITH A VIEW TO REACHING AGREEMENT  
ON A CONVENTION PROHIBITING THE DEVELOPMENT, PRODUCTION,  
STOCKPILING AND USE OF RADIOLOGICAL WEAPONS

Report to the Committee on Disarmament

I. INTRODUCTION

1. The Final Document of the Tenth Special Session of the General Assembly in its section III entitled "Programme of Action" contains the following paragraph:

"76. A convention should be concluded prohibiting the development, production, stockpiling and use of radiological weapons".

2. At its 1979 session the Committee on Disarmament noted with satisfaction the submission by the USSR and the United States of America of an agreed joint proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons (CD/31 and CD/32). Following a preliminary discussion, the Committee concluded that it would continue consideration of the agreed joint proposal as soon as possible at its next annual session.

3. At its thirty-fourth session the General Assembly of the United Nations adopted resolution 34/87 A entitled "Conclusion of an international convention prohibiting the development, production, stockpiling and use of radiological weapons", which operative paragraphs 1 and 2 read as follows:

"1. Welcomes the report of the Committee on Disarmament with regard to radiological weapons and, particularly, its stated intention to continue consideration of proposals for a convention banning these weapons at its next session;

2. Requests the Committee on Disarmament to proceed as soon as possible to achieve agreement, through negotiation, on the text of such a convention and to report to the General Assembly on the results achieved for consideration by the Assembly at its thirty-fifth session."

4. In considering item 5 of its 1980 agenda, entitled "New types of weapons of mass destruction and new systems of such weapons; radiological weapons", the Committee on Disarmament at its 69th plenary meeting held on 17 March 1980 adopted the following decision:

"The Committee on Disarmament decides to establish for the duration of its 1980 session an ad hoc working group of the Committee with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons.

\* Reissued for technical reasons.

The ad hoc working group will report to the Committee on the progress of its work at any appropriate time and in any case before the conclusion of its 1980 session.

5. At its 80th meeting on 22 April the Committee appointed Ambassador Dr. Imre Komives of Hungary as Chairman of the Ad Hoc Working Group. Mr. B. Konstantinov, of the United Nations Centre for Disarmament, was appointed as Secretary of the Working Group.

## II. SUMMARY OF THE PROCEEDINGS

6. In accordance with the agreement reached in the Committee the Ad Hoc Working Group held 16 meetings between 24 April and 1 August 1980.

7. Delegates of all member States of the Committee on Disarmament participated in the work of the Working Group. Experts from Czechoslovakia, Egypt, France, Romania, Indonesia, Sweden, USSR, United States and Yugoslavia provided additional information and gave explanations.

8. At its first meeting the Working Group considered organizational matters and agreed that it would start its substantive work on Monday, 16 June, providing, at the beginning, possibility for a short general exchange of views on radiological weapons. It was also agreed that each delegation would decide at which point the assistance of experts would be needed.

9. At its second meeting the Working Group agreed that the proceedings should encompass three phases:

- (a) to identify the main elements of the future treaty, bearing in mind the documents submitted so far and the statements made;
- (b) to negotiate on each of identified elements;
- (c) to draft the text of the convention.

10. At the request of the Working Group the Chairman submitted and the Group adopted at its third meeting a working paper containing the "Main elements in the negotiations of a treaty on the prohibition of radiological weapons", namely:

1. Preamble
2. Scope of the prohibition
3. Definition of radiological weapons
4. Activities and obligations
5. Relationship with other disarmament measures and agreements
6. Peaceful uses
7. Compliance and verification

8. Other provisions
9. Amendments
10. Duration and withdrawal
11. Review conference
12. Adherence, entry into force, depositary
13. Annexes

11. At the same meeting the Group adopted a proposal by the Chairman concerning the order which could serve as a guide in discussing the main elements at meetings of the Working Group, namely:

- Definition of radiological weapons
- Scope of the prohibition
- Activities and obligations
- Peaceful uses, Relationship to other treaties
- Compliance and verification
- The remaining "main elements" (other provisions, amendments, duration and withdrawal, review conference, adherence, entry into force, depositary)
- Preamble

It was further agreed that during each meeting the Working Group would tackle all proposals and considerations of States members of the Committee on Disarmament which were submitted prior to the day of the meeting or might be submitted and which refer to the main element to be discussed.

12. In the conduct of its work the Working Group had before it the following documents and working papers:

- (1) CD/31 "Letter dated 9 July 1979 addressed to the Chairman of the Committee on Disarmament from the Representative of the Union of Soviet Socialist Republics transmitting a document entitled "Agreed joint USSR-United States proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of Radiological Weapons."
- (2) CD/32 - Letter dated 9 July 1979 addressed to the Chairman of the Committee on Disarmament from the Representative of the United States of America transmitting a document entitled "Agreed joint United States-USSR proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons".



- (3) CD/40 - "Working paper on the draft preambular part of the Treaty on the Prohibition of the development, manufacture, stockpiling and use of radiological weapons", dated 23 July 1979, submitted by the delegation of Hungary;
- (4) CD/42 - "Working paper on draft paragraph XI, subparagraph 5, and paragraph XII, subparagraph 3 of the Treaty on the Prohibition of the Development, Manufacture, Stockpiling and Use of Radiological Weapons", dated 25 July 1979, submitted by the delegation of the German Democratic Republic.
- (5) CD/RW/WP.3 - Canada: Comments on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons.
- (6) CD/RW/WP.4 - Federal Republic of Germany: Proposal for a new Article V.
- (7) CD/RW/WP.5 - Federal Republic of Germany: Comments on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons.
- (8) CD/RW/WP.6 - Sweden: Proposals for Articles I, II and III, of a Treaty prohibiting radiological warfare including the development, production, stockpiling and use of radiological weapons.
- (9) CD/RW/WP.7 - Italy: Comments on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons (Doc. CD/31 and CD/32).
- (10) CD/RW/WP.8 - France: Proposed amendments to the agreed joint USSR-USA proposal on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons.
- (11) CD/RW/WP.9 - Pakistan: Proposals for a revised Article V and a new article after Article V.
- (12) CD/RW/WP.10 - Yugoslavia: Proposal for an article of the Treaty related to the definition of radiological weapons.
- (13) CD/RW/WP.11 - Argentina: Observations on a Treaty prohibiting radiological weapons.
- (14) CD/RW/WP.12 - Venezuela: Proposals for a title and for substitution of the Articles I, II and III of the "agreed joint USSR-USA proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons".
- (15) CD/RW/WP.14 - Sweden: Proposal for a study on IAEA safeguards.

In addition to these documents the Working Group took into account the views expressed by many delegations on the question of the prohibition of radiological weapons in the Committee, as well as during the last session of the General Assembly. Many delegations have also commented upon the documents referred to previously, making suggestions and also asking questions in connexion with them.

At the request of the Group the Secretariat compiled in twelve Conference Room Papers and their addenda all proposals and suggestions mentioned above, as well as additional proposals and suggestions made by the delegations of Australia, Belgium, Bulgaria, Egypt, the Federal Republic of Germany, India, Mexico, Morocco, the Netherlands, Romania and Pakistan.

A list of documents, working papers and conference room papers was prepared by the Secretariat (CD/RW/WP/13/Rev.1).

13. At the request of the Working Group the Secretariat prepared a "Compilation of relevant documents on radiological weapons covering the period 1979-1980" (CD/104).

14. Also at the request of the Working Group the Secretariat prepared a tabulation of the texts of all proposals concerning the provisions of a treaty on radiological weapons (CD/RW/WP.15)..

### III. SUMMARY OF THE DISCUSSION

15. In carrying out its mandate, the ad hoc working group held extensive discussions on the main elements of a treaty prohibiting radiological weapons. The discussion revealed that, while all delegations were ready to negotiate a treaty on radiological weapons, different concepts existed with regard to approach, the priority, the role and scope of the treaty, the definition of radiological weapons and the procedures of verifying compliance, as well as in some other areas.

16. With respect to the approach, the role and the scope of the treaty, the view was expressed on the one hand that its importance consisted of preventing the emergence of a particular type of weapon of mass destruction not yet in existence but which could be developed and produced. Consequently, the treaty should not be burdened with additional problems. Furthermore, the treaty would represent another contribution to the limitation of the qualitative arms race and progress towards the objective of using scientific and technological achievements solely for peaceful purposes. The joint USSR-United States proposal was regarded as a

suitable basis for reaching agreement on a treaty prohibiting the development, production, stockpiling and use of radiological weapons. On the other hand, in assessing the joint proposal, the view was expressed that the text was too restrictive and it should be broadened so as to include the prohibition of all kinds of weapons that used radiation. In this respect, it was stressed that any treaty prohibiting the use of radiological weapons should contain explicit provisions concerning the urgent priority of nuclear disarmament.

- The view was held that particle beam weapons should also be covered by a ban on radiological weapons. However, others pointed out that particle beam weapons are of a different nature and could not be included within the scope of the proposed convention.

- The question of introducing the notion of radiological warfare was raised. The view was expressed that the term radiological warfare meant dissemination of radioactive material, other than through the explosion of a nuclear explosive device, in order to cause destruction, damage or injury by means of the radiation produced by the decay of such material. In this connexion the view was expressed that the introduction of such a notion would lead to confusion in the field of international law related to armed conflicts, and that the joint USSR-United States proposal was aimed at a preventive prohibition of radiological weapons as well as the prohibition of radiological warfare, i.e. military actions with the use of such weapons.

- The view was expressed that the treaty should explicitly prohibit deliberate attacks on nuclear reactors or any other nuclear fuel facilities. On the other hand, the view was expressed that a similar prohibition was already provided for in Article 56 of the I Additional Protocol of 1977 to the Geneva Conventions of 1949, on the protection of victims of international armed conflicts.

- It was stated that, as radiological weapons did not yet exist, and that since it did not seem foreseeable that they could exist as a specific type of weapon, the work of the Committee on Disarmament should be oriented towards the conclusion of a convention on the prohibition of the use of radioactive material for hostile purposes. This opinion was contested, and the view was expressed that such an approach would limit the scope of a future treaty and that the joint proposal was more comprehensive.

- The view was expressed that more explicit wording should be used with respect to the prohibition of radiological weapons in wartime, for defence purposes, as well as to the use of radioactive barriers and permissible levels of radioactivity

17. With respect to the definition, the view was expressed that the joint proposal was insufficient. The view was expressed that the definition of radiological weapons should not be so drafted as to imply that the use of nuclear weapons would have a legal justification that certain delegations did not accept. The definition of radiological weapons should, therefore, be in terms of the specific attributes of such potential weapons and not in terms of the exclusion of nuclear explosive devices. On the other hand, the view was expressed that the definition of radiological weapons contained in the joint proposal had a sound scientific basis. At the same time the view was expressed that it would be useful to continue the search for a formulation that would define radiological weapons in strictly positive terms, without resorting to exclusion clauses.

18. Questions were raised regarding the manner in which the fulfilment of the obligations contained in the joint USSR-United States elements not to divert radioactive material for use in radiological warfare would be monitored, especially with regard to radioactive material in nuclear facilities outside international safeguards. It was proposed in this context that an overview study of the possibilities of establishing and administering international safeguards should be performed by the Secretariat. Others expressed their disagreement with this proposal.

19. It was generally accepted that the provisions of the treaty should not hinder the use of radiation from radioactive decay for peaceful purposes. Views were expressed concerning the need for more explicit provisions for the right of the parties to exchange information as well as to develop and acquire nuclear technology for peaceful purposes.

20. In the course of consideration of the procedures of verifying compliance, the view was expressed that the related provisions of the joint proposal corresponded to the subject and scope of prohibition and met the requirements of this particular treaty. Some held the view that the procedure of lodging complaints envisaged in the joint USSR-United States proposal could be regarded as a satisfactory one. On the other hand, reservations were made with regard to the procedure of verifying compliance as proposed, in particular with respect to the role of the Security Council of the United Nations, as well as the proposed mandate for the Consultative Committee of Experts. The view was also expressed that greater authority, including with respect to on-site inspection, should be granted to the Consultative Committee of Experts as an independent body. The view was also expressed that the ultimate authority in the matter of compliance should be vested not in the Security Council, but in the United Nations General Assembly or in a Governing Board consisting of all the States Parties to the Treaty.

21. The working group also briefly considered other elements of a treaty, such as the preamble and the final clauses.

IV. CONCLUSION

22. There was wide recognition of the need to reach agreement on the text of a treaty prohibiting radiological weapons. However, various differences of approach have yet to be resolved.

23. In the light of the progress made, the Ad Hoc Working Group recommends that the Committee on Disarmament set up at the beginning of its 1981 session a further Ad Hoc Working Group under an appropriate mandate to be determined at that time, to continue negotiations on the elaboration of a treaty prohibiting radiological weapons.

**1981**

Decision adopted by the Committee on ad hoc working groups  
at its 105th plenary meeting, on 12 February 1981

The Committee decides that the ad hoc working group on the comprehensive programme of disarmament established on 17 March 1980 shall resume its work forthwith, in accordance with the conclusion reached by the Committee at its 100th plenary meeting (paragraph 68.16 of CD/139).

The Committee further decides to re-establish, for the duration of its 1981 session, the ad hoc working groups on effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons, chemical weapons and radiological weapons, which were established on 17 March for its 1980 session, so that they may continue their work on the basis of their former mandates.

It is understood that the Committee will, as soon as possible, review the mandates of the three ad hoc working groups with a view to adapting, as appropriate, their mandates to advance the progress of the process of negotiations towards the objective of concrete disarmament measures.

It is also understood that the decision taken by the Committee in no way precludes the urgent consideration of the proposals submitted for the establishment of other ad hoc working groups on items 1 and 2 of the Committee's agenda, as well as the consideration of the establishment of other subsidiary bodies which have been or may be proposed.

The ad hoc working groups will report to the Committee on the progress of their work at any appropriate time and in any case before the conclusion of its 1981 session.

REPORT OF THE AD HOC WORKING GROUP ON  
RADIOLOGICAL WEAPONS

## I. INTRODUCTION

1. At its 105th plenary meeting on 12 February 1981, the Committee on Disarmament adopted the following decision relating, inter alia, to item 5 of its agenda:

"The Committee further decides to re-establish, for the duration of its 1981 session, the ad hoc Working Groups on effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons, chemical weapons, and radiological weapons, which were established on 17 March for its 1980 session, so that they may continue their work on the basis of their former mandates."

In addition, the Committee on Disarmament decided that the ad hoc Working Groups would report to the Committee on the progress of its work at any appropriate time and in any case before the conclusion of its 1981 session (document CD/151, paras. 2, 5).

## II. ORGANIZATION OF WORK AND DOCUMENTATION

2. At its 107th plenary meeting on 17 February 1981, the Committee on Disarmament appointed Ambassador Dr. Imre Kőmives (Hungary) as Chairman of the Ad Hoc Working Group. Mr. Guennady Efimov of the United Nations Centre for Disarmament was appointed as Secretary of the Working Group.

3. The Ad Hoc Working Group held 21 meetings between 20 February to 23 April 1981 and between 18 June to 14 August 1981.

4. Delegates of all member States of the Committee on Disarmament participated in the work of the Ad Hoc Working Group.

5. At the 127th plenary meeting of the Committee on Disarmament, on 24 April 1981, the Chairman submitted a progress report on the work done by the Ad Hoc Working Group (CD/PV.127).

6. At its 129th and 132nd plenary meetings on 16 June and 24 June 1981 respectively, the Committee on Disarmament decided to invite, at their request, the representatives of the following States not members of the Committee to participate in the meetings of the Ad Hoc Working Group: Austria, Spain.



7. In fulfilling its mandate, the Ad Hoc Working Group took into consideration paragraph 76 of the Final Document of the First Special Session of the United Nations General Assembly devoted to disarmament which stated that a convention should be concluded prohibiting the development, production, stockpiling and use of radiological weapons. The Working Group also took into consideration the relevant recommendations of the United Nations Disarmament Commission, in particular those adopted in connection with the Second Disarmament Decade in 1980. The Working Group further took into account resolution 35/156G of the General Assembly entitled "Conclusion of an international convention prohibiting the development, production, stockpiling and use of radiological weapons", in which operative paragraph 1 reads as follows:

"1. Calls upon the Committee on Disarmament to continue negotiations with a view to elaborating a treaty prohibiting the development, production, stockpiling and use of radiological weapons and to report on the results to the General Assembly at its thirty-sixth session."

8. In the conduct of its work the Ad Hoc Working Group had before it the following documents and working papers:

- CD/31 - Letter dated 9 July 1979 addressed to the Chairman of the Committee on Disarmament from the Representative of the Union of Soviet Socialist Republics transmitting a document entitled 'Agreed joint USSR-United States proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of Radiological Weapons'.
- CD/32 - Letter dated 9 July 1979 addressed to the Chairman of the Committee on Disarmament from the Representative of the United States of America transmitting a document entitled 'Agreed joint United States-USSR proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons'.
- CD/40 - Working paper on the draft preambular part of the Treaty on the Prohibition of the development, manufacture, stockpiling and use of radiological weapons', dated 23 July 1979, submitted by the delegation of Hungary.
- CD/42 - Working paper on draft paragraph XI, subparagraph 3, and paragraph XII, subparagraph 3 of the Treaty on the Prohibition of the Development, Manufacture, Stockpiling and Use of Radiological Weapons', dated 25 July 1979, submitted by the delegation of the German Democratic Republic.

- CD/RW/WP.3 - Canada: Comments on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons.
- CD/RW/WP.4 - Federal Republic of Germany: Proposal for a new Article V.
- CD/RW/WP.5 - Federal Republic of Germany: Comments on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons.
- CD/RW/WP.6 - Sweden: Proposals for Articles I, II and III, or a Treaty prohibiting the development, production, stockpiling and use of radiological weapons.
- CD/RW/WP.7 - Italy: Comments on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons (Doc. CD/31 and CD/32).
- CD/RW/WP.8 - France: Proposed amendments to the agreed joint USSR-United States proposal on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons.
- CD/RW/WP.9 - Pakistan: Proposals for a revised Article V and a new article after Article V.
- CD/RW/WP.10 - Yugoslavia: Proposal for an article of the Treaty related to the definition of radiological weapons.
- CD/RW/WP.11 - Argentina: Observations on a Treaty prohibiting radiological weapons.
- CD/RW/WP.12 - Venezuela: Proposals for a title and for substitution of the Articles I, II and III of the 'agreed joint USSR-United States proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons'.
- CD/RW/WP.14 - Sweden: Proposal for a study on IAEA safeguards.
- CD/RW/WP.15 - Tabulation of proposals submitted to the Ad Hoc Working Group on Radiological Weapons on a treaty prohibiting radiological weapons (prepared by the Secretariat).
- CD/RW/WP.15/Add.1/Rev.1 - India: Proposals for amendments of Article I, II, III, V and VII of the elements of the proposed Draft Treaty on the prohibition of Radiological Weapons.
- CD/RW/WP.15/Add.2 - Indonesia: Statement delivered by the delegation of Indonesia at the fourth meeting of the Ad Hoc Working Group on Radiological Weapons held on 13 March 1981.

- CD/RW/WP.15/Add.2/Supp.1 - Indonesia: Comment on the agreed joint USSR-United States CD/31-CD/32 especially paragraph 3 Article VIII concerning compliance and verification and on the French proposal contained in CD/RW/WP.8.
- CD/RW/WP.15/Add.3 - Yugoslavia: Proposal for amendments to Article II of the elements of the proposed Draft Treaty on the Prohibition of Radiological Weapons.
- CD/RW/WP.16/Rev.1 - Report to the Committee on Disarmament.
- CD/RW/WP.17 - The Chairman's brief delivered at the First meeting of the Ad Hoc Working Group on Radiological Weapons held on 20 February 1981.
- CD/RW/WP.18 - The Chairman's Working Paper containing alternative texts of Articles on definition and scope of prohibition of a future treaty.
- CD/RW/WP.18/Add.1 - The Chairman's working paper containing alternative texts of Articles on activities and obligations and peaceful uses.
- CD/RW/WP.18/Add.2 - The Chairman's Working Paper containing alternative texts of Articles on relationship with other Disarmament measures and agreements and compliance and verification.
- CD/RW/WP.18/Add.2/Supp.1 - The Chairman's Working Paper containing alternative text for Annex.
- CD/RW/WP.18/Add.3 - The Chairman's Working Paper containing alternative texts of Articles on Amendments, Duration and Withdrawal, Review Conferences, Adherence, Entry into Force, Depositary.
- CD/RW/WP.19 - Sweden: Memorandum on certain aspects of a convention prohibiting radiological warfare.
- CD/RW/WP.20 - The Chairman's Working Paper containing consolidated text based on proposals submitted by the Chairman.
- CD/RW/WP.20/Add.1 - Sweden: Proposal for Article VI of the consolidated text by the Chairman.
- CD/RW/WP.20/Add.1/Supp.1 - Morocco: Proposal for Article VI of the consolidated text by the Chairman.
- CD/RW/WP.20/Add.2 - Japan: Proposed amendment to Article V of CD/RW/WP.20.
- CD/RW/WP.20/Add.3 - Federal Republic of Germany: Proposal for Article VII and Annex of the consolidated text by the Chairman.
- CD/RW/WP.20/Add.4 - Sweden: Proposal for Article VIII of the consolidated text by the Chairman.
- CD/RW/WP.20/Add.5 - Venezuela: Proposed amendment to Article IX of document CD/RW/WP.20.

- CD/RW/WP.20/Add.6 - Morocco: Proposed amendment to Article VII of document CD/RW/WP.20.
- CD/RW/WP.20/Add.7 - The Chairman's Working Paper on definition and scope of prohibition.
- CD/RW/WP.20/Add.8 - The Chairman's Working Paper on peaceful uses.
- CD/RW/WP.21 - The Chairman's Working Paper containing time-table for the work of the Working Group during the Second part of the CD 1981 session.
- CD/RW/WP.22 - Australia: Working paper on Scope and Definition of the future Treaty on Radiological Weapons.
- CD/RW/WP.23 - Working Paper of the Group of 21 on certain elements of the Convention on the Prohibition of Radiological Weapons.
- CD/RW/WP.24 - Draft Report of the Ad Hoc Working Group on Radiological Weapons.
- CD/RW/WP.24/Rev.1 - Draft Report of the Ad Hoc Working Group on Radiological Weapons.

9. In addition to these documents, the Working Group took into consideration the views expressed by delegations on the question of the prohibition of radiological weapons in the Committee on Disarmament as well as during the thirty-fourth and thirty-fifth sessions of the General Assembly.

10. At the request of the Group, the Secretariat compiled in 15 conference room papers and their addenda proposals and suggestions made by Australia, Belgium, Bulgaria, Canada, Egypt, France, German Democratic Republic, Germany, Federal Republic of, Hungary, India, Italy, Mexico, Morocco, Netherlands, Pakistan, Romania, Sweden, Union of Soviet Socialist Republics, United States of America, Venezuela and Yugoslavia. A list of documents, working papers and conference room papers was also prepared by the Secretariat (CD/RW/WP.13/Rev.2).

11. At the request of one delegation the Ad Hoc Working Group agreed that it would benefit the work of the Group if, in conformity with Article 41 of the rules of procedure of the Committee on Disarmament, the Director-General of the IAEA could be invited to provide information on the possible relationship between a draft convention prohibiting the development, production, stockpiling and use of radiological weapons and the Vienna Convention on the Physical Protection of Nuclear Material as well as the guidelines for physical protection of nuclear material. Consequently the Chairman of the Ad Hoc Working Group wrote a letter to the Chairman of the Committee on Disarmament asking him to initiate consultations with the Committee on this request. Some delegations expressed their reservations to this proposal. Some delegations stated that the information should be technical and in the nature of providing relevant facts to delegations who may require them. Some delegations stated that it should

have no bearing on the process of negotiation on the elaboration of a treaty prohibiting the development, production, stockpiling and use of radiological weapons within the Ad Hoc Working Group.

### III. SUMMARY OF THE DISCUSSION

12. In fulfilling its mandate the Ad Hoc Working Group considered the main elements of a treaty prohibiting radiological weapons on the basis of the Chairman's consolidated text and other documents and proposals submitted with a view to elaborating draft provisions for the future treaty. The activities of the Ad Hoc Working Group showed that while further efforts were made to narrow down the existing differences, divergences still exist, particularly on the scope of prohibition, the definition of radiological weapons, the procedure for verifying compliance, peaceful uses and the relationship of the proposed treaty with other international agreements and other measures in the field of disarmament including nuclear disarmament.

13. In connection with the scope of the treaty, several specific suggestions were put forward. Some delegations stated that the development of specific radiological weapons as defined in the Chairman's consolidated text and the joint USSR/United States proposal was a very remote possibility. They recalled that these weapons did not exist and in their view they could hardly become practical weapons of mass destruction. They considered however that there existed a very real risk of mass destruction from dissemination of radioactive substances through attacks on nuclear facilities, a possibility which was not adequately covered by existing international agreements. Therefore these delegations believed that the treaty should contain a provision for an undertaking not to attack nuclear facilities or to deliberately damage such facilities and that the treaty on radiological weapons would be the appropriate legal framework for elaboration of such an international legal norm. They considered that such a provision should not be seen as an obstacle to the conclusion of the treaty.

The view was also expressed that as radiological weapons did not exist and their existence as a specific type of weapon could not be foreseen the work of the Committee on Disarmament in this field should be oriented towards the prohibition of radiological warfare and all use of radiation produced by radioactive materials to wage radiological warfare.

Other delegations considered that the possibility of the emergence of radiological weapons in the future should not be excluded. These delegations believed that the possibility of the development of radiological weapons and the consequent threat of their use should be dealt with now as a matter of foresight

before such weapons come into existence. These delegations held the view that the scope of the prohibition as defined in the joint USSR/United States proposal and in the Chairman's consolidated text fully corresponds to the purpose of the treaty to prohibit the development, production and use of radiological weapons. In their view an attempt to deal in the same negotiations with the prohibition of radiological weapons and with the protection of nuclear facilities would lead to confusion and make elaboration of any agreements on both matters practically impossible. They believed that provisions concerning this matter were already covered by the Geneva Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I), 1977, and that any additional measures to protect nuclear facilities should be considered within the framework of international humanitarian law applicable in armed conflict.

A view was expressed that there exists a very real risk of mass destruction from dissemination of radioactive substances through attacks on nuclear facilities. However, reservations were expressed as to whether a treaty prohibiting radiological weapons would be the appropriate instrument to deal with this problem particularly in view of the complexities involved.

Some delegations also expressed the view that as a compromise the idea of holding separate negotiations on this question should be reflected in the text of the treaty or in a separate statement.

Some delegations stressed that the future treaty on the prohibition of radiological weapons should contain an explicit commitment to pursue urgently the goal of the cessation of the nuclear arms race and the achievement of nuclear disarmament. They stated that the treaty should be looked upon as a positive step in the process of future negotiations aimed at banning all weapons of mass destruction.

14. There was a general agreement that the scope of the treaty should, inter alia, cover a prohibition on the transfer of radiological weapons.

15. As regards the definition, some delegations continued to maintain the position according to which radiological weapons could be defined with an exclusion clause concerning nuclear weapons. On the other hand, other delegations maintained the view that definition of radiological weapons should not contain such an exclusion clause because they thought that it would legitimize nuclear weapons. Some delegations did not agree with such interpretation of an exclusion clause. The Chairman submitted a new proposal for the definition.

16. With regard to peaceful uses, it was stated by some delegations that the treaty on radiological weapons should recognize the inalienable rights of all States to develop and apply their programmes for peaceful use of radioactive materials and sources of radiation, including nuclear energy and right of free

access and acquisition of related materials, equipment, information and technology. The view was expressed by these delegations that all States should undertake to contribute fully to the strengthening of international co-operation on peaceful uses of radioactive materials and sources of radiation including exchange and transfer of technology, equipment, materials, scientific information and know-how, taking into account the particular needs of developing countries for their economic and social development. Some delegations stated that a new provision should be included on promotion of international co-operation for the development of protective measures against harmful effects of radiation for the benefit of all countries, especially in providing assistance in this field to developing countries. On the other hand, the view was expressed by some delegations that the provisions on peaceful uses in the treaty should not be too comprehensive or detailed, taking into account the main purpose of the treaty and in any event should not run counter to the goal of preventing the proliferation of nuclear weapons and to the commitments of States assumed under respective international agreements in this field. These delegations held that, under international law the provisions of a treaty can only apply to States parties to the given treaty. The Chairman submitted a new proposal on questions related to peaceful uses.

17. In considering the procedures of verifying compliance it was maintained by some delegations that the procedures provided in the Chairman's consolidated text to solve problems which may arise with regard to the objectives and application of the future treaty correspond to the subject and scope of the prohibition of radiological weapons and could be regarded as relevant to the purpose of the future treaty. Some delegations maintained that the Security Council was the most suitable organ to take up the question when a party to the treaty considered that there had been a breach of obligations deriving from the provisions of the treaty, considering that such a breach may constitute a threat to international peace and security.

Other delegations disagreed with these views and stated that the procedure to be devised for lodging of complaints under the treaty should not specifically refer to the United Nations Security Council. Some delegations believed that complaints should instead be lodged with the General Assembly.

The view was expressed that the role of the Consultative Committee of Experts should be strengthened so as to include, inter alia, provisions for on-site inspections and that all States Parties should undertake to co-operate fully with

the Consultative Committee of Experts with a view to facilitating the execution of its task. It was also suggested that if agreement cannot be reached in that Committee a report should be submitted containing all different opinions and the reasons given.

18. Some progress was made in the ad hoc Working-Group in finding formulations for the provisions relating to activities and obligations and relationship with other disarmament agreements (Articles IV and VI of ~~the~~ Chairman's consolidated text) but differences still exist regarding the reference to "international arrangements" in Article IV and in connection with a proposal to refer to "existing rules of international law" in Article VI of the Chairman's consolidated text.

19. With respect to the procedure for submission of amendments to the treaty, the view was maintained that the Committee on Disarmament should be given the task of studying proposed amendments. On the other hand, some delegations believed that only the parties to the treaty should be entitled to participate in the procedure for amendments. An additional provision was suggested according to which, if requested to do so by one-third or more of the parties to the treaty, the depositary should convene a conference to which all the parties would be invited to consider amendment to the treaty.

20. In connection with the clause on duration and withdrawal, while it was generally accepted that the treaty should be of unlimited duration, some reservations were expressed concerning the wording of the provision on withdrawal as contained in Article IX of the Chairman's consolidated text. In this context an alternative formulation was proposed.

21. Some delegations suggested that review conferences should be convened at five year intervals, while others preferred 10 year intervals.

22. Some delegations maintained that the treaty should enter into force upon the deposit of the instrument of ratification by 25 governments (including the nuclear weapon States). Other delegations suggested that the number of such ratifications should be reduced. Some delegations expressed the view that the requirement of ratification by the nuclear weapon States should be deleted.

#### IV. CONCLUSION

23. During the current session, the Ad Hoc Working Group was able to make some progress towards the elaboration of a treaty banning radiological weapons.



Nevertheless, considerable work remains to be done and some important and complex issues need to be resolved. In response to the desire that the elaboration of such a treaty be concluded before the second special session of the General Assembly devoted to disarmament, the Ad Hoc Working Group agreed to recommend to the Committee on Disarmament that it consider whether the Group should resume its work on 18 January 1982. The Ad Hoc Working Group also recommends that the Committee on Disarmament set up at the beginning of its 1982 session an Ad Hoc Working Group under an appropriate mandate, to be determined at that time, to continue negotiations on the elaboration of a treaty prohibiting radiological weapons.

1982

Decision Adopted by the Committee on Disarmament on  
ad hoc working groups at its 15<sup>th</sup> plenary meeting  
on 18 February 1982

The Committee decides to re-establish, for the duration of its 1982 session, the ad hoc working groups on effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons, and radiological weapons, which were established on 17 March for its 1980 session, so that they may continue their work on the basis of their former mandates.

In discharging its responsibility for the negotiation and elaboration, as a matter of high priority, of a multilateral convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction, the Committee on Disarmament decides to establish, for the duration of its 1982 session, an ad hoc working group of the Committee to elaborate such a convention, taking into account all existing proposals and future initiatives, with the view to enabling the Committee to achieve agreement at the earliest date.

The ad hoc working groups will report to the Committee on the progress of their work before the conclusion of the first part of its 1982 session, in view of the forthcoming second special session of the General Assembly devoted to disarmament. They will also report to the Committee before the conclusion of the second part of its 1982 session.

SPECIAL REPORT TO THE COMMITTEE ON DISARMAMENT IN VIEW OF  
THE SECOND SPECIAL SESSION DEVOTED TO DISARMAMENT

Ad Hoc Working Group on Radiological Weapons

CORRIGENDUM

page 2, paragraph 11

The second sentence of this paragraph should read as follows:

"The Working Group held 12 meetings between 20 February and 21 April 1982 under the Chairmanship of Ambassador Dr. Hemming Wegener (Federal Republic of Germany)."

SPECIAL REPORT TO THE COMMITTEE ON DISARMAMENT IN VIEW OF  
THE SECOND SPECIAL SESSION DEVOTED TO DISARMAMENTAd Hoc Working Group on Radiological Weapons

## I. INTRODUCTION \*/

1. Taking into consideration paragraph 76 of the final document of the First Special Session of the General Assembly devoted to Disarmament, which stated that a convention should be concluded prohibiting the development, production, stockpiling and use of radiological weapons, the Committee on Disarmament considered the question of concluding a treaty on radiological weapons in its 1979 session. During this session, the USSR and the United States submitted their joint USSR/United States proposal on major elements of the treaty (CD/31 and CD/32). Other proposals were also submitted.

2. Bearing in mind General Assembly resolution 34/87 A entitled "Conclusion of an international convention prohibiting the development, production, stockpiling and use of radiological weapons", the Committee on Disarmament at its 69th Plenary Meeting held on 17 March 1980 adopted the decision reading, inter alia,

"The Committee on Disarmament decided to establish for the duration of its 1980 session an ad hoc working group of the Committee with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons."

3. The Working Group was re-established by the Committee in 1981 at its 105th Plenary Meeting on 12 February 1981 to continue its work on the basis of its former mandate.

4. During the 1980/1981 sessions of the Committee on Disarmament, the Working Group under the Chairmanship of Ambassador Dr. Imre Kórnives (Hungary) held further discussions on the main elements of a treaty prohibiting radiological weapons on the basis of the Chairman's Consolidated Text (CD/RM/WP.20) and other documents and proposals submitted with a view to elaborating the draft provisions for the treaty on radiological weapons (CD/135 and CD/220).

5. The activities of the Ad Hoc Working Group during that period showed that, while further efforts were made to narrow down the existing difficulties, divergencies still existed, particularly on the scope of the prohibition, the definition of radiological weapons, the procedure for verifying compliance, peaceful uses and the relationship of the proposed treaty with other international agreements and other measures in the field of disarmament, including nuclear disarmament.

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\*/ A list of Documents, Working Papers and Conference Room Papers (1979-1982) submitted in connection with the question of radiological weapons is attached as Annex I to this report.

6. In 1980 and 1981, several specific suggestions were put forward in the Working Group in connection with the scope of the treaty. It was stated that the work of the Committee on Disarmament should be oriented towards the conclusion of a convention on the prohibition of use of radioactive material for hostile purposes.

7. Some delegations argued that there existed a very real risk of mass destruction from dissemination of radioactive substances through attacks on nuclear facilities. Those delegations believed that the treaty on radiological weapons would form an appropriate legal framework for an undertaking not to attack nuclear facilities or to deliberately damage such facilities.

8. Other delegations considered that an obligation to this effect would fall outside the framework of a treaty prohibiting radiological weapons. It was also felt that an attempt to deal in the same negotiations with the prohibition of radiological weapons and with the ban on attacks on nuclear facilities would complicate the negotiations and make elaboration of any agreement on either matter impracticable. They believed that the issues relating to nuclear facilities were already covered by the Geneva Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I), 1977, and that any additional measures to protect nuclear facilities should be considered within the framework of international humanitarian law applicable in armed conflict.

9. Other delegations expressed the view that the existing international instruments on the subject were partial and ambiguous, and that the Committee on Disarmament was fully competent to consider the matter.

10. Some delegations also expressed the view that as a compromise the idea of holding separate negotiations on this question should be reflected in the text of the treaty or in a separate statement.

## II. Present state of negotiations on elaboration of the Treaty prohibiting radiological weapons

### A. Organization of work and procedures

11. In pursuance of the Committee's decision on subsidiary bodies, on 18 February 1982 (CD/243), the Ad Hoc Working Group on Radiological Weapons was re-established on the basis of its former mandate. The Working Group held 11 meetings between 20 February and 16 April 1982 under the Chairmanship of Ambassador Dr. Henning Wegener (Federal Republic of Germany). Mr. Guennady Efimov of the United Nations Centre for Disarmament served as Secretary of the Working Group.

12. At their request, representatives of the following States, non-members of the Committee on Disarmament, were invited to participate in the meetings of the Working Group during its 1982 session: Austria, Norway.

13. In addition to the earlier resolutions the Working Group also took into account resolution 36/97 B of the General Assembly which contained an appeal to complete its negotiations in order to allow a treaty to be submitted if possible to the General Assembly at its Second Special Session devoted to Disarmament.

14. Following consultations, the Chairman, on 9 March 1982, gave a comprehensive report (CD/RW/WP.25), advancing on a personal basis a certain number of suggestions as to the procedure to adopt, and as to possible compromises for the still unresolved problems.

15. At the suggestion of the Chairman, on 15 March 1982 the Working Group agreed, as a procedural hypothesis and without prejudice to later decisions, to conduct separate meetings on the "traditional" <sup>1/</sup> radiological weapons subject matter, on the one hand, and on the question of prohibition of attacks on nuclear facilities on the other (CD/WP.25/Add.1/Rev.1).

16. In this connection, some reservations were expressed. Some delegations maintained that such a procedural hypothesis should not be interpreted as signifying the commencement of negotiations on the subject of prohibition of attacks on nuclear facilities. Some delegations, while prepared to participate in the meetings, expressed doubts as to the competence of the Committee on Disarmament (or competence of the Working Group) to negotiate the question of protecting nuclear facilities from attack. Some delegations expressly reserved their position as to the competence of the Committee to deal with this matter. Some other delegations made clear that the consideration of that question could, in their view, only be of an exploratory nature at this time. Some delegations believed that the two subjects on which negotiations were being conducted in accordance with the proposed procedure should be treated equally on a non-discriminatory basis with a view to incorporating them in the same legal instrument. Other delegations expressly reserved their position with respect to the number and form of the future legal instrument(s) on the subjects under consideration.

B. "Traditional" RW subject matter

17. The Working Group on Radiological Weapons held three meetings devoted to consideration of the matters related to the "traditional" radiological weapons subject matter. While some new possible compromise formulations were advanced, the negotiations showed that differences still exist regarding, in particular, the definition of radiological weapons, the scope of prohibition, verification and compliance, peaceful uses, relationship of the treaty on radiological weapons with nuclear disarmament, and some aspects of the final clauses. Some delegations reminded the Working Group of their view that some draft articles might have to be revised, in view of their intention to have the ban on attacks on nuclear facilities included as an integral part of the Treaty.

18. With regard to the formulation of a definition of radiological weapons and because of the objections by some delegations to the inclusion of an explicit clause excluding nuclear weapons from the treaty, attempts were made to develop a "positive definition" which would not include such a clause. Some specific suggestions were made in this respect (CD/RW/WP.26, 30, 31 and Add.1).

19. Although no formulation was found to be entirely acceptable, from either the technical or legal point of view, the Working Group felt that efforts in this direction should be continued. While some delegations expressed their readiness to participate in those efforts, they still believed that the most effective way to define radiological weapons could be through maintaining an exclusion clause. Other delegations continued to believe that this would amount to a legitimization of nuclear weapons. Some delegations maintained their doubts as to the feasibility of including certain radioactive materials in the definition of radiological weapons.

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<sup>1/</sup> The Working Group agreed that for the purposes of this report the term "traditional" should be employed as a convenient reference to the scope of prohibition envisaged in the joint proposal contained in documents CD/31 and CD/32.

20. In connection with the scope of prohibition some delegations maintained that the use of the term radiological warfare would depend on the scope of the future treaty. Other delegations felt that the concept of radiological warfare has no place in the framework of such a treaty.

21. The view was also expressed that the treaty should not only address the prevention of the emergence of radiological weapons as a specific type of weapon, but also to the prohibition of the use of radiation from the decay of radioactive materials for hostile purposes.

22. Some delegations maintained that the future treaty on the prohibition of radiological weapons should contain an explicit commitment to urgently pursue negotiations for the cessation of the nuclear arms race, the conclusion of effective measures to prevent the use or threat of use of nuclear weapons and the achievement of nuclear disarmament. In this connection the text of an article for inclusion in the treaty was proposed by the Group of 21 \*/ (CD/RW/WP.36). Other delegations were of the view that this article was inappropriate for inclusion in a radiological weapons treaty.

23. As regards peaceful uses, there was widespread recognition that the treaty should contain an appropriately balanced article which would include a provision relating to the strengthening of international co-operation in the peaceful uses of sources of radiation from radioactive decay and a provision stating that nothing in the treaty should be interpreted as affecting the inalienable right of the Parties to the Treaty to apply and develop their programmes for the peaceful uses of nuclear energy, and to international co-operation in this field; the Working Group, however, had not completed its consideration of the precise wording of these provisions.

24. On the question of compliance and verification, some delegations were of the view that the procedures provided in the joint USSR/United States proposal correspond to the subject and scope of the treaty on prohibition of radiological weapons and should be fully maintained, including the provision for lodging complaints, in case of an alleged breach of the Treaty, with the United Nations Security Council.

25. Some delegations disagreed with these views and held that the procedures for lodging complaints under the Treaty should not refer to the Security Council or other organs of the United Nations, since such procedures were, in any event, available under the United Nations Charter, and that the Consultative Committee of Experts should be the focal point for complaints and verification matters under the treaty. It was suggested that the Consultative Committee of Experts should be provided with broad investigatory powers so as to include, in the view of some delegations, provisions for on-site inspections. Some delegations advocated a two-tiered structure for the verification régime under the treaty, with a Consultative Committee of Experts as a fact-finding and evaluating body, and a General Assembly of States Parties as a political forum for consideration of alleged breaches of the treaty. It was agreed that the issues of compliance and verification under the treaty needed further consideration.

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\*/ Algeria, Argentina, Brazil, Burma, Cuba, Egypt, Ethiopia, India, Indonesia, Iran, Kenya, Mexico, Morocco, Nigeria, Pakistan, Peru, Sri Lanka, Sweden, Venezuela, Yugoslavia, Zaire.



26. Some delegations pointed out that the detailed elaboration of the provisions on verification and compliance would require the prior solution of the outstanding issues relating to the scope of prohibition.

27. With regard to the final clauses, the proposal was made for a more elaborate procedure to act upon proposed amendments (CD/RW/WP.20/Add.9/Rev.1); the general idea of this amendment was supported by some delegations. While some divergencies persisted as to the time intervals between entry into force and holding of a first and subsequent review conferences, the view was expressed that these differences could, perhaps, be overcome.

28. The view was widely held that the treaty should enter into force upon the deposit of the instruments of ratification by a lower number than 25 hitherto discussed and the number of 15 was advanced in this context, while some delegations reaffirmed their position that the treaty should enter into force upon its ratification by 25 governments, including the nuclear weapon States.

C. Consideration of the question relating to the prohibition of attacks on nuclear facilities

29. The Working Group also held three meetings devoted to consideration of some issues of relevance relating to the question of protecting nuclear facilities. During these meetings a number of delegations reiterated their reservation as stated in paragraph 16 above. One delegation did not take part in the meetings.

30. The discussion on the prohibition of attack on nuclear facilities followed the outline in the working paper CD/RW/WP.35 proposed by the Chairman and centered around the definition of facilities to be protected and the scope of a possible prohibition.

31. The Working Group heard technical explanations from some delegations as to the destructive effects that could result from attacks on nuclear power reactors exceeding a certain minimum thermal power, reprocessing plants and storage facilities of irradiated material and waste. It was pointed out that attacks on such facilities could possibly result in mass destruction, whereas in the case of certain other facilities, attacks on them would not result in mass destruction because of their low inventory of radioactive material or the lack of such inventory. A certain number of divergencies in relation to these issues appeared.

32. Some delegations proposed that the prohibition of attacks on nuclear facilities should be as comprehensive as possible. Since the basic objective was, in their view, to prevent mass destruction, there could be no justification to differentiate between civilian and military facilities. They also believed that mass destruction would result from attacks on either kind of facilities. However, in their view, mass destruction was not the only criterion relevant to this issue. They argued that an important objective of the proposed instrument was to restore confidence among the countries regarding their peaceful nuclear programmes. This confidence had, in their opinion, been severely eroded in the wake of the Israeli attack on the peaceful nuclear facilities of a developing country. Therefore, they argued that the scope of the prohibition should include not only the larger nuclear fuel cycle facilities but also the smaller research reactors and other facilities. To exclude the latter, in their view, would constitute gross discrimination against the developing countries. In this connection, a specific proposal on the definition of facilities to be protected was put forward by one delegation (CD/RW/CRP.16).

33. Some other delegations felt that it would create serious and possibly insuperable difficulties to grant protection to all nuclear facilities and that in this context it would be appropriate to introduce a threshold of minimum inventory of radioactivity (and of a minimum thermal power in the case of nuclear reactors) so as to eliminate from the protection facilities which, in case of attack, would not cause mass destruction. In this regard, it was particularly emphasized by these delegations that a prohibition of attacks on facilities, which would not result in any radiological damage, would provide a disincentive to the use of nuclear energy for peaceful purposes to the benefit of mankind. Some delegations held that the inclusion of military installations would entail very complex problems. A working paper on definition and scope of prohibition was put before the Working Group by one delegation (CD/RW/WP.34).

34. Some delegations noted however that this very working paper stated that "there may be good arguments that all facilities of the kind mentioned above should be protected by a radiological weapons convention be they civilian, military or dual purpose". A partial ban could, in their view, legitimize attacks on certain nuclear facilities resulting in mass destruction and thus contravene the main objective of the prohibition and increase the difficulties of compliance and verification. They also pointed out that the promotion of nuclear energy, at least in the developing countries was not being impeded by public opinion in these countries but by the restrictive policies of certain industrialized countries.

35. On the other hand, it was pointed out that such a comprehensive ban could not be reasonably expected to be successfully negotiated or, alternatively, to receive the necessary number of ratifications to make it a viable and effective instrument of international law, and thus to remove the danger of mass destruction. The delegation, whose Working Paper had been quoted in the preceding paragraph, drew attention to the fact that the Paper in this context also contained the following statement: "The political difficulties of protecting military facilities in an international instrument are obvious, and such facilities therefore seem to have to be excluded from a convention".

36. It was, however, stated by some delegations that such political difficulties as may be involved were not sufficient reason for a partial prohibition. In their view such an approach would leave open the possibility of legitimizing mass destruction in the conduct of warfare.

37. Some other delegations believed many of the arguments advanced above were inaccurate and further had little to do with the issues at hand.

38. The divergencies could not be settled in the course of the three meetings of the Working Group. Some delegations felt that the topic needed further clarification and discussion. They also felt that a detailed discussion on the remaining issues of the Chairman's provisional checklist (CD/RW/WP.33) would also require a solution of these basic differences of view on definition of facilities and scope of prohibition.

ANNEX I

COMMITTEE ON DISARMAMENT  
Ad Hoc Working Group on  
Radiological Weapons

CD/RW/WP.13/Rev.3  
21 April 1981  
ENGLISH only

LIST

of Documents, Working Papers and Conference Room Papers

I. Documents and Working Papers

1. CD/31 Union of Soviet Socialist Republics: Agreed joint USSR-United States proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons.
2. CD/32 United States of America: Agreed joint United States-USSR proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons.
3. CD/40 Hungary: Working paper on the draft preamble part of the Treaty on the prohibition of the development, manufacture, stockpiling and use of radiological weapons.
4. CD/42 German Democratic Republic: Working paper on draft paragraph XI, subparagraph 3, and paragraph XII, subparagraph 3, of the Treaty on the prohibition of the development, manufacture, stockpiling and use of radiological weapons.
5. CD/104  
(also as CD/RW/WP.1) Secretariat: Compilation of relevant documents on radiological weapons covering the period 1979-1980.
6. CD/133 Report to the Committee on Disarmament: Ad Hoc Working Group established with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons. (1 August 1980)
7. CD/218 Report of the Ad Hoc Working Group on Radiological Weapons (14 August 1981)
8. CD/RW/WP.2/Rev.1 Chairman: Main elements in the negotiations of a treaty on the prohibition of radiological weapons.
9. CD/RW/WP.3 Canada: Comments on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons.
10. CD/RW/WP.4 Federal Republic of Germany: Proposed new Article V.

11. CD/RW/WP.5 Federal Republic of Germany: Comments on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons.
12. CD/RW/WP.6 Sweden: Proposals for Articles I, II, and III of a treaty prohibiting radiological warfare including the development, production, stockpiling and use of radiological weapons.
13. CD/RW/WP.7 Italy: Comments on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons (Document CD/31 and CD/32).
14. CD/RW/WP.8 France: Proposed amendments to the agreed joint USSR-United States proposal on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons.
15. CD/RW/WP.9 Pakistan: Revised Article V; new article after Article V.
16. CD/RW/WP.10 Yugoslavia: Proposal for an article of the treaty related to the definition of radiological weapons.
17. CD/RW/WP.11 Argentina: Observations of a treaty prohibiting radiological weapons.
18. CD/RW/WP.12 Venezuela: Proposals for amendments to the "Agreed joint USSR-United States proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons".
19. CD/RW/WP.14 Sweden: Proposal for a study on IAEA safeguards.
20. CD/RW/WP.15 Tabulation of proposals submitted to the Ad Hoc Working Group on Radiological Weapons on a treaty prohibiting radiological weapons (prepared by the Secretariat).
21. CD/RW/WP.15/Add.1/Rev.1 India: Proposals for amendments of Article I, II, III, V and VII of the elements of the proposed Draft Treaty on the Prohibition of Radiological Weapons.
22. CD/RW/WP.15/Add.2 Indonesia: Statement delivered by the delegation of Indonesia at the fourth meeting of the Ad Hoc Working Group on Radiological Weapons held on 13 March 1981.

23. CD/RW/WP.15/Add.2/Supp.1 Indonesia: Comment on the agreed joint USSR-United States CD/31-CD/32 especially paragraph 3, Article VIII concerning compliance and verification and on the French proposal contained in CD/RW/WP.6.
24. CD/RW/WP.15/Add.3 Yugoslavia: Proposal for amendments to Article II of the elements of the proposed Draft Treaty on the Prohibition of Radiological Weapons.
25. CD/RW/WP.16/Rev.1 Report to the Committee on Disarmament.
26. CD/RW/WP.17 The Chairman's brief delivered at the First meeting of the Ad Hoc Working Group on Radiological Weapons held on 20 February 1981.
27. CD/RW/WP.18 The Chairman's Working Paper containing alternative texts of Articles on definition and scope of prohibition of a future treaty.
28. CD/RW/WP.18/Add.1 The Chairman's Working Paper containing alternative texts of Articles on activities and obligations and peaceful uses.
29. CD/RW/WP.18/Add.2 The Chairman's Working Paper containing alternative texts of Articles on relationship with other Disarmament measures and agreements and compliance and verification.
30. CD/RW/WP.18/Add.2/Supp.1 The Chairman's Working Paper containing alternative text for Annex.
31. CD/RW/WP.18/Add.3 The Chairman's Working Paper containing alternative texts of Articles on Amendments, Duration and Withdrawal, Review Conferences, Adherence, Entry into Force, Depositary.
32. CD/RW/WP.19 Sweden: Memorandum on certain aspects of a convention prohibiting radiological warfare.
33. CD/RW/WP.20 The Chairman's Working Paper containing consolidated text based on proposals submitted by the Chairman.
34. CD/RW/WP.20/Add.1 Sweden: Proposal for Article VI of the consolidated text by the Chairman.
35. CD/RW/WP.20/Add.1/Supp.1 Morocco: Proposal for Article VI of the consolidated text by the Chairman.
36. CD/RW/WP.20/Add.2 Japan: Proposed amendment to Article V of CD/RW/WP.20.
37. CD/RW/WP.20/Add.3 Federal Republic of Germany: Proposal for Article VII and Annex of the consolidated text by the Chairman.

38. CD/RW/WP.20/Add.4 Sweden: Proposal for Article VIII of the consolidated text by the Chairman.
39. CD/RW/WP.20/Add.5 Venezuela: Proposed amendment to Article IX of document CD/RW/WP.20.
40. CD/RW/WP.20/Add.6 Morocco: Proposed amendment to Article VII of document CD/RW/WP.20.
41. CD/RW/WP.20/Add.7 The Chairman's Working Paper on definition and scope of prohibition.
42. CD/RW/WP.20/Add.8 The Chairman's Working Paper on peaceful uses.
43. CD/RW/WP.20/Add.9/Rev.1 The Netherlands: Proposed Amendments to Articles VIII and X.
44. CD/RW/WP.21 The Chairman's Working Paper containing time-table for the work of the Working Group during the Second part of the CD 1981 session.
45. CD/RW/WP.22 Australia: Working Paper on scope and definition of the future Treaty on Radiological Weapons.
46. CD/RW/WP.23 Group of 21: Working Paper on certain elements of the Convention on the Prohibition.
47. CD/RW/WP.24 Draft Report of the Ad Hoc Working Group on Radiological Weapons.
48. CD/RW/WP.24/Rev.1 Draft Report of the Ad Hoc Working Group on Radiological Weapons.
49. CD/RW/WP.25 Chairman's Statement (9 March 1982).
50. CD/RW/WP.25/Add.1/Rev.1 Chairman's Amended Proposal for the organization of work during the opening session (adopted by the Working Group on 15 March 1982).
51. CD/RW/WP.26 Chairman's Working Paper: Positive formulations of an RW Definition (Synopsis).
52. CD/RW/WP.27<sup>\*</sup> Tentative Programme of Work (Submitted by the Chairman).
53. CD/RW/WP.28 Chairman's Working Paper: Suggested formulation of the provision on scope of the Radiological Weapons Treaty.
54. CD/RW/WP.29 Chairman's Working Paper: Suggested formulations of the provisions on peaceful uses.
55. CD/RW/WP.30 Yugoslavia: Definition of Radiological Weapons -- Article II.

56. CD/RW/WP.31 Australia: Proposal on Definition and Scope of Prohibition (giving two alternative texts).
57. CD/RW/WP.32 Chairman's Working Paper: Suggested mechanism of compliance and verification (following on Document CD/RW/WP.20).
58. CD/RW/WP.33 Chairman's Summary of suggested issues of initial relevance relating to protection of nuclear facilities for discussion during Working Group meetings on 26 March and 2 April 1982.
59. CD/RW/WP.34 Sweden: Memorandum of certain aspects of a convention prohibiting radiological warfare (5 April 1982).
60. CD/RW/WP.35 Draft Report to the Committee on Disarmament in view of the Second Special Session devoted to Disarmament: submitted by the Chairman (Introduction) (Parts A and C).
61. CD/RW/WP.35/Add.1 Discussions on the provisions of the Draft Treaty on Radiological Weapons ("traditional" RW subject matter): submitted by the Chairman (Part B).
62. CD/RW/WP.36 Group of 21: Text proposed for an Article in the Draft Treaty on Radiological Weapons (14 April 1982).

## II. Conference Room Papers

1. CD/RW/CRP.1 and Corr.1 Definition: Proposals by USSR-United States, Netherlands, France, Sweden, Egypt, Mexico, Pakistan, Canada and Italy.
2. CD/RW/CRP.1/Add.1 and Corr.1 Definition: Proposals by Egypt, Pakistan, Italy and Australia.
3. CD/RW/CRP.1/Add.2 Definition: Proposals by India.
4. CD/RW/CRP.1/Add.3 Definition: Proposal by Yugoslavia.
5. CD/RW/CRP.1/Add.4 Definition: Proposals by Venezuela and Argentina.
6. CD/RW/CRP.1/Add.5 Definition: Proposal by Morocco.
7. CD/RW/CRP.2 Scope of Prohibition: Proposals by USSR-United States, Belgium, Sweden, Netherlands and Australia.
8. CD/RW/CRP.2/Add.1 Scope of Prohibition: Proposal by France.
9. CD/RW/CRP.3 Activities and Obligations: Proposals by USSR-United States, Italy, Canada, Sweden, Netherlands, Pakistan and India.

10. CD/RW/CRP.3/Add.1      Activities and Obligations: Proposals by Australia and France.
11. CD/RW/CRP.4      Peaceful Uses: Proposals by USSR-United States, Federal Republic of Germany, Italy and Pakistan.
12. CD/RW/CRP.4/Add.1      Peaceful Uses: Proposal by France.
13. CD/RW/CRP.4/Add.2      Peaceful Uses: Proposal by Pakistan.
14. CD/RW/CRP.4/Add.3      Peaceful Uses: Proposal by Romania.
15. CD/RW/CRP.5      Relationship with other disarmament measures and agreements: Proposals by USSR-United States, Pakistan, Egypt, Canada and France.
16. CD/RW/CRP.5/Add.1      Relationship with other disarmament measures and agreements: Proposal by Australia and France.
17. CD/RW/CRP.5/Add.2      Relationship with other disarmament measures and agreements: Proposal by Pakistan.
18. CD/RW/CRP.6      Compliance and Verification: Proposals by USSR-United States, Belgium, France and Sweden.
19. CD/RW/CRP.6/Add.1      Compliance and Verification: Proposal by Pakistan.
20. CD/RW/CRP.7      Annex: Proposals by USSR-United States and France.
21. CD/RW/CRP.8      Amendments: Proposals by USSR-United States and France.
22. CD/RW/CRP.9      Duration and Withdrawal: Proposals by USSR-United States and France.
23. CD/RW/CRP.10      Review Conferences: Proposals by USSR-United States, German Democratic Republic, Australia and France.
24. CD/RW/CRP.10/Add.1      Review Conferences: Proposal by Morocco.
25. CD/RW/CRP.11      Adherence, Entry into Force, Depository: Proposals by USSR-United States, German Democratic Republic, Australia, France and Pakistan.
26. CD/RW/CRP.12      Preamble: Proposals by Hungary, Sweden, Egypt and Belgium.
27. CD/RW/CRP.12/Add.1      Preamble: Proposal by Bulgaria.



28. CD/RW/CRP.12/Add.2 Preamble: Proposals by Sweden and Federal Republic of Germany.
29. CD/RW/CRP.13 Invitation to the International Atomic Energy Agency: Proposal by The Netherlands.
30. CD/RW/CRP.14 Scope on Prohibition: Proposal by The Netherlands.
31. CD/RW/CRP.15 Amendments to text of Draft Report.
32. CD/RW/CRP.16 Definition of facilities to be protected: Proposal by Pakistan.
33. CD/RW/CRP.17 Draft Consolidated Radiological Weapons Treaty Provisions: Submitted by the Chairman.

STATEMENT MADE BY AMBASSADOR HENNING WEGENER, CHAIRMAN OF THE AD HOC WORKING GROUP ON RADIOLOGICAL WEAPONS, ON THE OCCASION OF THE SUBMISSION TO THE COMMITTEE ON DISARMAMENT OF THE REPORT OF THE GROUP

The Working Group had chosen to make use of its time for substantive negotiations as late into last week as possible. As a consequence, only one meeting was available for discussion and adoption of the report. This has placed a considerable burden upon the Secretariat who had to put in extra hours to reproduce the report from a somewhat heterogeneous collection of oral and handwritten amendments designed to supplement the original draft. The members of the Secretariat have done an excellent job under these difficult circumstances, and I should like to thank them on behalf of the Working Group.

However, it was unavoidable in this situation, that a small number of errors or ambiguities have crept into the printed text. With your permission, I should therefore like to read this limited number of amendments, which have become necessary, none of which changes the general thrust and structure of the report, but which will help to clarify it. None of the amendments adds to the text a sentence or thought that was not already part of the Working Group's decision to adopt the report. I then refer to CD/284, and, in the English version to CD/284\*. I quote from the English text, on page 2, in the penultimate line we should strike out the words at the end of the line, "radiation from the decay of". On page 3, in paragraph 16, in the seventh line after the sentence ending with "from attack", kindly insert the following additional sentence: "Some delegations expressly reserved their position as to the competence of the Committee to deal with this matter". On page 5, in the last sentence of paragraph 27, there is a mere printing error, please replace words "points of view" by "differences". And on the last page, it has become necessary to clarify that some of the sentences written here are quotations from what delegations said. In paragraph 32 therefore, in the second sentence, the words "in their view" should be put in, the sentence should then read, "Since a basic objective was, in their view, ..." on to "prevent". The following sentence should be prefaced "they also believed", the sentence then to read, "They also believed mass destruction would result from attacks, etc." In paragraph 34, the second sentence, the words "in their view" should be put in, the sentence then to read, "a partial ban could, in their view, legitimize, etc." In paragraph 33, in the fourth line, the term "thermal effect" for mere technical reasons of correctness, should be replaced by "thermal power".

As delegations will recognize, while taking note of the contents of the Report, the record of the Working Group is far from brilliant. While a promising start was made in early March with a practicable procedural decision that did much to unblock a deadlock situation, the sense of urgency which General Assembly Resolution 36/97 B had initially instilled into the Group and which raised hope that convincing progress could be made at least on the "traditional" RW subject matter, rapidly vanished, and the Working Group is now still faced with some of the same problems that made its work difficult in the preceding year. The willingness of delegations to consider compromise formulation, and to join in a common effort to reach consensus results, faded away at least when the time came

to draft this Report. Instead of proudly going on record with the measure of progress achieved, delegations preferred to restate their earlier positions, in a clear attempt to keep their stance intact for the next round of negotiations. Some delegations even used the opportunity to phrase their demands with new vigour, although it must have been abundantly clear to them their proposals harboured no promise of adoption by the Working Group. The Chairman, in various instances, attempted to put forward texts which in his view took a maximum number of positions into account, but he generally remained unsuccessful. When he, in the closing stages of the session offered to submit an integral draft text of a future RW treaty, covering the "traditional RW" subject matter, a draft which, in his perception could have served as a suitable for compromise on which all delegations could eventually agree, he was given to understand that such an initiative was unwelcome; he thus abstained from circulating the text.

The several parallel meetings on questions relating to the prohibition of attacks on nuclear facilities, provided an opportunity for discussion in depth of some highly relevant issues. A number of delegations contributed to an elucidation of the technical problems involved, and it is fair to say that the Working Group as a whole gained considerable insights into the problems at hand. However, major divergencies as to the scope of possible prohibition appeared at an early point, and proved to be so considerable as to impede further progress even on the level of initial discussion.

While the Working Group's Session has certainly contributed to providing a clearer perspective to all delegations on the issues and on certain options for solution, the field is still wide open. Once again, the Working Group, dealing with a subject matter of only limited significance for the global disarmament process, has been unable to live up fully to its responsibilities. That constitutes a serious challenge for the forthcoming summer session. It will still be my privilege to preside over the work at that time. When work is resumed, I will urge all delegations to renew their efforts to come to grips with the still unresolved problems, and I would already ask them now to clear their minds and to use the intermediate period for reflection about how some of the outstanding problems of principle can be tackled without undue loss of time.

While the Spring Session was disappointing in its results, I yet have to acknowledge that many delegations, and many colleagues personally, offered the Chairman an exceptionally fine co-operation and bore with him in the search for results and compromise. I should like to express my gratitude to them, just as I thank the Secretariat and the interpreters for their fine work.

Should a mode be adopted according to which all the introductory statements by Working Groups' Chairmen be circulated, I would not want to be excluded, however, I would think that in my special case a rendering in the verbatim record would be sufficient.

JAPAN

WORKING PAPER

PROHIBITION OF ATTACKS AGAINST NUCLEAR FACILITIES

1. The purpose of this working paper is to indicate a possibility of solving the question of the prohibition of attacks against nuclear facilities within the framework of a Radiological Weapons treaty, with a view to facilitating deliberations on, and the early conclusion of a RW treaty.

2. Japan has 24 nuclear power stations, 6 nuclear-fuel processing facilities and 1 reprocessing plant on its small expanse of land territory and is firmly resolved to use nuclear energy only for peaceful purposes. For Japan, therefore, it is a matter of great concern to ensure the security of these nuclear facilities and we consider that the prohibiting of attacks against such facilities by international agreement would be of considerable significance in this regard. We also believe that achievement of such agreement would be a matter of similar interest to many other countries with nuclear facilities for peaceful purposes on their territories.

Expressing such a view in the Second Special Session of the United Nations General Assembly devoted to Disarmament, Prime Minister Suzuki stated as follows:

"It is a matter of great concern for countries of the world to be relieved of anxieties in regard to the peaceful uses of nuclear energy. It is important in particular, to ensure and guarantee the security of nuclear facilities for peaceful purposes, and Japan hopes that international efforts towards this end will be successful. My country, for its part, wishes to contribute positively to these efforts."

3. In the course of the deliberation of a RW treaty in the Committee of Disarmament, the Swedish delegation submitted a proposal that a future RW treaty should include a provision on the prohibition of attacks against nuclear facilities. Japan appreciates the intention of this Swedish proposal from the viewpoint mentioned in 2. above.

Recognizing the importance of both the conclusion of a so-called "traditional" RW treaty and the prohibition of attacks against nuclear facilities, we have prepared an outline of a draft protocol on the prohibition of attacks against nuclear facilities as an optional protocol to the RW treaty (see Annex).

4. Japan proposes to deal with this question in the form of an optional protocol to the RW treaty for the following reasons:

- (1) Both a RW treaty and the proposed provisions on the prohibition of attacks against nuclear facilities would aim at minimizing the damage which may be caused by dissemination of radioactive materials. They are, however, of a different nature in that the former would prohibit "weapons", while the latter would prohibit an "act" -- the act of attacking nuclear facilities. It has become clear that the attempt to solve these two questions of a different nature by using one vehicle (a RW treaty) presents difficulties to many delegations and constitutes one of the factors making the achievement of a RW treaty difficult.
- (2) We believe, therefore, that one way to respond to the keen interest existing in the international community in both these questions is to attain an agreement on the prohibition of attacks against nuclear facilities in a separate instrument, while retaining a link to the RW treaty by making it an optional protocol within the framework of the treaty.
- (3) This proposal is put forward in response to the call of the Chairman of the Ad Hoc Working Group on Radiological Weapons, Ambassador Wegener, for a "compromise mechanism", and it is strongly hoped that it will be of some help in finding a way out of the present impasse in the efforts to achieve a RW treaty.

5. A view has been expressed that the question of the prohibition of attacks against nuclear facilities should be dealt with in the context of the 1977 Additional Protocols to the Geneva Conventions of 12 August 1949. However, it is necessary to bear in mind that the said Additional Protocols, which have their own background, prohibit attacks only on nuclear power stations.

6. With regard to the scope of the prohibition, namely which nuclear facilities should be protected from attack, Japan considers that out of nuclear facilities for peaceful purposes at least all nuclear facilities under IAEA safeguards should be protected.

7. We fully understand the idea that nuclear facilities in general should be protected from attack. Therefore, it is proposed that a paragraph to this effect be included in the preambular part of the protocol.

8. We are well aware that the conclusion of the proposed protocol as an international agreement would have complex implications for the security of states and would also involve a number of difficult technical problems of a legal nature. These would certainly require further examination and study.

9. It should also be pointed out that Japan has no intention to exclude the possibility of attacks against nuclear facilities in an independent and separate treaty.

ANNEX

OUTLINE OF DRAFT PROTOCOL ON THE PROHIBITION OF ATTACKS AGAINST  
NUCLEAR FACILITIES (OPTIONAL PROTOCOL TO THE TREATY ON THE  
PROHIBITION OF RADIOLOGICAL WEAPONS)

The States Parties to this Protocol,

1. Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations,
2. Taking into account the gravity of possible damage to the civilian population by radioactive contamination that could ensue in the case of an attack against a nuclear facility,
3. Expressing a general desire that nuclear facilities should not be attacked as a matter of principle,
4. Recognizing the importance of providing international protection to peaceful nuclear activities carried out under international control,
5. Believing that the prohibition of attacks against nuclear facilities on which IAEA safeguards are applied would contribute to the protection of the civilian population and the promotion of peaceful nuclear activities,
6. Desiring that such prohibition of attacks against nuclear facilities would supplement the measures provided for in the Treaty on the prohibition of radiological weapons the purpose of which is to prevent damage by dissemination of radioactive materials,

Have agreed as follows:

Article I

Each State Party to this Protocol undertakes not to make the object of attack any nuclear facilities on which IAEA safeguards are applied and which are located within the territory of any other State Party, under the jurisdiction of such other State Party or under its control anywhere.

Article II

The term "nuclear facilities on which IAEA safeguards are applied" means any nuclear facilities on which the application of IAEA safeguards is provided for in an agreement with the IAEA.

Article III

In order to facilitate the identification of nuclear facilities protected under Article I, these facilities may be marked with a special sign (to be agreed upon).

Articles IV -

(Provisions on a complaint procedure, the registration of nuclear facilities to be protected, scope of protection, duration of the Protocol, amendments, withdrawal, review conferences and other matters shall be included if necessary, or relevant provisions of the RW treaty shall be made to apply with appropriate modifications.)



JAPAN  
WORKING PAPER

PROHIBITION OF ATTACKS AGAINST NUCLEAR FACILITIES

Corrigendum

Page 3, replace paragraph 9 by the following:

"It should also be pointed out that Japan has no intention to exclude the possibility of dealing with the question of the prohibition of attacks against nuclear facilities in an independent and separate treaty."

REPORT OF THE AD HOC WORKING GROUP ON RADIOLOGICAL WEAPONS

## I. INTRODUCTION

1. At its 156th plenary meeting on 18 February 1982, the Committee on Disarmament decided to re-establish the Ad Hoc Working Group on Radiological Weapons on the basis of its former mandate, with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons. The Committee further decided that the Ad Hoc Working Group would report to the Committee on the progress of its work before the conclusion of the first part of its 1982 session, in view of the convening of the second special session of the General Assembly devoted to disarmament, and that the Ad Hoc Working Group would also report to the Committee before the conclusion of the second part of its 1982 session.

## II. ORGANIZATION OF WORK AND DOCUMENTATION

2. At its 157th plenary meeting on 23 February 1982, the Committee on Disarmament appointed Ambassador Dr. Henning Wegener, representative of the Federal Republic of Germany, as Chairman of the Ad Hoc Working Group. Mr. Guennady Efimov and Dr. Lin Kuo-Chung of the United Nations Centre for Disarmament served as Secretary of the Working Group during the first and second parts of the 1982 session respectively.

The Ad Hoc Working Group held 14 meetings between 20 February and 21 April and between 2 and 8 September 1982.

4. At their request, representatives of the following States, not members of the Committee on Disarmament, were invited to participate in the meetings of the Ad Hoc Working Group during the 1982 session: Austria, Denmark, Finland, Greece, Ireland, Norway, Senegal and Spain.

5. In carrying out its mandate, the Ad Hoc Working Group took into account paragraph 76 of the Final Document of the first special session of the General Assembly devoted to disarmament. It also took into consideration the relevant recommendations of the United Nations Disarmament Commission, in particular those adopted in connection with the Second Disarmament Decade in 1980. In addition to various resolutions adopted by the General Assembly on the subject at its previous sessions, the Working Group further took into account resolution 36/97 B of the General Assembly, by which the Committee on Disarmament was called upon "to continue negotiations with a view to an early conclusion of the elaboration of a treaty prohibiting the development, production, stockpiling and use of radiological weapons, in order that it may be submitted if possible to the General Assembly at its second special session devoted to disarmament, to be held in 1982".

6. During the 1982 session, the Ad Hoc Working Group had before it the following additional documents for consideration:

- (1) CD/RW/WP.25 - Chairman's Statement (9 March 1982)
- (2) CD/RW/WP.25/Add.1 and Add.1/Rev.1 - Chairman's Amended Proposal for the organization of work during the opening session (adopted by the Working Group on 15 March 1982)
- (3) CD/RW/WP.26 - Chairman's Working Paper: Positive formulations of an RW Definition (Synopsis) (10 March 1982)
- (4) CD/RW/WP.27 - Tentative Programme of Work (Suggested by the Chairman) (15 March 1982)
- (5) CD/RW/WP.28 - Chairman's Working Paper: Suggested formulation of the provision on scope of the Radiological Weapons Treaty (15 March 1982)
- (6) CD/RW/WP.29 - Chairman's Working Paper: Suggested formulations of the provisions on peaceful uses (22 March 1982)
- (7) CD/RW/WP.30 - Yugoslavia: Definition of Radiological Weapons - Article II (18 March 1982)
- (8) CD/RW/WP.31 and Add.1 - Australia: Proposal on Definition and Scope of Prohibition (giving two alternative texts) (19 March and 2 April 1982)
- (9) CD/RW/WP.32 - Chairman's Working Paper: Suggested mechanism of compliance and verification (following on Document CD/RW/WP.20) (22 March 1982)
- (10) CD/RW/WP.33 - Chairman's Summary of suggested issues of initial relevance relating to protection of nuclear facilities for discussion during Working Group meetings on 26 March and 2 April 1982 (30 March 1982)
- (11) CD/RW/WP.34 - Sweden: Memorandum on certain aspects of a convention prohibiting radiological warfare (5 April 1982)
- (12) CD/RW/WP.35 - Draft Report to the Committee on Disarmament in view of the Second Special Session devoted to Disarmament: submitted by the Chairman (Introduction) (Parts A and C) (13 April 1982)
- (13) CD/RW/WP.35/Add.1 - Discussions on the provisions of the Draft Treaty on Radiological Weapons ("traditional" RW subject-matter): submitted by the Chairman (Part B) (16 April 1982)
- (14) CD/RW/WP.36 - Group of 21: Text proposed for an Article in the Draft Treaty on Radiological Weapons (14 April 1982)

- (15) CD/RW/WP.37 and Corr.1 - Japan: Proposal on Prohibition of Attacks Against Nuclear Facilities (1 September 1982)
- (16) CD/RW/WP.38 - Chairman's Statement (6 September 1982)
- (17) CD/RW/WP.39 - Chairman's Working Paper: Compilation of Radiological Weapons Treaty Provisions
- (18) CD/RW/WP.40 - Federal Republic of Germany: Issues Relating to a Prohibition of Attacks Against Nuclear Facilities in the framework of a Radiological Weapons Treaty

### III. SUBSTANTIVE NEGOTIATIONS

#### A. First Part of 1982 Session

7. Pursuant to the appeal contained in the General Assembly resolution 36/97 B, the Ad Hoc Working Group, in addition to informal consultations and informal meetings of a drafting group, held 12 meetings during the first part of the 1982 session with a view to submitting a treaty prohibiting the development, production, stockpiling and use of radiological weapons to the second special session of the General Assembly devoted to disarmament.

8. The Ad Hoc Working Group submitted a special report to the Committee on Disarmament, as contained in Document CD/284/Rev.1, which contains a summary account of the negotiations during the 1980 and 1981 sessions as well as the first part of the 1982 session. At its 173rd plenary meeting on 21 April 1982 the committee adopted the special report of the Ad Hoc Working Group, which is an integral part of the Special Report of the Committee on Disarmament to the second special session of the General Assembly devoted to disarmament (Document CD/292 and Corr. 1-5). \*/

#### B. Second Part of 1982 Session

9. In view of the difficulties encountered in the first part of the 1982 session and taking into account the fact that the second special session of the General Assembly devoted to disarmament had not taken action in this field, the Chairman of the Working Group took the initiative to exchange views with delegations through a letter and attached questionnaire with a view to facilitating the future work of the Working Group. The questionnaire concentrated on the relationship between the "traditional" radiological weapons subject-matter and the problems inherent in the prohibition of attacks against nuclear facilities, which, inter alia, had threatened to bring the negotiations in the Working Group to a deadlock at an earlier point.

10. At the 1st meeting of the Working Group during the second part of the 1982 session, held on 2 September 1982, the Chairman reported on the replies to his letter and questionnaire as well as various views expressed by delegations during his informal consultations. A summary account of those replies and views is contained

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\*/ It was also issued as Official Records of the General Assembly, Twelfth Special Session, Supplement No. 2 (A/S-12/2).

in the Chairman's statement (Document CD/RW/WP.38). In the presentation of his Statement the Chairman emphasized that his reading of the replies received was necessarily of a personal and synthetic nature, and was designed to bring out the common ground he could discern among the various views offered by delegations.

11. At the same meeting, confirming developments to which the Chairman had drawn attention in his statement, a certain flexibility of positions of some delegations was revealed in connection with the organization of the future work of the Ad Hoc Working Group and the subjects addressed in the Chairman's questionnaire. However, it appeared from the discussions that the consultations initiated by the Chairman, especially those to which reference is made in paragraph 10 above, and the new positions of certain delegations had not yet succeeded in eliminating the difficulties encountered in the Working Group regarding the issue. Also, several delegations felt it necessary to restate the views of their governments as to a certain number of other issues of a substantive nature under negotiation in the Working Group, which had not been considered in detail in the second part of the 1982 session.

12. During the same meeting the representatives of Japan and the Federal Republic of Germany introduced working papers as contained in CD/RW/WP.37 and Corr.1 and CD/RW/WP.40, respectively.

13. In spite of differences of opinion, there was a general recognition that negotiations on an international convention prohibiting the development, production, stockpiling and use of radiological weapons within the framework of the Committee on Disarmament should be continued with a view to attaining rapid progress, taking also into account the consultations and discussions held during the second part of the 1982 session. Several delegations expressed the view that progress on the "traditional" radiological weapons subject-matter might be facilitated by basing future negotiations in this respect on the Compilation of Radiological Weapons Treaty Provisions submitted by the Chairman as contained in document CD/RW/WP.39. Certain delegations expressed the view that this issue should be negotiated simultaneously with the question of prohibition of attacks against nuclear facilities. Other delegations had reserved their position on this subject.

14. The Ad Hoc Working Group agreed to recommend to the Committee on Disarmament that an ad hoc working group should be established at the beginning of its 1983 session to continue negotiations on the prohibition of radiological weapons.

## FEDERAL REPUBLIC OF GERMANY

Working PaperIssues Relating to a Prohibition of Attacks  
Against Nuclear Facilities in the framework  
of a Radiological Weapons Treaty

## I

General remarks

1. In its proposal of 30 June 1980 and its memorandum of 13 March 1981 Sweden expressed the view that there is a very real danger of mass destruction posed by the dissemination of radioactive substances in war. With this it had in mind the danger of military attacks on nuclear installations containing large amounts of radioactive materials. Consequently, it demanded that a treaty banning radiological weapons must also provide for the prohibition of radiological warfare so as to cover not only the development, production, stockpiling and use of radiological weapons but also attacks on civilian nuclear installations. Sweden therefore proposed "that the main source of radiological warfare, i.e. attacks on nuclear installations, should be mentioned explicitly" in Article III.

In this context, Sweden also contended that the protection of nuclear installations provided for in the additional protocols to the Geneva Conventions of 1949 (Article 55 of Protocol I and Article 15 of Protocol II) is not sufficient for two reasons: firstly, these protocols cover only nuclear electrical generating stations, thus omitting other installations containing large quantities of radioactive materials. Secondly, the purpose of the protocols is limited to providing protection for the civilian population in the vicinity of these installations and they permit military considerations to take precedence over humanitarian ones, thus allowing exceptions from the protective provisions. For the purpose of a comprehensive ban on radiological warfare, a radiological weapons treaty must, so as to "cover all important risks and have no loopholes", also ensure comprehensive protection for nuclear installations.

2. The present paper deals in section II with the main substantive questions relating to a comprehensive ban on military attacks on civilian nuclear installations. This section is a rough summary of the remarks made by two experts from the Federal Republic of Germany at the 1982 spring session of the Ad Hoc Working Group on Radiological Weapons. Section III then looks at the question of how such installations can be protected in practice and comes to the conclusion that one should examine how to improve the protection afforded by international customary law and by the first additional protocol to the Geneva Convention of 1949. Section IV then deals with the question of whether protective provisions should be drawn up within the framework of a treaty banning the development, production, stockpiling and use of radiological weapons (radiological weapons treaty) or elaborated in separate negotiations. It comes to the conclusion that the latter solution appears better and proposes that the link between the subject-matter of the radiological weapons treaty and improved protection for nuclear installations be underscored by including an obligation in the treaty for the early commencement of negotiations on the latter.

3. In the present paper the term "nuclear installations" covers the following nuclear power stations and other civilian installations containing a correspondingly high amount of radioactive materials, the release of which would lead to an unquantifiable loss of civilian life and/or render large areas of land unusable:

- power-generating and research reactors, even if they are temporarily or permanently shut down,
- intermediate stores for spent fuel elements,
- plants for reprocessing spent fuel elements,
- plants for producing mixed oxide fuel elements,
- containers for transporting radioactive material between the aforementioned plants.

Specifically military nuclear installations, which pose problems of their own, are not dealt with here.

## II

### Aspects of military attacks on nuclear installations

#### 1. Significance of national safety regulations for nuclear installations

A decisive factor in assessing the effects of military attacks on nuclear installations are the safety standards which relate to the design and operation

of such installations and are, owing to the latter's dangerous potential, the prerequisite for the granting of planning permission by national authorities. These standards are aimed -- as in the case of industrial plants -- at protection against natural and civilian influences and not against military influences, but they also afford some limited protection against the latter. Of key importance in this respect are the design features for withstanding static and dynamic loads as a result of, for instance, earthquakes, aircraft crashes and lateral gas blast waves, for example from chemical explosions, as well as redundant and protective design features performing containment and filtering functions and thus preventing the escape of radionuclides in such cases.

Other nuclear installations might be designed in such a way that they are no more vulnerable to military attacks than nuclear power stations.

National safety standards relating to nuclear installations differ greatly. Moreover, in the course of time they have undergone substantial changes within individual countries so that various standards may apply in a single country, as a result of which older installations are less well protected against external effects than more recent ones. Obviously, in the case of low security standards nuclear power installations are much more susceptible to military influences than installations built in compliance with high safety requirements.

## 2. Effects of military attacks on nuclear installations

It must be assumed that there are still nuclear power installations in existence from which some of the radioactive substances would escape in the event of an attack with conventional weapons (for instance, 1,000 kg TNT in a high-explosive bomb). This applies all the more to attacks with nuclear weapons. The effects in the individual case depend on a number of factors, such as

- distance from the installation and point of impact of the weapon
- type and power of the weapon
- type of installation and its design features
- chemical and physical nature of the nuclear substances contained in the installation



- type and extent of the destruction of the installation
- meteorological conditions at the time of the attack
- possibility of short-term measures to limit the damage sustained by the installation.

The effects of a nuclear explosive device on the decisive concrete structures, i.e. containment, of a nuclear power station are confined to the blast wave. (Thermal and radioactive radiation do not yield any perceptible effects). If the explosive device impacts at a short distance from the installation, damage to the containment can no longer be ruled out, which can under certain circumstances lead to a core meltdown. This would, however, have effects only hours later. (Only if a sufficiently powerful nuclear explosive device directly hits the containment or impacts in its immediate vicinity is it likely that the containment will be immediately destroyed and that, in particularly unfavourable circumstances, the radioactive core will partly evaporate. Even in such a case the effects of the weapon's radionuclides predominate for the first few weeks.) Other nuclear installations, in so far as they have a containment similar to that of a reactor, behave more favourably in the event of an attack with nuclear weapons since, as a rule, all systems pass into a safe state (emergency cooling unnecessary) even without auxiliary energy supplies (electricity, water) and the effects of the evaporation of nuclides, which is to be expected in the event of a direct hit and may possibly exceed the effects of the nuclear weapon, are felt several weeks later.

Generally speaking, it can be said that the escape of radioactive substances from nuclear power installations produces barely calculable radiological effects which render large areas of land unusable to man for many decades.

### 3. Probability of military attacks on nuclear installations

The destruction of nuclear installations might in theory serve as a goal for military force since in this way, with only a limited use of special-purpose weapons, great damage can be achieved by releasing the radioactive material in an installation. For instance, the impairment of energy supplies and the resultant impact on industry, infrastructure and defence might be considered a feasible goal.

However, the escape of radioactive substances in such installations can have effects on the attacker's military operations, the nature and extent of which cannot be precisely determined. In other words, an attack on a nuclear installation would lead to uncertain and scarcely calculable factors in the attacker's operational planning. Furthermore, the deliberate destruction of such installations in conventional warfare would mean the start of an "indirect nuclear war" and could lead to unpredictable reactions by the other side. As it is, the adversary's energy supplies can be impaired without this risk by destroying conventional power stations, transformers, etc.

The use of nuclear weapons against a nuclear installation would, by destroying the installation, increase the radiological effects of the weapons used. However, nuclear-weapon States are not dependent on this effect. This effect would, moreover, be to their disadvantage owing to the above-stated results.

On the whole, the destruction of a nuclear installation entails a considerable element of uncertainty for the destroyer owing to the incalculable radioactive contamination. Moreover, the attacker is likely to be greatly interested in taking control of the valuable installations intact.

It can therefore be deduced from all these aspects that there are stronger arguments against a deliberate military attack on a nuclear installation. Furthermore, it would run counter to the trend in weapons technology towards precision weapons which permit targets to be eliminated by means of precision strikes with limited and precisely calculable effects if one were at the same time to plan to cause unquantifiable effects by destroying nuclear installations.

Destruction of such installations by accidental strikes is therefore more probable than deliberate destruction. Accidental strikes will depend primarily on the type and extent of battles and their distance from the installations. They will, of course, become all the more probable if there are military targets in the vicinity of the installations. Considerable importance therefore attaches to the question of whether there are national safety regulations stipulating that military facilities and other military targets must be located at a minimum distance from nuclear installations for reasons of safety.

4. National regulations on safe distances between military targets and nuclear installations

A number of countries have regulations stipulating safe distances between potential military targets and nuclear installations. They are designed to ensure that, when military targets are attacked, neighbouring nuclear installations are not affected by accidental strikes or collateral damage. These distances are laid down in the licensing procedure for such installations. The military authorities have to ensure that the area around a nuclear power installation is kept free from all kinds of military targets. The distance is calculated by taking into account the weapons that are likely to be used against a military target, their potential area of dispersion, and the design of the installation.

III

Improved international protection for nuclear installations

1. Protective zones for nuclear installations

The only way of fully protecting nuclear installations against military attacks is to establish protective zones. These zones would serve to ensure that everyone is acquainted with the location of all potentially dangerous installations. They would thus help to make the prohibition of direct attacks on such installations more effective and also cause adversaries engaged in military action within the protective zone to take into account the proximity of the installation so as to avoid accidental strikes or collateral damage. The latter would require that the protective zones be kept free from military installations and other targets. In this connection, an inner and an outer circle within a protective zone are conceivable: the inner circle would be kept free from all targets, and the outer one free from particular types of targets (e.g. hardened ones). The protective zones and the location of nuclear power installations would have to be made known on acceding to the relevant treaty, for instance by exchanging lists. This would be necessary not least because nuclear installations are not always identifiable as such. Conspicuous markings visible from afar both in the air and on the ground would also make for effective protection.

However, the establishment of protective zones for nuclear installations poses considerable problems. As already mentioned, the safety standards for such installations differ between States and, in some cases, even within an individual country. If protective zones were to be confined to the minimum requirements,

zones of different sizes would have to be established. Alternatively, zones of a single size could be established worldwide in line with (assumed) low safety standards. In this case the zones would have to be fairly large.

Another problem is posed by the fact that some countries have a high density of nuclear installations, whilst in others they lie scattered far apart or exist only in small numbers. In the former countries, there would thus be a correspondingly large number of protective zones which, depending on the size of the countries and the zones, would cover a substantial part of the territory. As a result, sanctuaries would exist in these countries.

For these reasons it is a moot point whether protective zones can in fact be established in the near future.

## 2. Alternative solution

An alternative solution would be to lay down a general ban on attacks on nuclear installations, as already envisaged for international conflicts in Article 56 of Additional Protocol I to the Geneva Conventions. Although a general ban would not afford the same comprehensive protection for nuclear installations as would the establishment of protective zones, it would none the less provide desirable additional protection for such installations against military attacks. In other words, this solution amounts to the proposal that one should examine how to improve the protection afforded by international customary law and Additional Protocol I to the Geneva Conventions of 1949, specifically Article 56. In Article 56 (6) of the latter the High Contracting Parties are urged "to conclude further agreements among themselves to provide additional protection for objects containing dangerous forces".

Improved protection for nuclear installations under international law would be desirable for various reasons. For instance, by including only nuclear power stations and not other nuclear installations in Article 56 of Additional Protocol I -- even if it is assumed that the latter are covered by the protection afforded by general international law and other provisions of the Protocol -- one has not taken into account the fact that the escape of radioactive substances from nuclear installations has the same hazardous effects as the escape of such substances from nuclear power stations. The protection afforded by Article 56 of the Protocol could also be improved by other means: for example, by stipulating that certain types of military activity are not permitted within a specific area around nuclear installations or by agreeing on the international exchange of lists of protected installations.

IV

Dealing with the protection of nuclear installations in a radiological weapons treaty

1. When drawing up provisions designed to improve the protection of nuclear installations, one would have to proceed from the existing legal situation and both reaffirm and define more closely the prohibition of attacks on such installations which already exists under international law.

International law already contains the principle that military attacks must be directed primarily against military targets. Furthermore, in an armed conflict the right of the parties to the conflict to choose methods or means of warfare is not unlimited. The principle of commensurability has to be respected at all times.

This protection is expanded and defined in Additional Protocol I to the Geneva Conventions of 1949 relating to the Protection of Victims of International Armed Conflicts.

However, the elaboration of such provisions would greatly transcend the framework initially envisaged for a radiological weapons treaty and probably necessitate a considerable amount of additional time. It therefore appears best to deal with the improved protection of nuclear installations in a separate agreement.

2. Another reason why it is preferable to deal with the improved protection of nuclear installations in a separate agreement is the fact that there are major differences in subject-matter:

A ban on radiological weapons is designed to prevent the use of radioactive substances as weapons which, on decomposition, release corpuscular and/or electromagnetic radiation and thus constitute weapons of mass destruction as defined in the 1948 United Nations Resolution. The establishment of nuclear installations, on the other hand, is of course not designed to produce the effect of weapons. Instead, these installations would be used as weapons by another country, not responsible for their establishment, when it destroys them. The principle military effect of attacks on nuclear installations would be a "multiplier effect" sparked off by the weapon itself. This is in principle comparable to the destruction of a dam by conventional weapons and the resultant devastating tidal wave.

A radiological weapons treaty, one of its purposes being -- as proposed by Sweden -- the prohibition of radiological warfare, would thus cover two highly different subject-matters: one of them would be the military use of ionizing radiation by employing devices, weapons or equipment specifically manufactured or designed for radiological warfare. The other would be ionizing radiation and its harmful effects caused by the unspecified impact of weapons when nuclear installations are damaged or destroyed during military attacks. The only common denominator would be the use of ionizing radiation for military purposes. Furthermore, the actual content of a ban on radiological warfare would -- in so far as it went beyond the prohibition of attacks on civilian nuclear installations -- be hard to determine.

3. In view of the great interest in improved protection for nuclear installations shown by numerous countries at the Geneva talks on a radiological weapons treaty, it would appear advisable to include an article in this treaty which underscores the link between the subject-matter of the treaty and improved protection for nuclear installations and thus leads to an early commencement of work on a specific agreement providing protection for such installations. In other words, the article should be worded to the effect that the Contracting Parties undertake to start negotiations as soon as possible on this subject.

**1983**

**ENSURING THE SAFE DEVELOPMENT OF NUCLEAR ENERGY**

(Proposal by the group of socialist countries)

1. The group of socialist countries proposes the inclusion in the agenda of the Committee on Disarmament of a separate item entitled "Ensuring the safe development of nuclear energy" and also the establishment of an ad hoc working group to conduct negotiations with a view to the elaboration of an appropriate international agreement on this subject.
2. The group of socialist countries is making this proposal because it is in favour of the adoption of international legal measures for the prohibition of actions leading to the deliberate destruction of civilian nuclear facilities. At the same time the socialist countries believe that the elaboration and adoption of such measures would constitute a substantial contribution to the prevention of nuclear war in another important way, since the destruction of civilian nuclear facilities could have consequences similar in effect to those of a nuclear explosion.
3. The question of ensuring the safe development of nuclear energy is exceptionally important and urgent; it has been under discussion for many years now in bodies concerned with disarmament problems and in particular in the Committee on Disarmament as well as other international forums. This being so, the group of socialist countries considers that the best place for the conduct of multilateral negotiations on this urgent matter is the Committee on Disarmament.
4. In proposing the initiation of negotiations on this question, the group of socialist countries is prompted also by the recommendation of the United Nations General Assembly contained in its resolution 37/99 C of 13 December 1982, which was adopted on the basis of a consensus, that the Committee on Disarmament should continue its search for a solution to the question of the prohibition of military attacks on nuclear facilities, including the scope of such prohibition, taking into account all proposals submitted to it to this end. This question was also touched upon in certain other resolutions adopted by the United Nations General Assembly at its thirty-seventh session.
5. The group of socialist countries is convinced that the separate consideration of this matter in a working group of the Committee on Disarmament set up specially for the purpose would in fact be the best way of carrying out this task effectively. In the view of the group of socialist countries, the adoption of this organizational approach for the consideration of this question would at the same time facilitate progress in the negotiations on the prohibition of radiological weapons. It is no secret that the attempts to solve the problem of the prohibition of military attacks on civilian nuclear facilities within the framework of an agreement on the prohibition of radiological weapons have proved to be the main obstacle to progress in resolving each of these issues.



6. The group of socialist countries believes that its submission of this proposal provides a real possibility for the practical solution of the problem of the prohibition of radiological weapons as well as of that of the prohibition of military attacks on civilian nuclear facilities. The group of socialist countries considers that it is essential now to set aside disagreements on procedural matters and proceed without delay to deal with the substance of these two questions, the importance and urgency of which no one is likely to dispute. The group of socialist countries expects all States interested in the positive solution of these questions to support this proposal.

Decision on the re-establishment of ad hoc working groups  
for the 1983 session of the Committee on Disarmament  
(Adopted at the 207th Plenary Meeting held on 29 March 1983)

The Committee decides to re-establish for the duration of its 1983 session the Ad Hoc Working Groups on a Nuclear Test Ban, Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons, Chemical Weapons and Radiological Weapons, and to appoint Ambassador Herder of the German Democratic Republic as Chairman of the Ad Hoc Working Group on a Nuclear Test Ban, Ambassador Ahmad of Pakistan as Chairman of the Ad Hoc Working Group on Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons, Ambassador McPhail of Canada as Chairman of the Ad Hoc Working Group on Chemical Weapons, and Ambassador Lidgard of Sweden as Chairman of the Ad Hoc Working Group on Radiological Weapons.

It is understood that the ad hoc working groups may start their work on the basis of their former mandates. The mandate of the Ad Hoc Working Group on a Nuclear Test Ban may thereafter be revised as decided by the Committee which will consider this question with appropriate urgency.

The ad hoc working groups will report to the Committee on the progress of their work before the conclusion of its 1983 session.

13 April 1985

Original: ENGLISH

## UNITED KINGDOM

Definition of Radiological Weapons and the  
scope of a Radiological Weapons Treaty

1. The ad hoc Working Group on Radiological Weapons of the Committee on Disarmament has been negotiating a treaty banning radiological weapons on the lines envisaged by the authors of a joint US/USSR draft which was submitted to the Committee in 1980.
2. A central problem has been the definition of such weapons. Since radiological weapons do not exist, there can be no precise technical description of such weapons, but common sense and analogy with chemical or other weapons suggest that what was envisaged by the authors of the joint draft is some sort of weapon (or, perhaps, more properly, munition) which would on delivery, by explosion or other means, disperse or disseminate radio-active material in the environment. The primary danger from such a weapon would come from exposure to the dispersed radio-active material. In order to make the definition of such weapons more comprehensive, however, it is necessary to include sprays, aerosols, or other methods of dispersing radio-active material in large quantity within the scope of the treaty.
3. Nuclear weapons would be excluded from the scope of the treaty but so far the working group has failed to find language satisfactory to all delegations which would express this fact. The United Kingdom delegation has carefully considered various "positive" definitions which have been put forward, and has indeed suggested one of its own, but has concluded that it would be preferable to seek a "negative" definition which would specifically exclude nuclear weapons and other nuclear explosive devices. Such a definition has a greater possibility of being unambiguous and unmistakable in intent. The United Kingdom delegation does not accept that a definition which specifically excluded nuclear weapons in this way would make any statement about the legitimacy or otherwise of that class of weapons. If a problem existed in this regard for certain delegations, it could readily be overcome by a clear statement of interpretation at the time of signature of the treaty or, indeed, might well be held to be implied if the views of any particular State in this regard had been clearly expressed on other occasions and had thus become part of the negotiating history of the treaty.
4. Consideration of the danger that might occur in war-time from the dispersal of radio-active material into the environment has led some delegations to suggest that prohibition of attacks on nuclear facilities should be included in the scope of the treaty. Nuclear facilities already exist in many areas of the world and attacks on them in war-time could possibly lead to the dispersal of large amounts of radio-activity into the environment, causing radiological damage to the population of surrounding areas. The United Kingdom delegation recognizes this problem, but sees difficulties in accepting that radiological weapons (in the sense that we have

described them above) and attacks on nuclear facilities can be prohibited by the same legal instrument. Since attacks on nuclear electricity generating stations which might cause the release of "dangerous forces" are already prohibited by the Additional Protocols to the Geneva Conventions, legal confusion could follow from an attempt to cover substantially the same subject in another convention.

5. The United Kingdom delegation sees distinct dissimilarities between the two problems. In the case of radiological weapons, as originally envisaged, the radio-active contents may be presumed to be delivered from the attacking State against a target in the State being attacked. The attack will employ weapons, or means of dispersal, which have been specifically designed for the purpose of the efficient dissemination of the radio-active material. The radio-active material and the means of dispersal together will constitute a recognizable weapon system, which has no purpose other than the military one which it is the object of the Convention to proscribe. In the case of an attack on a nuclear facility, the radio-active material is not delivered from the attacking State but already exists in the State subject to attack. Furthermore, the immediate vehicle of the attack would be weapons which fell outside the scope of the treaty. Conventional weapons would not in themselves contain any significant radio-active material, and the radiological damage caused by the dispersal of the contents of the nuclear facility would almost certainly be secondary to the purpose of the main attack. An attack by conventional weapons on a nuclear facility would appear to be more analogous to attacks on other facilities, for example dams, which could also cause mass destruction and which, like nuclear electricity generating stations, are already treated in the Additional Protocols. Because of these fundamental differences between the two situations, the United Kingdom delegation sees serious conceptual difficulties in bringing together the two ideas. The fact that either radiological weapons or attacks on nuclear facilities would both cause damage by means of radiation resulting from the decay of radio-active material is, in the view of the United Kingdom delegation, too narrow a reason for attempting to prohibit them within a single legal instrument.

6. Discussions within the Committee on Disarmament have shown that differences of view also exist between those delegations which are in favour of the question of attacks on nuclear facilities being included within the scope of a radiological weapons treaty. In particular there are differences over whether military facilities should be excluded from the treaty and whether there should be a lower limit on the size of facility which should be included in any prohibition. To extend a prohibition to include all nuclear facilities of whatever size would take us away from the concept of mass destruction in the sense commonly understood, and would in the view of the United Kingdom delegation render any treaty on these lines impractical. The United Kingdom delegation has no objection to further exploratory discussions in the Committee on Disarmament to try to resolve some of these problems with respect to a prohibition of attacks on nuclear facilities, while retaining an open mind whether, on the assumption that existing differences can be resolved and that there can be some agreement on the principles on which a treaty can be based, negotiations should be completed within the Committee on Disarmament or in some other body.

REPORT OF THE AD HOC WORKING GROUP  
ON RADIOLOGICAL WEAPONS

## I. INTRODUCTION

1. At its 207th plenary meeting, on 29 March 1983, the Committee on Disarmament adopted the following decision, relating to item 5 on its agenda, contained in document CD/358, which, inter alia, reads:

"...

The Committee decides to re-establish for the duration of its 1983 session the Ad Hoc Working Groups on a Nuclear Test Ban, Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons, Chemical Weapons and Radiological Weapons ...

It is understood that the ad hoc working groups may start their work on the basis of their former mandates ...

The ad hoc working groups will report to the committee on the progress of their work before the conclusion of its 1983 session."

## II. ORGANIZATION OF WORK AND DOCUMENTATION

2. At its 207th plenary meeting, on 29 March 1983, the Committee on Disarmament appointed Ambassador Curt Lidgard, representative of Sweden, as Chairman of the Ad Hoc Working Group. Dr. Lin Kuo-Chung of the United Nations Department for Disarmament Affairs served as Secretary of the Ad Hoc Working Group.
3. The Ad Hoc Working Group held six meetings between 8 April and 29 April and between 13 June and 17 August 1983.
4. At its 1st meeting, on 8 April, the Ad Hoc Working Group, upon the Chairman's suggestion, decided to establish two groups (A and B) to undertake substantive examinations of the two major issues before the Working Group. \*/ Group A, under the coordinatorship of the representative of the United States of America, would consider questions relating to "traditional radiological weapons subject matter" and Group B, under the coordinatorship of the representative of the Union of Soviet Socialist Republics, would examine issues related to prohibition of attacks against nuclear facilities. It was the understanding that the question of linkage between these two issues would be left aside for the time being and would be considered in the Ad Hoc Working Group itself at the end of the current session.

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\*/ A delegation, while not opposing the establishment of Group B, abstained from participating in that Group.

5. At their request, representatives of the following States, not members of the Committee on Disarmament, were invited to participate in the meetings of the Ad Hoc Working Group during the 1983 session: Austria, Burundi, Finland, Greece, Ireland, Norway, Senegal and Spain.

6. In carrying out its mandate, the Ad Hoc Working Group took into account paragraph 76 of the Final Document of the first special session of the General Assembly devoted to disarmament. It also took into consideration the relevant recommendations of the United Nations Disarmament Commission, in particular those adopted in connection with the Second Disarmament Decade in 1980. In addition to various resolutions adopted by the General Assembly on the subject at its previous sessions, the Working Group took into account in particular resolution 37/99C of the General Assembly. Paragraphs 1 and 2 of that resolution read as follows:

"1. Requests the Committee on Disarmament to continue negotiations with a view to an early conclusion of the elaboration of a treaty prohibiting the development, production, stockpiling and use of radiological weapons, in order that it may be submitted to the General Assembly at its thirty-eighth session;

2. Further requests the Committee on Disarmament to continue its search for a solution to the question of prohibition of military attacks on nuclear facilities, including the scope of such prohibition, taking into account all proposals submitted to it to this end;"

7. During the 1983 session, the Ad Hoc Working Group had before it the following additional documents for consideration:

- |                             |   |
|-----------------------------|---|
| (1) CD/345                  | <u>A Group of Socialist Countries: Ensuring the Safe Development of Nuclear Energy</u> (14 February 1983);                |
| (2) CD/RW/WP.41<br>(CD/374) | <u>United Kingdom: Definition of Radiological Weapons and the scope of a Radiological Weapons Treaty</u> (13 April 1983); |
| (3) CD/RW/WP.42             | <u>Chairman's Working Paper: Meetings in the First Part of 1983 Session</u> (14 April 1983);                              |
| (4) CD/RW/WP.43             | <u>Chairman's Working Paper: Meetings in the Second Part of 1983 Session</u> (26 April 1983);                             |
| (5) CD/RW/WP.44             | <u>Chairman's Working Paper, containing Coordinators' progress reports of Groups A and B</u> (29 April 1983);             |
| (6) CD/RW/WP.45 and Corr.1  | <u>Sweden: Compliance and Verification</u> (21 June 1983);  |
| (7) CD/RW/WP.46             | <u>Proposal by the delegation of the United States of America</u> (16 June 1983);   |
| (8) CD/RW/WP.47             | <u>United Kingdom: The Prohibition of Attacks on Nuclear Facilities</u> (30 June 1983);                                   |

- (9) CD/RW/WP.48      Group of 21: Proposal for an Article on "Peaceful Uses" (30 June 1983);
- (10) CD/RW/WP.49      Japan: Proposal for Article I ("Definition") Article II ("Scope of Prohibition") and the related Article (6 July 1983);
- (11) CD/RW/WP.50      A compilation of types or categories of nuclear facilities to be considered (9 August 1983);
- (12) CD/RW/WP.51      A compilation of alternative mechanisms for the linkage between "traditional radiological weapons subject matter" and "prohibition of attacks against nuclear facilities" (11 August 1983);
- (13) CD/RW/CRP.19      Suggestions by the Coordinator on the Issues of Definition, Peaceful Uses, and Relationship to Other Agreements (28 April 1983);
- (14) CD/RW/CRP.20      Suggestions by the Coordinator for the Structure of a Treaty Prohibiting Radiological Weapons (23 June 1983);
- (15) CD/RW/CRP.20/Rev.1      Submission by the Coordinator of Group A (3 August 1983);
- (16) CD/RW/CRP.21/Rev.1      Report of Group A (9 August 1983);
- (17) CD/RW/CRP.22/Rev.2      Report of Group B on the question of prohibition of attacks against nuclear facilities (12 August 1983);
- (18) CD/RW/CRP.23      Draft Report of the Ad Hoc Working Group on Radiological Weapons (11 August 1983);
- (19) CD/RW/CRP.24      A list of proposals regarding the question of prohibition of attacks against nuclear facilities (10 August 1983).

During the course of deliberations in the Working Group, as well as in Groups A and B, the Secretariat also prepared a number of informal working papers with a view to assisting the work of the Groups. They are listed as follows:

- (1) Compilation of texts regarding "Definition" and "Scope of Prohibition" as contained in CD/31, CD/32, CD/RW/WP.20 and CD/RW/WP.39;
- (2) Compilation of texts regarding "Peaceful Uses" as contained in CD/31, CD/32, CD/RW/WP.20 and CD/RW/WP.39;
- (3) Compilation of texts regarding "Relationship with other disarmament measures and agreements" as contained in CD/31, CD/32, CD/RW/WP.20 and CD/RW/WP.39;

- (4) Compilation of texts regarding "Compliance and Verification" as contained in CD/31, CD/32, CD/RW/WP.20 and CD/RW/WP.39;
- (5) A list of proposed draft treaties on radiological weapons;
- (6) A list of proposals on the draft preamble part of the Treaty on Radiological Weapons;
- (7) A list of proposals on "Definition" and "Scope of Prohibition" parts of the Treaty on Radiological Weapons;
- (8) A list of proposals on "Peaceful Uses" part of the Treaty on Radiological Weapons;
- (9) A list of proposals on "Relationship with other disarmament measures and agreements" part of the Treaty on Radiological Weapons;
- (10) A list of proposals on "Compliance and Verification" part of the Treaty on Radiological Weapons;
- (11) A list of proposals on "Amendments", "Review Conferences", "Duration and Withdrawal", "Adherence, Entry into Force, Depositary" parts of the Treaty on Radiological Weapons;
- (12) A list of proposals on "Annex" part of the Treaty on Radiological Weapons;
- (13) A list of proposals regarding the question of prohibition of attacks against nuclear facilities;
- (14) A compilation of texts of provisions contained in certain existing legal instruments regarding the question of prohibition of attacks against nuclear facilities;
- (15) Compilation of specific proposals which may facilitate the formulation of a list of criteria regarding the scope of prohibition of attacks against nuclear facilities;
- (16) A preliminary list of types or categories of nuclear facilities to be considered;
- (17) A compilation of alternative mechanisms for the linkage between "Traditional radiological weapons subject matter" and "prohibition of attacks against nuclear facilities".

### III. SUBSTANTIVE NEGOTIATIONS ON THE SUBJECT DURING THE 1983 SESSION

8. In accordance with the Programme of Work adopted by the Ad Hoc Working Group as contained in document CD/RW/WP.42, Groups A and B held three meetings each between 11 and 28 April, under the coordinatorship of Mr. Morris D. Busby (USA) and Mr. Yury Nazarkin (USSR) respectively. The Coordinators of Groups A and B submitted progress reports, as contained in Annexes I and II of document CD/RW/WP.44 respectively.



9. During the second part of the 1983 session, Group A held nine meetings between 13 June and 8 August, under the coordinatorship of Mr. Morris D. Busby (USA). The Coordinator submitted the report of the Group on its work to the Ad Hoc Working Group on Radiological Weapons, as contained in Annex I of this report. Group B held 11 meetings between 21 June and 12 August under the coordinatorship of Mr. Boris P. Prokofiev (USSR). The Coordinator submitted the report of the Group on its work to the Ad Hoc Working Group on Radiological Weapons, as contained in Annex II of this report.

10. At its 4th and 5th meetings, on 11 and 15 August, the Ad Hoc Working Group considered the question of linkage between the two major issues before the Working Group, namely "traditional radiological weapons subject matter" and "prohibition of attacks against nuclear facilities". Taking into account various suggestions and proposals made by delegations, the Secretariat prepared a compilation of alternative mechanisms for the linkage between them (CD/RW/WP.51). The compilation contains the following alternative mechanisms:

- (1) One single treaty on radiological weapons covering both issues, in light of the fact that attacks against nuclear facilities could be tantamount to the use of radiological weapons;
- (2) One general treaty on radiological weapons containing two protocols, namely: Protocol I dealing with "traditional radiological weapons subject matter" and Protocol II dealing with "prohibition of attacks against nuclear facilities";
- (3) One treaty with one protocol, either integral or optional, namely: the treaty itself dealing with "traditional radiological weapons subject matter" and the protocol dealing with "prohibition of attacks against nuclear facilities";
- (4) Two separate treaties dealing with the two issues with clauses of understanding that the conclusion of one treaty will be pending the conclusion of the other treaty;
- (5) One treaty dealing with "traditional radiological weapons subject matter, with clauses of understanding that the relevant provisions contained in the existing legal instruments, in particular, the Additional Protocol I of 1977 to the Geneva Conventions of 1949 should be amended in such a manner that the question of "prohibition of attacks against nuclear facilities" be fully covered;
- (6) Two separate treaties dealing with the two issues independently without any linkage.

In addition the following alternative mechanisms were suggested:

- (1) One treaty on the "traditional radiological weapons subject matter" with the insertion of a clause stipulating that the Contracting Parties undertake to start negotiations as soon as possible on the prohibition of attacks against nuclear facilities.
- (2) One treaty dealing with the "traditional radiological weapons subject matter" could have clauses of understanding to the effect that the question of prohibiting military attacks against nuclear facilities, including the question of the scope of such a prohibition, be further considered with a view to reaching agreement on these issues.

On the basis of this compilation delegations had a general exchange of views. The discussions revealed that positions of delegations on this question continued to be considerably far apart from each other.

#### IV. CONCLUSIONS AND RECOMMENDATIONS.

11. Although certain outstanding issues continued to remain in the "traditional radiological weapons subject matter", the extensive discussions and intensive negotiations in Group A have further clarified many of the problems involved and would pave the way for future work on the subject. The substantive examination of the question of prohibition of attacks against nuclear facilities in Group B was considered useful and necessary and to have led to a better comprehension of the problems. The various positions of delegations, especially as to the scope of prohibition and legal aspects of the issue, were clarified. The discussion contributed considerably to the examination of common approaches and of potential activities of the Group in the future.
12. It was recognized that the "traditional radiological weapons subject matter" and the question of prohibition of attacks against nuclear facilities were important and that these issues needed solution. The Committee on Disarmament could continue to be the most appropriate forum to deal with them.
13. The Ad Hoc Working Group agreed to recommend to the Committee on Disarmament to re-establish an ad hoc working group at the beginning of its 1984 session to continue its work and in that context to review and assess how best to make progress on the subject matter.

ANNEX I

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons  
Group A

CD/RW/CRP.21/Rev.1  
9 August 1983

Original: ENGLISH

REPORT OF GROUP A

1. As requested by the Chairman of the Ad Hoc Working Group on Radiological Weapons on 8 April 1983, Group A has considered the subject of radiological weapons in the "traditional" sense. A separate group was requested to deal with the question of prohibition of military attacks on nuclear facilities. Group A held 12 meetings during the course of this session. The purpose of Group A, as defined by the Chairman, was to "...try to solve the still outstanding substantive issues and leave for the time being the question of the linkage between them."
2. At its initial meeting on 11 April 1983, Group A decided on a working method whereby there would be substantive discussion of four outstanding issues: the question of a definition of radiological weapons; the question of an appropriate article in the treaty regarding peaceful uses; the question of undertakings and obligations of states in the related field of nuclear disarmament; and the question of compliance provisions. The Co-ordinator proposed, and the Group agreed, that negotiations should be held on these issues, based on all existing proposals as well as suggested compromise texts which the Co-ordinator would prepare and present to the Group, in order to arrive at accommodations. Group A would attempt to find consensus and to forward to the full RW Working Group an overall treaty text.
3. Based on previously submitted consolidated texts and all relevant proposals, Group A considered each of the four outstanding issues. In this context, Group A took note of and expressed appreciation for the efforts of previous chairmen of the Radiological Weapons Working Group, Ambassador Komives of Hungary and Ambassador Wegener of the Federal Republic of Germany. During the course of these deliberations, the Co-ordinator submitted, on his own responsibility, several suggestions for compromise (CD/RW/CRP.20) which were in turn discussed by the Group.
4. Differences on matters of substance remain. On 3 August 1983, the Co-ordinator prepared a consolidated negotiating text of a radiological weapons treaty (CD/RW/CRP.20/Rev.1) and submitted it to the Group. The purpose of the Co-ordinator's text was to reflect in a single document the state of the negotiations, including areas of agreement and disagreement. The Co-ordinator pointed out that the text contained internal brackets and in some cases alternative language. This method had been employed not to indicate agreement on the unbracketed portion of the text but, rather, to highlight key issues upon which subsequent negotiations should focus.
5. The Group considered the Co-ordinator's text. There was no agreement on the text, but the Group agreed that the Co-ordinator forward it, along with this report, to the Radiological Weapons Working Group, it being understood that the text was prepared on his own responsibility.

Annex to ANNEX I

CD/RW/CRP.20/Rev.1  
3 August 1983

Original: ENGLISH

COMMITTEE ON DISARMAMENT  
Ad Hoc Working Group on  
Radiological Weapons  
Group A

Submission by the Co-ordinator

Attached, for consideration of Group A, is a draft Treaty Prohibiting Radiological Weapons, which has been prepared following consultations with delegations, as agreed at the meeting of Group A on 8 July 1983. The draft includes provisions regarding verification and consultation/compliance procedures which it had not been possible to include in CD/RW/CRP.20.

Attachment: as stated.

TREATY PROHIBITING RADIOLOGICAL WEAPONS

The States Parties to this Treaty,

Determined to strengthen international peace and security and to preserve mankind from the danger of new means of warfare,

Desiring to contribute to the cause of halting the arms race and recognizing that an agreement on the prohibition of radiological weapons would contribute to this end,

[Affirming the obligation of all States] [Determined] to pursue negotiations in good faith on effective measures relating to the prohibition of recognized weapons of mass destruction and to bring about general and complete disarmament under strict and effective international control,

Reaffirming in this regard the urgency of the pursuit and early conclusion of negotiations on effective measures aimed at the cessation of the nuclear arms race and nuclear disarmament,

Noting the provisions contained in other agreements relating to this objective,

Conscious that the use of [any form of] radiological weapons could have devastating consequences for mankind,

Stressing therefore the particular importance of accession to this Treaty by the greatest possible number of States,

[Affirming the principle that the benefits of peaceful applications of radioactive materials should be available to all States Parties to this Treaty, with due consideration for the needs of the developing countries, and recognizing the need for peaceful uses of sources of radiation from radioactive decay in different fields of human activities,]

Recalling that the General Assembly of the United Nations has urged the prohibition of the development, production, stockpiling, and use of radiological weapons,

Have agreed as follows:

Article I

1. Each State Party to this Treaty undertakes never under any circumstances to develop, produce, stockpile, otherwise acquire or possess, transfer, or use radiological weapons. For the purposes of this Treaty, the term "radiological weapon" means:

(a) Any device, including any weapon or equipment, specifically designed to employ radioactive material by disseminating it to cause destruction, damage, or injury by means of the radiation produced by the decay of such material;

(b) Any radioactive material specifically [designed] for employment, by its dissemination, to cause destruction, damage, or injury by means of the radiation produced by the decay of such material.

2. Each State Party to this Treaty also undertakes never under any circumstances to employ deliberately, by its dissemination, any radioactive material to cause destruction, damage, or injury by means of the radiation produced by the decay of such material, whether or not such material is specifically defined as a radiological weapon in paragraph 1 of this article.

3. Each State Party to this Treaty also undertakes not in any way to assist, encourage, or induce any person, State, group of States, or international organization to engage in any of the activities which the States Parties to the Treaty have undertaken not to engage in under the provisions of paragraphs 1 and 2 of this article.

#### Article II

1. Each State Party to this Treaty undertakes to contribute [to the fullest possible extent] [fully] to the strengthening of international co-operation in the peaceful uses of radioactive materials and of sources of radiation from radioactive decay[, and to the development of adequate measures of protection for all States against harmful effects of radiation].

2. Each State Party to this Treaty undertakes to facilitate, and has the right to participate in, the [fullest possible] [full] exchange of equipment, materials, and scientific and technological information regarding the peaceful uses referred to in paragraph 1 of this article, taking into account the needs of the developing countries.

3. Nothing in this Treaty shall be interpreted as affecting the inalienable right of the States Parties to this Treaty to develop and apply their programmes for the peaceful uses of nuclear energy and to international co-operation in this field[, consistent with the need to prevent the proliferation of nuclear weapons]; and no provisions of this Treaty shall hinder the use of sources of radiation from radioactive decay for peaceful purposes, in accordance with generally recognized principles and applicable rules of international law concerning such use.]

#### Article III

Each State Party to this Treaty undertakes to prevent loss of and to prohibit and prevent diversion to radiological weapons of radioactive materials that might be used for such weapons.

#### Article IV

Each State Party to this Treaty undertakes, in accordance with its constitutional procedures, to take any measures which it considers necessary to prohibit and prevent any activity in violation of the provisions of the Treaty anywhere under its jurisdiction or control.

Article V

[1. The provisions of this Treaty shall not apply to nuclear explosive devices or to radioactive material produced by them].

2. Nothing in this Treaty shall be interpreted as in any way limiting or detracting from any existing rules of international law applicable in armed conflict or limiting or detracting from obligations assumed by the States Parties under any other relevant international agreement.

[Article V bis

The States Parties to this Treaty undertake to pursue urgently negotiations for the cessation of the nuclear arms race, the conclusion of effective measures to prevent the use or threat of use of nuclear weapons, and the achievement of nuclear disarmament.]

Article VI

1. The States Parties to this Treaty undertake to consult one another and to co-operate in solving any problems which may be raised in relation to the objectives of, or in the application of the provisions of, the Treaty.

2. Consultation and co-operation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a consultative committee and a fact-finding panel as provided for in article VII of this Treaty.

3. The States Parties to this Treaty shall exchange to the fullest possible extent, bilaterally or multilaterally, information deemed necessary to provide assurance of fulfilment of their obligations under the Treaty.

Article VII

1. For the purpose of effective fulfilment of paragraph 2 of article VI of this Treaty, a consultative committee and a standing fact-finding panel shall be established. Their functions and rules of procedure are established in Annexes I and II, respectively, which constitute integral parts of the Treaty.

2. Any State Party to this Treaty which has reasons to believe that any other State Party may not be in compliance with the provisions of the Treaty, or which has concerns about a related situation which may be considered ambiguous, and is not satisfied with the results of the consultations provided for under article VI of the Treaty, may request the Depositary to initiate an inquiry to ascertain the facts. Such a request should include all relevant information, as well as all possible evidence supporting its validity.

3. For the purposes set forth in paragraph 2 of this article, the Depositary shall convene as soon as possible, and in any case within 10 days of the receipt of a request from any State Party, the standing fact-finding panel established pursuant to paragraph 1 of this article.

4. If the possibilities for fact-finding pursuant to paragraphs 2 and 3 of this article have been exhausted without resolution of the problem, [five or more States Parties] [any State Party] may request the Depositary to convene a meeting of the consultative committee of States Parties to consider the matter.

5. Each State Party to this Treaty undertakes to co-operate to the fullest possible extent with the consultative committee and with the fact-finding panel with a view to facilitating their work.

[6. Each State Party to this Treaty undertakes to provide assistance, in accordance with the provisions of the Charter of the United Nations, to any State Party to the Treaty which has been harmed or is likely to be harmed as a result of violation of the Treaty.]

[7. The provisions of this article shall not be interpreted as affecting the rights and duties of States Parties under the Charter of the United Nations, including bringing to the attention of the Security Council concerns about compliance with this Treaty.]

#### Article VIII

1. Any State Party to this Treaty may propose amendments to the Treaty. The text of any proposed amendment shall be submitted to the Depositary, who shall promptly circulate it to all States Parties.

[2. Any State Party proposing amendments to this Treaty may request the Depositary to seek the views of the States Parties on whether a conference should be convened to consider the proposal. Thereupon, if requested to do so by a majority of the States Parties, the Depositary shall convene a conference to which he shall invite all States Parties to consider such a proposal.]

3. An amendment shall enter into force for all States Parties to this Treaty which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of the States Parties. Thereafter, it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

#### Article IX

1. This Treaty shall be of unlimited duration.

2. Each State Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties[, ] [and] to the Depositary[, and to the United Nations Security Council] three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.



#### Article X

1. [Five] [Ten] years after entry into force of this Treaty, a conference of States Parties shall be convened by the Depositary to review the [scope and] operation of the Treaty, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized [and to consider any proposals for amendments then pending]. Such review shall take into account any new scientific and technological developments [likely to affect the provisions of] [relevant to] the Treaty. [States [not Parties] [signatories] to the Treaty shall be invited to the conference as observers.]
2. At intervals of five years thereafter, a majority of States Parties may obtain, by submitting a proposal to this effect to the Depositary, the convening of further conferences with the same objectives.
3. If no review conference has been convened within 10 years following the conclusion of the previous review conference, the Depositary shall solicit the views of all States Parties on the holding of such a conference. If one-third or 10 of the States Parties, whichever number is less, respond affirmatively, the Depositary shall take immediate steps to convene the conference.

#### Article XI

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.
3. This Treaty shall enter into force upon the deposit of instruments of ratification by [fifteen] [twenty] governments in accordance with paragraph 2 of this article.
4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
5. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, and the date of entry into force of this Treaty and of any amendments thereto, as well as of the receipt of other notices.
6. This Treaty shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

#### Article XII

This Treaty, of which the English, Arabic, Chinese, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to the governments of the signatory and acceding States.

ANNEX I

[Consultative Committee]

1. The consultative committee of States Parties[, in addition to establishing the fact-finding panel as provided for in annex II,] shall undertake to resolve any problem which may be raised by the [States Parties] [State Party] requesting a meeting of the committee. For this purpose, the assembled States Parties shall be entitled to request and receive any information which a State Party is in a position to communicate.
2. The work of the consultative committee shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this annex. The committee shall [decide procedural questions relative to the organization of its work] [take decisions], where possible by consensus, but otherwise by a majority of those present and voting. [There shall be no voting on matters of substance.] The chairman shall have no vote.
3. Any State Party may participate in the work of the consultative committee. Each representative on the committee may be assisted at meetings by advisers.
4. The Depositary or his representative shall serve as chairman of the committee.
5. The consultative committee shall be convened by its chairman[:
  - (a) within 30 days after entry into force of this Treaty for the purpose of establishing the standing fact-finding panel;
  - (b)] as soon as possible and in any case within 30 days after a request for a meeting pursuant to paragraph 4 of article VII of the Treaty.
6. Each State Party shall have the right, through the chairman, to request from States and from international organizations such information and assistance as the State Party considers desirable for the accomplishment of the committee's work.
7. A summary of any [problem-solving] meeting, incorporating all views and information presented during the meeting, shall be prepared. The chairman shall distribute the summary to all States Parties.

ANNEX II

[Fact-Finding Panel]

1. The standing fact-finding panel shall undertake to make appropriate findings of fact and provide expert views relevant to any problem referred to it by the Depositary pursuant to paragraph 3 of article VII of this Treaty. [Pursuant to paragraph 5 of article VII of the Treaty, the fact-finding panel may carry out on-site investigations when necessary.]

[2. The fact-finding panel shall be composed of not more than 15 members representing State Parties:

(a) Ten members shall be appointed by the [chairman] [consultative committee] after consultation with States Parties. In selecting these members due regard shall be given to ensuring an appropriate geographic balance. Members shall be named for a two-year period, with five members being replaced each year;

(b) In addition, those permanent members of the United Nations Security Council who are parties to the Treaty shall also be represented on the fact-finding panel.]

[2. The fact-finding panel shall be composed of not more than (blank) members representing States Parties. Members of the initial panel shall be appointed by the [chairman, after consultation with States Parties,] [consultative committee] at its first meeting, one-third being named for one year, one-third for two years, and one-third for three years. Thereafter all members shall be named for a three-year period by the chairman [of the consultative committee, following principles decided by the committee during its first meeting and] after consultation with States Parties. In selecting the members, due regard shall be given to ensuring an appropriate geographical balance.]

3. Each member may be assisted by one or more advisers.

4. The Depositary or his representative shall serve as chairman of the panel, unless the panel decides otherwise under the procedures established in paragraph 5 of this annex].

5. The work of the fact-finding panel shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this annex. [At the first meeting of the panel, to be held not later than 60 days after its establishment [by the consultative committee], the Depositary shall submit recommendations, based on consultations with States Parties and signatories, as to the organization of the work of the panel, including any necessary resources.] [The panel shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.] [The panel shall take decisions, where possible by consensus, but otherwise by a majority of those present and voting.] The chairman shall have no vote.

6. Each member shall have the right, through the chairman, to request from States and from international organizations such information and assistance as the member considers desirable for the accomplishment of the work of the panel.

7. The State Party requesting the inquiry and any State Party against which the inquiry is directed shall have the right to [participate in the work of the panel] [be represented at meetings but may not take part in decisions], whether or not they are members of the panel.

8. The fact-finding panel shall, without delay, transmit to [the Depositary] [all States Parties] a report on its work, including its findings of fact and incorporating all views and information presented to the panel during its proceedings[.] [, together with such recommendations as it may deem appropriate. If the panel is unable to secure sufficient data for factual findings, it shall state the reasons for that inability.] [The Depositary shall distribute the report to all States Parties.]

ANNEX II

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

GROUP B

CD/RW/CRP.22/Rev.2

12 August 1983

Original: ENGLISH

REPORT OF GROUP B ON THE QUESTION OF PROHIBITION  
OF ATTACKS AGAINST NUCLEAR FACILITIES

I. INTRODUCTION

1. In accordance with the decision adopted by the Ad Hoc Working Group on Radiological Weapons at its first meeting on 8 April 1983, Group B was established with the purpose of considering the question of prohibition of attacks against nuclear facilities with the understanding that the question of linkage between this issue and the "traditional radiological weapons subject matter" would be left aside for the time being.
2. In carrying out of its task, Group B took into account all relevant proposals submitted on the subject and held three meetings between 18 and 28 April, under the Co-ordinatorship of Mr. Yury K. Nazarkin, representative of the Union of Soviet Socialist Republics, during the first part of 1983 session. The Group devoted its efforts to the consideration of various issues involved in the subject such as scope, legal question, zones, as well as compliance and verification. At the conclusion of the first part of the 1983 session, the Co-ordinator submitted a progress report on the work of Group B of the Ad Hoc Working Group on Radiological Weapons at its second meeting held on 29 April 1983, as contained in Annex II of document CD/RW/WP.44.
3. During the second part of 1983 session, Group B held 14 meetings between 21 June and 12 August under the Co-ordinatorship of Mr. Boris P. Prokofiev, representative of the Union of Soviet Socialist Republics. At the initial meeting of this period, the Group decided, upon the suggestion of the Co-ordinator to continue to concentrate its efforts on those issues which have been considered during the first part of the session.
4. In the course of its deliberations the Group also considered the various proposals, suggestions and commentaries contained in the documents and working papers submitted to the Committee and its subsidiary bodies before and during the 1983 session. The list of these documents is contained in document CD/RW/CRP.24, as annexed to the report of the Ad Hoc Working Group. In addition to these documents, the Group took into consideration the proposals made and the views expressed by delegations on the question of prohibition of attacks against nuclear facilities in the Committee on Disarmament and the regular and special sessions of the United Nations General Assembly. In this connection a number of delegations stressed the importance of the question of ensuring the safe development of nuclear energy as proposed at the thirty-seventh session of the United Nations General Assembly, which was the other side of the problem of prohibition of attacks against nuclear facilities.

## II. SUBSTANTIVE DISCUSSIONS ON THE SUBJECT

### Objectives

5. The view was widely held that there was a need for effective international legal measures prohibiting attacks against nuclear facilities because such attacks could result in mass destruction. In this connection, a view was expressed that attacks on certain nuclear facilities might lead to such a destructive effect as that of a nuclear explosion. There was also an exchange of views concerning the precise nature of the objective to be pursued, namely, whether the purpose should be:

- to prohibit attacks on such facilities as a form of radiological weapon or, more precisely, as a means of radiological warfare;
- to avoid effects of weapons of mass destruction;
- to strengthen the existing legal protection of such facilities;
- to ensure the safe development of nuclear power energy; or
- a combination of the objectives mentioned above.

While many delegations held that the objective, in keeping with the mandate of the Working Group, should be the avoidance of effects of mass destruction, no consensus could be reached on this issue. Some delegations argued that approaches which relied on the concept of an attack on a nuclear facility being equivalent to the use of a radiological weapon, or on concepts of "mass destruction" were unlikely to be fruitful. They suggested that a more practical approach should be adopted which would try to establish the primary purpose of any further ban of attacks on nuclear facilities, determine practical limits to the scope of any new ban and from these considerations determine how far existing instruments were already adequate in this respect. Other delegations stated that attempts to thwart negotiations on a subject of such high importance to international community should also not be allowed to be fruitful. They pointed out that avoidance of possible mass destruction through radiological warfare by attacks on nuclear facilities was indeed the basis as well as the primary purpose of the Group's work. The existing instruments were entirely insufficient in this respect.

### Scope of prohibition

6. There was general understanding among the delegations that the question of a definition of the scope of the ban, or the kind of nuclear facilities to be protected, constituted one of the key issues of a future international instrument. In this connection a number of specific proposals and suggestions were made regarding categories or types of nuclear facilities to be covered by a possible agreement. Several main points of views were expressed in that regard and it was suggested that the prohibition of attacks should apply to:

- All nuclear facilities;
- All nuclear facilities in non-nuclear-weapon developing States;

- Civilian nuclear facilities only;
- Civilian nuclear facilities above a specified power threshold for nuclear reactors and above a specified level of quality and quantity of radioactive materials for other facilities;
- All nuclear facilities subject to IAEA safeguards system.

It was generally understood, however, that naval vessels, submarines, space vehicles as well as other devices having nuclear installations and designed as weapons systems would not be considered within the context of "nuclear facilities" as referred to under the subject of prohibition of attacks against nuclear facilities.

7. In connection with the scope of the ban, some delegations drew attention to the fact that there was also a problem of dual-purpose nuclear facilities, that is, facilities which can be used both for peaceful and for military purposes, and a problem of distinguishing between military and civilian nuclear facilities. Other delegations stated that the difficulty in strictly distinguishing between military and civilian nuclear facilities was another important reason for all nuclear facilities to be protected. A view was expressed in this regard that an effective existing criterion to identify nuclear facilities for peaceful purposes is the IAEA safeguards system and that therefore among nuclear facilities for peaceful purposes at least those facilities under the IAEA safeguards should be included in the scope of protection. Other delegations considered that this criterion was not sufficient.

8. Some delegations stated that all nuclear facilities in the non-nuclear-weapon States were civilian facilities, and at least, these should all enjoy protection from attacks. Other delegations held that the scope of any agreement should not automatically include all nuclear facilities whether located in non-nuclear-weapon States or nuclear-weapon States. Further, a view was also expressed that the concept of "generic danger" might be applied when identifying the types of facilities to be protected, and that that concept might also be used to determine the points in time when protection should begin and cease to operate.

9. It was suggested that the scope of a possible future treaty could very well be limited to nuclear power and research reactors, nuclear fuel production and reprocessing plants as well as fissionable materials, spent fuel and high level waste storage.

#### Legal aspects of the question

10. The Group examined some legal aspects of the problem of prohibition of attacks against nuclear facilities. The discussion centered on questions whether certain relevant provisions in the existing international instruments, in particular Additional Protocol I (1977) to the Geneva Conventions of 1949, are adequate, as well as possible types of an agreement to be elaborated. In this connection some delegations stated that the existing international law provided for a substantial protection of the nuclear facilities in question, and that they had not been convinced of the necessity for additional protection. Other delegations held that since the protection covered by the Additional Protocol I was inadequate in scope, contained a number of reservations and allowed a subjective interpretation of its relevant provisions by military commanders on a

tactical level, there was a clear need for a new international agreement, for the necessary protection of nuclear facilities. In the course of discussion the question of the application of the ENMOD Convention to the issue of military attacks on civilian nuclear facilities was also raised.

#### Zones

11. The Group also discussed the rationale of establishing protective zones around nuclear facilities to be protected. In this context zones based on circles with a definite radius were mentioned. However, substantial doubts were expressed as to the feasibility and usefulness of the concept of protective zones, especially in view of the existing differences in the design, typical inventory and location of the various facilities to be protected. Another view was held that there were difficulties with that concept in the case of nuclear power stations. It was suggested that, instead of protective zones, a provision should be included that an attacker should assume absolute liability if severe radiological consequences occur. The problem of clandestine use of protective zones for military purposes was also touched upon.

#### Compliance and verification

12. With regard to matters concerning compliance and verification aspects of a possible agreement it was argued that consideration of those issues would depend to a great degree on the scope of prohibition. It was felt in this connection that solution of this problem would be possible only after the scope of the ban had been determined. Some delegations pointed out that the question of verification and compliance should be seen in its proper perspective and in seeking a ban on attacks on nuclear facilities it is the prohibited action, not the mechanism of control on the potential victim, which ought to be the subject of verification and compliance. Other delegations considered this view somewhat over-simplified. A view was also held that the issue of compliance and verification was irrelevant since it was sufficient to establish the fact of an attack. Some delegations were of the opinion that if the scope of the agreement would be limited to those facilities which were placed under the IAEA safeguards system the control procedure could be much simplified and made more efficient with respect to all such facilities, except those in the possession of nuclear-weapon States. Other delegations believed that such an approach was discriminatory and had no relevance to the question of compliance and verification.

### III. CONCLUSIONS

13. In spite of differences of opinion among delegations on specific matters, it was generally recognized that the question of prohibition of attacks against nuclear facilities was an important issue which needed solution and that it was also a complex problem. The exchange of views on the subject in the Group was considered as necessary and useful. It helped to clarify the various positions of delegations, in particular the scope of prohibition and the relevant legal questions. It also contributed substantially to the examination of possible common approaches and potential main avenues of the activities of the Group in the future.



ANNEX III

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

CD/RW/CRP.24

10 August 1983  
Original: ENGLISH

A list of proposals regarding the question of prohibition  
of attacks against nuclear facilities

1. CD/345 A group of socialist countries: Ensuring the Safe Development of Nuclear Energy.
2. CD/RW/WP.3 Canada: Comments on major elements of a treaty prohibiting the development, production stockpiling and use of radiological weapons.
3. CD/RW/WP.6 Sweden: Proposals for Articles I, II and III of a treaty prohibiting radiological warfare including the development, production, stockpiling and use of radiological weapons.
4. CD/RW/WP.19 Sweden: Memorandum on certain aspects of a convention prohibiting radiological warfare.
5. CD/RW/WP.23 Group of 21: Working Paper on certain elements of the Convention on the Prohibition.
6. CD/RW/WP.25 Chairman's Statement (9 March 1982).
7. CD/RW/WP.25/Add.1/Rev.1 Chairman's Amended Proposal for the organization of work during the opening.
8. CD/RW/WP.33 Chairman's Summary of suggested issues of initial relevance relating to protection of nuclear facilities for discussion during Working Group meetings on 26 March and 2 April 1982.
9. CD/RW/WP.34 Sweden: Memorandum of certain aspects of a convention prohibiting radiological warfare.
10. CD/323 (CD/RW/WP.37) Japan: Working Paper on prohibition of attacks against nuclear facilities.
11. CD/331 (CD/RW/WP.40) Federal Republic of Germany: Working Paper on issues relating to a prohibition of attacks against nuclear facilities in the framework of a radiological weapons treaty.
12. CD/RW/WP.45 and Corr.1 Sweden: Compliance and Verification.
13. CD/RW/WP.47 United Kingdom: Working Paper on the prohibition of attacks on nuclear facilities.

14. CD/RW/WP.50

A compilation of types or categories of nuclear facilities to be considered (Prepared by the Secretariat)

15. CD/RW/CRP.13

The Netherlands: Proposal on invitation to the International Atomic Energy Agency.

16. CD/RW/CRP.16

Pakistan: Proposal on definition of facilities to be protected.

**1984**

17 February 1984

ENGLISH

Original: RUSSIAN

## ORGANIZATIONAL MATTERS OF THE WORK OF THE CONFERENCE ON DISARMAMENT

### Memorandum of a group of socialist States

1. A group of socialist States members of the Conference on Disarmament recalls the provision in paragraph 120 of the Final Document of the tenth special session of the General Assembly, the first special session devoted to disarmament, according to which the Conference on Disarmament, previously designated as the Committee on Disarmament, is "a single multilateral disarmament negotiating forum", and also rule 1 of the rules of procedure of the Conference, which describes it as "a disarmament negotiating forum". The General Assembly of the United Nations has repeatedly appealed to the Committee on Disarmament to undertake negotiations. In particular, resolution 38/133 I, entitled "Report of the Committee on Disarmament", once again urges the Conference "to continue or undertake, during its session to be held in 1984, substantive negotiations on the priority questions of disarmament on its agenda ... and, in order to reach that goal, to provide the existing ad hoc working groups with appropriate negotiating mandates and to establish, as a matter of urgency, the ad hoc working groups on the cessation of the nuclear-arms race and nuclear disarmament, on the prevention of nuclear war and on the prevention of an arms race in outer space".

2. Emphasizing the character of the Conference on Disarmament as a negotiating forum, the group of socialist States expresses concern at the fact that this negotiating body is, in substance, failing to perform its designated function and tending to turn into yet another deliberative body in the disarmament field. The main cause of this abnormal situation, in the socialist countries' view, are attempts to convert the Conference into a forum for academic discussions and to put up a series of preliminary conditions for the holding of negotiations. Such an approach, in the socialist countries' view, runs counter both to the terms of reference provided for the Conference in the Final Document and to its own rules of procedure.

3. The group of Socialist countries proceeds from the fact that the subsidiary bodies of the Conference on Disarmament, a negotiating forum, must have the possibility to conduct the appropriate negotiations. Only technical groups or groups of governmental experts, mentioned in rule 23 of the rules of procedure, may form an exception.

The question of the establishment of subsidiary bodies must be solved in a manner organically linked with the elaboration of an appropriate negotiating mandate. An artificial division between solving the question of the establishment of subsidiary bodies and reaching agreement on their mandate merely creates loopholes to conceal the unwillingness of certain States to conduct negotiations.

4. Attempts made in the past to set up subsidiary bodies having no mandate to hold negotiations have shown that, despite the hopes placed in them in certain quarters, discussions in subsidiary bodies of this kind fail to lead to any constructive development of the position adopted by the opponents of negotiations.

5. In that connection, the group of socialist States proposes that in the course of the 1984 session subsidiary bodies should be established on all substantive items on the Conference agenda with mandates providing for the holding of negotiations. The group notes with satisfaction that the mandates of subsidiary bodies on the items "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" and "Comprehensive programme of disarmament" for the period of the 1983 session already provided for the holding of appropriate negotiations, as well as the fact that in the Ad Hoc Working Group on the agenda item "Chemical weapons" a recommendation was adopted to provide the corresponding subsidiary body which might be established at the 1984 session with a mandate "to start the full and complete process of negotiations, developing and working out the convention, except for its final drafting".

With regard to the remaining substantive items of the agenda, the group of socialist States considers that it would be expedient to provide the following mandates:

(1) Subsidiary body on agenda item 1, "Nuclear test ban".

"The Conference on Disarmament decides to establish for the duration of its 1984 session, an ad hoc subsidiary body to negotiate on a Treaty prohibiting all nuclear-weapon tests, taking into account all existing proposals and future initiatives. The ad hoc subsidiary body will report to the Conference on Disarmament on the progress of its work at the end of the second part of its 1984 session."

(2) Subsidiary body on agenda item 2, "Cessation of the nuclear arms race and nuclear disarmament".

"The Conference on Disarmament decides to establish, for the duration of its 1984 session, an ad hoc subsidiary body for negotiations on the cessation of the nuclear-arms race and nuclear disarmament in accordance with paragraph 50 of the Final Document of the first special session of the General Assembly devoted to disarmament, and especially to elaborate a nuclear-disarmament programme. The ad hoc subsidiary body will report to the Conference on Disarmament on the progress of its work at the end of the second part of its 1984 session."

(3) Subsidiary body on agenda item 3, "Prevention of nuclear war, including all related matters".

"The Conference on Disarmament decides to establish, for the duration of its 1984 session, an ad hoc subsidiary body for negotiations with a view to achieving agreement on appropriate and practical measures for the prevention of nuclear war, taking into account the documents referred to in General Assembly resolution 37/78 I as well as other existing proposals and future initiatives. The ad hoc subsidiary body will report to the Conference on Disarmament on the progress of its work at the end of the second part of its 1984 session."

(4) Subsidiary body on agenda item 5, "Prevention of an arms race in outer space".

"The Conference on Disarmament decides to establish, for the duration of its 1984 session, an ad hoc subsidiary body with a view to undertaking negotiations for the conclusion of an agreement or agreements, as appropriate, to prevent an arms race in all its aspects in outer space, taking into account all relevant proposals, including the consideration of the proposal for a treaty on the prohibition of the use of force in outer space and from space against the Earth. The ad hoc subsidiary body will report to the Conference on Disarmament on the progress of its work at the end of the second part of its 1984 session."

(5) Subsidiary body on agenda item 7, "New types of weapons of mass destruction and new systems of such weapons; radiological weapons".

"The Conference on Disarmament decides to establish, for the duration of its 1984 session, an ad hoc subsidiary body for:

(a) Negotiations, with the assistance of qualified governmental experts, with a view to preparing a draft comprehensive agreement on the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons, and to draft possible agreements on particular types of such weapons;

(b) Negotiations with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons;

(c) Negotiations with a view to solving the question of prohibition of attacks on nuclear facilities, including the scope of such prohibition, taking into account all proposals submitted to the Conference to this end.

The ad hoc subsidiary body will report to the Conference on Disarmament on the progress of its negotiations in all three areas at the end of the second part of its 1984 session."

6. At the same time, the group of socialist States indicates that it takes a positive view of proposals repeatedly advanced concerning the desirability of preparing standard terms of reference for subsidiary bodies of the Conference on Disarmament, which, of course, would provide for the holding of negotiations on the appropriate issues.

7. With regard to the designation of the ad hoc subsidiary bodies of the Conference on Disarmament, the group of socialist States proceeds from the need to make full use of the provisions contained in rule 23 of the rules of procedure of the Conference. In particular, the group of socialist countries considers that it would be logical, in view of the change of name of the single multilateral negotiating body in the field of disarmament from "Committee" to "Conference", also to consider the question of appropriately changing the designation of its subsidiary bodies in accordance with the rules of procedure.

8. Providing the subsidiary bodies of the Conference on Disarmament with the possibility of holding negotiations does not, of course, represent a guarantee of the successful solution of the problems facing it. There have been repeated cases of late where certain States have engaged in negotiations for the sake of negotiations, done everything to sidestep the solution of important issues, and failed to show the flexibility and political will necessary in order to reach agreement. Nevertheless, in the view of the group of socialist States, to provide the subsidiary bodies of the Conference on Disarmament with mandates to hold negotiations would render attempts to avoid serious negotiations more difficult and make them more obvious.

Decision on the establishment of an Ad Hoc Committee  
on Radiological Weapons

(Adopted at the 259th Plenary meeting held on 17 April 1984)

The Conference on Disarmament decides to establish, for the duration of its 1984 session, an Ad Hoc Committee on Radiological Weapons with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons.

The Conference also decides to appoint Ambassador Milós Vejvoda of Czechoslovakia as Chairman of the Ad Hoc Committee.

The Ad Hoc Committee will report to the Conference on the progress of its work before the conclusion of the 1984 session.



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Ad Hoc Committee on  
Radiological Weapons

WORKING PAPER: SWEDEN

Proposals for parts of a Treaty Prohibiting Radiological  
Weapons and the Release or Dissemination of Radioactive  
Material for Hostile Purposes

In 1979 the Soviet Union and the United States of America presented a joint draft treaty prohibiting radiological weapons. In June 1980 Sweden proposed that the scope of the draft treaty should be broadened to include also the prohibition of radiological warfare (CD/RW/WP.6). Since then extensive discussions have taken place in the CD penetrating the issues involved in great depth. Much work has been done and a great number of detailed proposals have been put forth. This process has deepened the understanding of the issues and has therefore been of great value, while at the same time bringing into the picture a number of complicated problems not originally foreseen. On some aspects progress has been made while on others the problems have tended to become ever more intricate. Here solutions have yet to be found. Time has now come to revert to a search for simple and straightforward formulas based on the accumulated insight acquired during the last couple of years' work and on a genuine willingness by all to compromise and negotiate past positions.

In this spirit Sweden has endeavoured to elaborate new text proposals concerning some of the major still outstanding problems. A fundamental idea on which these proposals are based is that the treaty should prohibit the use of radioactive material for hostile purposes, be it by using radiological weapons or by attacking nuclear facilities in such a way that radioactive material is released. Working papers and proposals from individual countries have been carefully considered and the progress already made has been taken into account. In elaborating the new proposals the text put forward in August 1983 (CD/421) by the co-ordinator of Group A of the Ad Hoc Working Group on Radiological Weapons, Mr. Busby, has served as the basis. Changes in that text have only been made as regards some of the key issues where Sweden feels that progress has so far been too limited or non-existent.

The new draft proposals presented here are an honest attempt to find compromise solutions which could be acceptable to all as a basis for serious negotiations. Just because the overriding concern has been to find a compromise basis for the continued negotiations some changes in earlier Swedish positions have been made.

For the sake of facilitating the study of the new proposals they are presented below parallel with the text of the co-ordinator of Group A in 1983 as presented in CD/421.

\* \* \*

Preambular text

In the preambular part only such changes have been made which are logical consequences of the substantial changes proposed in the new Articles I, II and III or prompted by reformulations elsewhere in the text.

1983 Report from Group A,  
Co-ordinator's text (CD/421)

Swedish proposals

"TREATY PROHIBITING RADIOLOGICAL  
WEAPONS"

TREATY PROHIBITING RADIOLOGICAL  
WEAPONS AND THE RELEASE OR  
DISSEMINATION OF RADIOACTIVE  
MATERIAL FOR HOSTILE PURPOSES

"The States Parties to this Treaty,  
"Determined to strengthen international  
peace and security and to preserve  
mankind from the danger of new means  
of warfare,

"Desiring to contribute to the cause of  
halting the arms race and recognizing  
that an agreement on the prohibition  
of radiological weapons would contribute  
to this end,

Desiring to contribute to the cause  
of halting the arms race and  
recognizing that an agreement on the  
prohibition of radiological weapons  
and of the release or dissemination  
of radioactive material for hostile  
purposes would contribute to this  
end,

"(Affirming the obligation of all States)  
(Determined) to pursue negotiations in  
good faith on effective measures relating  
to the prohibition of recognized weapons  
of mass destruction and to bring about  
general and complete disarmament under  
strict and effective international  
control,

"Reaffirming in this regard the urgency  
of the pursuit and early conclusion of  
negotiations on effective measures aimed  
at the cessation of the nuclear arms  
race and nuclear disarmament,

"Noting the provisions contained in  
other agreements relating to this  
objective,

"Conscious that the use of (any form  
of) radiological weapons could have  
devastating consequences for mankind,

"Stressing therefore the particular  
importance of accession to this Treaty  
by the greatest possible number of  
States,

"(Affirming the principle that the  
benefits of peaceful applications of  
radioactive materials should be available  
to all States Parties to this Treaty,  
with due consideration for the needs of  
the developing countries, and recognizing  
the need for peaceful uses of sources of  
radiation from radioactive decay in  
different fields of human activities,)

Conscious that the use of  
radiological weapons and the release  
or dissemination of radioactive  
material could have devastating  
consequences for mankind,

Recognizing the need for peaceful  
uses of sources of radiation from  
radioactive decay in different fields  
of human activities, and the need for  
international co-operation in this  
field, and affirming that the benefits  
of peaceful applications of radioactive  
materials should be available to all  
States Parties to this Treaty, with  
due consideration for the needs of  
the developing countries.

"Recalling that the General Assembly of the United Nations has urged the prohibition of the development, production, stockpiling and use of radiological weapons,  
"Have agreed as follows:

\* \* \*

Articles I, II, III and Annex III

Only minor adjustments have been made in the text of the Co-ordinator's Article I. However, it has been supplemented with new additional Articles. The new Articles I, II and III are proposed to take the place of the Co-ordinator's Article I.

In the proposed new Article I the scope of the prohibition of use of radioactive material for hostile purposes has been broadened to encompass also release or dissemination caused by attacks on nuclear facilities.

These facilities have been defined in Article II:b. A number of very detailed proposals and counterproposals on different aspects of this question have been thoroughly discussed in the CD, but so far no agreement on suitable criteria has been reached. Believing that preventing mass destruction should be the overriding concern, Sweden proposes criteria based on the nuclear facilities' potential to cause mass destruction through the release or dissemination of radioactivity, if attacked. An attempt has been made to formulate as simple a model as possible with set threshold limits for the different kinds of facilities.

Furthermore, it is proposed in Articles II and III that in order for a nuclear facility to qualify for protection under the Treaty it should be carefully identified, registered and open to inspection. A simple procedure to this end is proposed in a new Annex III. A special register of the nuclear facilities in question maintained by the Depositary is envisaged, as well as a list at the Depositary's disposal of qualified experts whose services could be made available to undertake Inspection Missions. No changes in the procedures for verification and compliance with the Treaty as proposed in the Co-ordinator's text (Article VI, VII, Annexes I and II) will be needed.

For the sake of facilitating the study of these new proposals Annex III is here presented in conjunction with the Articles I-III.

1983 Report from Group A,  
Co-ordinator's text

Swedish proposals

"Article I

"1. Each State Party to this Treaty undertakes never under any circumstances to develop, produce, stockpile, otherwise acquire or possess, transfer, or use radiological weapons.

For the purposes of this Treaty,  
the term 'radiological weapon'  
means:

Article I

1. Each State Party to this Treaty undertakes never under any circumstances to release or disseminate radioactive material for hostile purposes causing destruction, damage, or injury by means of the radiation produced by the decay of such material, neither by using radiological weapons nor by attacking nuclear facilities.

2. Each State Party to this Treaty undertakes never under any circumstances to develop, produce, stockpile, otherwise acquire or possess, or transfer, radiological weapons.

3. Each State Party to this Treaty also undertakes not in any way to assist, encourage, or induce any person, State, group of States, or international organization to engage in any of the activities which the States Parties to the Treaty have undertaken not to engage in under the provisions of paragraphs 1 and 2 of this article.

Article II

For the purposes of this Treaty,  
(a) The term "radiological weapons"  
means:

"(a) Any device, including any weapon or equipment, specifically designed to employ radioactive material by disseminating it to cause destruction, damage, or injury by means of the radiation produced by the decay of such material;

"(b) Any radioactive material specifically (designed) for employment, by its dissemination, to cause destruction, damage, or injury by means of the radiation produced by the decay of such material.

(i) Any device, including any weapon or equipment, specifically designed to employ radioactive material by disseminating it to cause destruction, damage, or injury by means of the radiation produced by the decay of such material;

(ii) Any radioactive material specifically designed for employment, by its dissemination, to cause destruction, damage, or injury by means of the radiation produced by the decay of such material.

(b) The term "nuclear facilities" means nuclear facilities on land which are either:

(i) Nuclear reactors designed for a thermal effect which could exceed 10 Megawatts;

(ii) Intermediate spent fuel storages designed for storing radioactive material exceeding  $10^{18}$  Bq;

(iii) Reprocessing plants, or,

(iv) Waste deposits containing radioactive material exceeding  $10^{18}$  Bq,

and which are included in a register maintained by the Depositary.

Article III

The Depositary shall maintain a register of nuclear facilities covered by the provisions of this

Treaty and shall transmit certified copies thereof to each State Party to the Treaty.

States Parties to the Treaty wishing to have nuclear facilities under their jurisdiction as specified in Article II:b included in this register shall for each such facility communicate to the Depositary a request for inclusion in the register. Such a request shall contain written information as specified in Annex III which constitutes an integral part of the Treaty.

Information contained in requests for the inclusion of nuclear facilities into the register shall be subject to verification, in accordance with procedures spelt out in Annex III.

"2. Each State Party to this Treaty also undertakes never under any circumstances to employ deliberately, by its dissemination, any radioactive material to cause destruction, damage, or injury by means of the radiation produced by the decay of such material, whether or not such material is specifically defined as a radiological weapon in paragraph 1 of this article.

"3. Each State Party to this Treaty also undertakes not in any way to assist, encourage, or induce any person, State, group of States, or international organization to engage in any of the activities which the States Parties to the Treaty have undertaken not to engage in under the provisions of paragraphs 1 and 2 of this article.

(Replaced by the proposed Article I:1)

(This paragraph is identical with the proposed Article I:3)

ANNEX III

Register on nuclear facilities and  
Inspection Missions

1. Upon receipt of a request for an inclusion in the register provided for in Article III of this Treaty the Depositary shall without delay satisfy himself that the nuclear facility or facilities concerned can be defined as such in accordance with Article II:b. To this end the requests for the inclusion of nuclear facilities in the register as stated in Article III of the Treaty shall contain the following written information:

- (a) Details on the exact geographical location of the nuclear facility/facilities,
- (b) Identification of the type of nuclear facility i.e. if it is a reactor, intermediary spent fuel storage, reprocessing plant or waste deposit,
- (c) Detailed specifications as applicable on

- (i) the thermal effect in Megawatts for which a nuclear reactor is designed,
- (ii) the capacity (in Bq) for which an intermediate spent fuel storage is designed,
- (iii) the content (in Bq) of a waste deposit.



2. The Depositary shall in consultation with the requesting State initiate an Inspection Mission. An Inspection Mission, constituted by one expert or more, shall by on-site inspection verify that the facility or facilities concerned are nuclear facilities as defined under Article II:b.
3. The Depositary shall, with the co-operation of States Parties to the Treaty, compile and maintain a list of qualified experts, whose services could be made available to undertake such Inspection Missions.
4. The Depositary shall include in the register the requested details on the facilities concerned as soon as the Inspection Mission has confirmed that the relevant definition under Article II:b is applicable, and shall immediately notify States Parties to the Treaty of any new inclusion in the register.

\* \* \*

#### Article IV

Following the proposals above, the Co-ordinator's Article II dealing with different aspects of peaceful uses of radioactive materials is numbered Article IV in the Swedish proposal.

Bearing in mind that the main purpose of this paper is to bring about a compromise, acceptable as a basis for further negotiations of a treaty prohibiting radiologically caused mass destruction as well as the difficulties involved in so doing, the Swedish proposal only includes undertakings falling directly within the scope of such a prohibition. This is reflected in the following:

1985 Report from Group A,  
Co-ordinator's text

Swedish proposals

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"(Article II

"1. Each State Party to this Treaty undertakes to contribute (to the fullest possible extent) (fully) to the strengthening of international co-operation in the peaceful uses of radioactive materials and of sources of radiation from radioactive decay (, and to the development of adequate measures of protection for all States against harmful effects of radiation).

"2. Each State Party to this Treaty undertakes to facilitate, and has the right to participate in, the (fullest possible) (full) exchange of equipment, materials, and scientific and technological information regarding the peaceful uses referred to in paragraph 1 of this article, taking into account the needs of the developing countries.

"3. Nothing in this Treaty shall be interpreted as affecting the inalienable right of the States Parties to this Treaty to develop and apply their programmes for the peaceful uses of nuclear energy and to international co-operation in this field (, consistent with the need to prevent the proliferation of nuclear weapons); and no provisions of this Treaty shall hinder the use of sources of radiation

Article IV

1. Each State Party to this undertakes to contribute to the fullest possible extent to the development of adequate measures of protection for all States against harmful effects of radiation.

2. Nothing in this Treaty shall be interpreted as affecting the inalienable right of the States Parties to this Treaty to develop and apply their programmes for the peaceful uses of nuclear energy and to international co-operation in this field, and no provisions of this Treaty shall hinder the use of sources of radiation from radioactive decay for peaceful purposes, in accordance with generally recognized principles and applicable rules of international law concerning such use.

from radioactive decay for peaceful purposes,  
in accordance with generally recognized principles  
and applicable rules of international law  
concerning such use.)

\* \* \*

Articles V and VI

The Co-ordinator's Articles III and IV would as a consequence of the above proposals be numbered as Articles V and VI.

\* \* \*

Article VII

This article is based on the Co-ordinator's two Articles V and V bis. Again the proposed changes are to be seen as an attempt to concentrate only on issues falling within the immediate scope of the proposed prohibitions.

1983 Report from Group A,  
Co-ordinator's text

Swedish proposals

Article V

- (1. The provisions of this Treaty shall not apply to nuclear explosive devices or to radioactive material produced by them.)
2. Nothing in this Treaty shall be interpreted as in any way limiting or detracting from any existing rules of international law applicable in armed conflict or limiting or detracting from obligations assumed by the States Parties under any other relevant international agreement.

Article VII

1. The provisions of this Treaty shall not apply to nuclear explosive devices or to radioactive material produced by them.
2. Nothing in this Treaty shall be interpreted as in any way legitimizing the use of nuclear weapons or detracting from obligations to prevent the use or threat of use of such weapons and the achievement of nuclear disarmament, nor as in any way limiting or detracting from any existing rules of international law applicable in

(Article V bis

The States Parties to this Treaty undertake to pursue urgently negotiations for the cessation of the nuclear arms race, the conclusion of effective measures to prevent the use or threat of use of nuclear weapons, and the achievement of nuclear disarmament.)

armed conflict or limiting or detracting from obligations assumed by the States Parties under any other relevant international agreement.

\* \* \*

Articles VIII-XIV

No specific proposals are made concerning the Co-ordinator's Articles VI-XII. However, they would be numbered VIII-XIV.

\* \* \*

Annexes I and II

No new proposals.

\* \* \*

Annex III

A new Annex III is proposed, the text of which is presented in its substantial context, page 9.

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REPORT OF THE CONFERENCE ON DISARMAMENT TO  
THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

G. New types of weapons of mass destruction  
and new systems of such weapons;  
radiological weapons

118. The item on the agenda entitled "New types of weapons of mass destruction and new systems of such weapons; radiological weapons" was considered by the Conference, in accordance with its programme of work, during the periods 2-6 April and 30 July-3 August 1984.

119. The list of new documents presented to the Conference during its 1984 session under the agenda item is contained in the report submitted by the Ad Hoc committee referred to in the following paragraph.

120. At its 284th plenary meeting on 23 August 1984, the Conference adopted the Report of the Ad Hoc Committee established by the Conference under the agenda item at its 259th plenary meeting (see paragraphs 10 and 11 above). That Report (CD/533) is an integral part of this Report and reads as follows:

#### "I. INTRODUCTION

"1. In accordance with the decision taken by the Conference on Disarmament at its 259th plenary meeting held on 17 April 1984, as contained in document CD/499, the Ad Hoc Committee on Radiological Weapons was established for the duration of the 1984 session with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons. The Conference further decided that the Ad Hoc committee would report to it on the progress of its work before the conclusion of the 1984 session.

#### "II. ORGANIZATION OF WORK AND DOCUMENTATION

"2. At its 259th plenary meeting on 17 April 1984, the Conference on Disarmament appointed Ambassador Milós Vejvoda of Czechoslovakia as Chairman of the Ad Hoc committee. Mr. Victor Slipchenko, United Nations Department for Disarmament Affairs, served as Secretary of the Ad Hoc committee.

"3. The Ad Hoc Committee held 11 meetings from 15 June to 10 August 1984. In addition, the Chairman held a number of informal consultations with delegations.

"4. At their request, the representatives of the following States not members of the Conference on Disarmament participated in the work of the Ad Hoc Committee: Finland, Norway and Spain.

"5. In carrying out its mandate, the Ad Hoc committee took into account paragraph 76 of the Final Document of the first special session of the United Nations General Assembly devoted to disarmament. It also took into consideration the relevant recommendations of the United Nations Disarmament Commission, in particular those adopted in connection with the Second Disarmament Decade in 1980. In addition to various resolutions adopted by the General Assembly on the subject at its previous sessions, the Ad Hoc committee took into account in particular resolution 38/188D of the General Assembly of 20 December 1983. Paragraphs 1 to 3 of that resolution read as follows:

"'1. Requests the Conference on Disarmament to continue negotiations with a view to a prompt conclusion of the elaboration of a convention prohibiting the development, production, stockpiling and use of radiological weapons in order that it may be submitted to the General Assembly at its thirty-ninth session;

"'2. Further requests the Conference on Disarmament to continue its search for a prompt solution to the question of prohibition of attacks on nuclear facilities, including the scope of such prohibition, taking into account all proposals submitted to it to this end;

"'3. Takes note of the recommendation of the Ad Hoc Working Group on Radiological Weapons, in the report adopted by the Committee on Disarmament, to re-establish an Ad Hoc Working Group at the beginning of its 1984 session to continue its work and in that context to review and assess how best to make progress on the subject matter.'

"6. In addition to the documents of previous sessions, the Ad Hoc Committee had before it the following new documents for consideration:

- CD/530, dated 3 August 1984, submitted by Sweden, entitled 'Proposals for parts of a Treaty Prohibiting Radiological Weapons and the Release or Dissemination of Radioactive Material for Hostile Purposes' (also issued as CD/RW/WP.52 of 18 June 1984)
- CD/RW/WP.53, dated 20 June 1984, submitted by the United Kingdom, entitled 'A definition relevant to the prohibition of attacks on nuclear facilities'
- CD/RW/WP.54, dated 12 July 1984, submitted by Sweden, entitled 'Notes from the intervention by Ambassador Ekéus on 21 June 1984 concerning criteria and definitions used in CD/RW/WP.52' (also issued as CD/RW/CRP.27)
- CD/RW/WP.55, dated 19 July 1984, submitted by Sweden, entitled 'Answers to questions raised by the Federal Republic of Germany concerning the Swedish proposal for draft provisions prohibiting attacks on nuclear facilities contained in CD/RW/WP.52' (also issued as CD/RW/CRP.29)
- CD/RW/WP.56, dated 3 August 1984, submitted by Sweden, entitled 'Notes from the intervention by the Swedish delegation on 1 August in the Ad Hoc Committee on Radiological Weapons concerning some definitions of nuclear facilities in document CD/530 - CD/RW/WP.52'
- CD/RW/WP.57, dated 2 August 1984, submitted by the chairman, entitled 'criteria and categories of nuclear facilities regarding the scope of prohibition of attacks against nuclear facilities'
- CD/RW/WP.58, dated 10 August 1984, submitted by the Federal Republic of Germany, entitled 'Questions addressed to the Swedish Delegation with respect to the draft provisions regulating the prohibition of attacks in Document CD/RW/WP.52'
- CD/RW/CRP.25, dated 21 June 1984, entitled 'Proposals by the chairman for the items to be discussed in the Ad Hoc committee on Radiological Weapons during the summer session'
- CD/RW/CRP.26, dated 6 July 1984, submitted by the Federal Republic of Germany, entitled 'Questions addressed to the Swedish Delegation with respect to the draft provisions regulating the prohibition of attacks in Working Paper CD/RW/WP.52'
- CD/RW/CRP.28, dated 12 July 1984, entitled 'Programme of work of the Ad Hoc committee on Radiological Weapons'

### "III. WORK DURING THE 1984 SESSION

"7. The Ad Hoc committee on Radiological Weapons proceeded to review and assess how best to make progress on the subject matter entrusted to it. The Ad Hoc committee agreed that during the 1984 session it would continue its substantive examination of questions relating to 'traditional' radiological weapons subject matter and questions relating to prohibition of attacks against nuclear facilities, without setting up two subsidiary bodies to deal with these questions or prejudging the relationship between them.

"8. In that context, the Ad Hoc committee devoted two meetings to the continued review of the question of linkage between the two major issues before it. Although no delegation disputed the importance of those issues and the need for their solution, differences of approach persisted with regard to the procedure to be followed in resolving them as well as to the form of any eventual agreement. In the absence of consensus, the Ad Hoc committee agreed to concentrate its work on the substance of the issues involved.

"9. At its 5th meeting, on 12 July, the Ad Hoc Committee adopted the following programme of work for its 1984 session:

"Within the questions of the prohibition of radiological weapons in the "traditional" sense and the prohibition of attacks against nuclear facilities, the following problems should be discussed without prejudging the final positions of delegations as regards the "link" between the two aspects of the issue:

- Definitions
- Scope
- Peaceful uses
- Cessation of the nuclear arms race and nuclear disarmament
- Compliance and verification'.

"10. The Ad Hoc Committee discussed and examined various documents, inter alia, those submitted to it during its 1984 session by the delegations of the Federal Republic of Germany (CD/RW/GRP.26), Sweden (CD/530, CD/RW/WP.54, 55 and 56) and the United Kingdom (CD/RW/WP.53). Many delegations held that the approach proposed by Sweden in its draft provisions of a treaty prohibiting radiological weapons and the release or dissemination of radioactive material for hostile purposes (CD/530) provided the best negotiating framework for making progress on all the major aspects of the issue and thus in the fulfilment of the Ad Hoc committee's mandate. Other delegations, however, reaffirmed their conviction that proposals aimed at resolving the question of prohibition of attacks against nuclear facilities in the context of prohibition of radiological weapons could only result in a failure to make progress on either of them.

"11. The Ad Hoc committee devoted four meetings to the consideration of the questions of definitions and scope in accordance with its programme of work. With respect to these questions, it concentrated its work on consideration of criteria which would apply in determining which nuclear facilities might fall within the possible scope of a prohibition of attacks as well as on definitions of such facilities. In order to allow for a more structured discussion of that



issue, the Chairman, upon request of some delegations, prepared a working paper (CD/RW/WP.57) which reflected some of the proposals made by delegations during the session in this regard. Proposals for scope and definitions contained in the Swedish proposal (CD/530) were examined. In particular, attention was focused on the criterion used, i.e. the potential to cause mass destruction for determining the four categories of facilities proposed to fall within the scope of the prohibition of attacks on nuclear facilities. The Ad Hoc committee also discussed the suggested definitions, capacity thresholds and other possible delimitations as well as other related questions such as the distinction between military and non-military facilities, protective zones, physical identification (marking) of nuclear facilities, the definition of 'attack', verification, legal and other aspects. The documents CD/RW/WP.53, 54, 55, 56 and CD/RW/CRP.26 were valuable contributions in this respect. With regard to the definition of radiological weapons in the traditional sense, some delegations reaffirmed their views concerning the so-called 'negative' or 'positive' approach. Divergent views were also expressed on what should be considered a radiological weapon. While some delegations maintained that it should include radioactive material as well as devices and containers, other delegations held that radioactive material should not be included since any known radioactive material has a utility for civilian peaceful purposes, and that the term 'specifically designed device and equipment' will be sufficient as the definition of a radiological weapon. In this connection a suggestion was made to the effect that the prohibition of configuration of radioactive material to weapon use might be envisaged. A number of delegations maintained that a definition of radiological weapons should not imply any restrictions on the use of radioactive material for peaceful purposes. They also held the view that such a definition should not provide a basis for any provision which might be interpreted as legitimizing nuclear weapons. The exchange of views, which was generally considered to be useful and constructive, contributed to a better understanding of the substance as well as of the positions of various delegations. Although some divergences of views continued to exist, the deliberations revealed that more delegations than previously supported the criterion of mass destruction as the most appropriate one for the identification of facilities to be covered by the provisions of a prohibition of attacks on nuclear facilities.

"12. With regard to the questions of peaceful uses and the cessation of the nuclear arms race and nuclear disarmament, delegations generally reaffirmed the views reflected in their earlier proposals to this end. Some delegations noted that the compromise formulae proposed by Sweden in CD/530 could serve as a basis for an eventual agreement on those two outstanding questions. Other delegations, however, pointed out that a compromise should be sought in the context of all provisions of that paper which could not be considered separately. Several delegations emphasized the close link between the treaty on the prohibition of radiological weapons and the cessation of the nuclear arms race and nuclear disarmament. Some other delegations, however, reaffirmed their view that it would be unrealistic to expect States parties to a future agreement on radiological weapons to undertake obligations which did not relate directly to its subject matter. It was noted in this connection that a 'delineating provision' might be used in order to find a solution to this problem. Some delegations reaffirmed the importance they attached to the issues of verification and compliance. In that context, they expressed the view that existing proposals on those issues were not sufficient and should therefore be further thoroughly examined. They regretted that the Ad Hoc committee was not able to devote more attention to this problem during the session. Some delegations reiterated that, as provided in paragraph 31 of the Final Document of SSOD I, the question of verification had to be examined taking into account the scope of a convention.

In their view, this factor had an obvious bearing on the nature of the verification provisions to be included in a convention. They reiterated that, in the case of the prohibition of attacks against nuclear facilities, the question at issue was only that of establishing the fact that an attack had occurred.

"13. Some delegations expressed their regret that the work of the committee had not concentrated more on the available draft texts, including the drafts submitted by the chairman of the two preceding annual sessions, as well as the Swedish proposals (CD/530), and that the work pattern had rather been one of a prolonged general debate. They also felt that, despite the efforts by the Chair, this had not only caused delegations to lose sight of certain common positions that had been achieved in the earlier sessions, but entailed the risk that the negotiations might altogether lose their earlier momentum. Other delegations on the contrary believed that the work of the Ad Hoc committee was useful and helped to clarify further positions of delegations. More progress could not be achieved in view of the basic differences as to the framework for the solution of the two major issues. They also considered that due attention was paid to the existing draft texts, especially to the proposals by Sweden contained in CD/530. They further maintained that the provisions of the draft texts by the previous Chairmen could not be considered as reflecting common positions.

#### "IV. CONCLUSIONS AND RECOMMENDATIONS

"14. It was generally recognized that the discussion held during the session contributed to a better understanding of the issues involved as well as to a further search for their solution.

"15. In view of the fact that the committee's mandate was not fulfilled, it is recommended that the Conference on Disarmament should re-establish the Ad Hoc Committee on Radiological Weapons at the beginning of its 1985 session."

121. The Conference considered the question of new types and new systems of weapons of mass destruction at its plenary meetings. At the beginning of the first part of the session, a contact group was set up to consider the establishment of a subsidiary body on item 7.

122. A group of socialist countries, recalling their earlier proposals, suggested in document CD/434 that the subsidiary body should have a mandate providing for, inter alia, negotiations, with the assistance of qualified governmental experts, with a view to preparing a draft comprehensive agreement on the prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons, and also drafting possible agreements on prohibiting particular types of such weapons. They continued to uphold their opinion that everything must be done to prevent the emergence of new types of weapons of mass destruction based on new scientific principles and achievements, and as a first step to that end, while pursuing negotiations on the relevant agreements, the permanent members of the Security Council and other militarily significant States should make declarations, pledging not to develop any such weapons, which declarations should then be endorsed by the Security Council.

123. Some other delegations stated that in their view it would be more appropriate to negotiate agreements to ban potential new weapons of mass destruction only on a case-by-case basis as such weapons might be identified. They pointed out that no such weapon had been identified so far. A general prohibitory agreement would not, in their view, be applicable to concrete situations deriving from the emergence of unidentified new weapons systems and would therefore not permit the definition and implementation of the appropriate verification measures. For the present, they considered that the practice followed in recent years - periodic informal meetings with the participation of experts - allowed the Conference to follow this question in an appropriate manner and adequately to identify any cases which might require particular consideration and which would justify the opening of specific negotiations.

124. A view was expressed by one delegation that, pending the conclusion of a general agreement prohibiting the development and manufacture of new weapons of mass destruction, the more powerfully armed States should adopt unilateral measures to prevent the use of scientific and technical discoveries for military purposes. It further believed that in this connection scientists would have an important role to play and that they should therefore be associated in an appropriate manner with the work of the Conference on Disarmament on this item of the agenda.

**AD HOC WORKING GROUP ON  
RADIOLOGICAL WEAPONS**

**WORKING PAPERS 1980-1984**

**1980**

I. MAIN ELEMENTS IN THE NEGOTIATIONS  
OF A TREATY ON THE PROHIBITION OF  
RADIOLOGICAL WEAPONS

(Paper prepared by the Chairman)

1. Preamble
2. Scope of the prohibition
3. Definition of radiological weapons
4. Activities and obligations
5. Relationship with other disarmament measures and agreements
6. Peaceful uses
7. Compliance and verification
8. Other provisions
9. Amendments
10. Duration and withdrawal
11. Review conference
12. Adherence, entry into force, depositary
13. Annexes

II. THE ORDER OF DISCUSSING MAIN ELEMENTS OF A  
DRAFT TREATY ON THE PROHIBITION OF RADIOLOGICAL  
WEAPONS AT MEETINGS OF THE WORKING GROUP

1. It seems advisable that negotiations of main elements of the draft treaty at working group meetings be conducted in the following order:

- Definition of radiological weapons
- Scope of the prohibition
- Activities and obligations
- Peaceful uses, Relationship to other treaties
- Compliance and verification
- The remaining "main elements" (other provisions, amendments, duration and withdrawal, review conference, adherence, enter into force, depositary)
- Preamble.

2. During each meeting the working group will tackle on the same level all proposals and considerations of States members of the CD which were submitted prior to the day of the meeting or might be submitted and which refer to the main element to be discussed.

Original: ENGLISH

Comments from the Canadian delegation on major elements of a Treaty Prohibiting the Development, Production, Stockpiling and use of Radiological Weapons.

The Canadian delegation has already made, in Plenary, general comments on the joint USA/USSR proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons (RW). We acknowledged that it might be less urgent to conclude an agreement which would prohibit a non-existent weapon system than one which exists, but we concluded that, for a number of reasons, it would nonetheless be a great value if we could agree on a comprehensive prohibition of RW. I now propose to make detailed comments on the joint proposal and on some of the very useful comments and questions offered by a number of colleagues.

Firstly, on the question of whether a treaty prohibiting RW should include particle-beam weapons in its scope, we have heard some countries say it should, others say it should not, and others simply raised the question. The Canadian authorities are of the opinion that a treaty on RW should not attempt to include particle-beam weapons.

.../2



This should not be taken as an indication that we are not concerned with the research which is going on in some countries on these weapons. However, for objective reasons of definition, mode of probable use and scientific principles involved, we believe that particle-beam weapons are a substantially different category of weapon, which could not logically be put in the category of radiological weapons.

With regard to the suggestion that a reference be made in the preamble to the priority to be given to nuclear disarmament, we would agree to some language which would stress that an RW Treaty would not in any way imply that the present situation is satisfactory. We would not however wish to state that nuclear disarmament should be given priority over conventional weapon disarmament, inasmuch as we firmly believe that the two must proceed concurrently as laid down in paragraphs 45 and 46 of the Final Document of UNSSOD.

With regard to Article I, it has been suggested that the phrase "in no circumstances" be added to the statement of prohibition. One delegation made a separate but related suggestion that a specific prohibition be made of the use of radioactive barriers, even on ones own territory. We agree that the use of RW on ones own territory should not be an exception to the general prohibition, but we do not think it is necessary, or appropriate, to single out a particular method of using RW for prohibition. In other words, we agree with the suggestion that the words " in no

circumstances" be included in the undertaking of general prohibition made in Article I, in the same way they are included in the Biological Weapons Convention. We realize that some countries have strong feelings about being able to defend themselves from attack by any and all means, but believe that exceptions to a treaty would complicate and weaken it.

The delegation of the Netherlands has pointed out what appears to be a loophole in the present wording of Articles II and III, and suggested, on April 9, alternative wording. My delegation agrees that radioactive material produced, for example, by underground explosions or so called peaceful nuclear explosions, would appear not to be covered by the present wording, and we see the wording suggested by the Netherlands delegation as a distinct improvement. Also on Article II, another delegation asked what criteria should be adopted with regard to level or quantity of radioactivity considered to be permissible or prohibited. We see this is a useful question, which may well lead to greater precision of definition in the treaty-to-be. Such an attempt at precision could also lead to complications, if, for example, it allowed the exclusion of less radioactive material which, in greater amounts, could also be used as radiological weapons. We would therefore wish to hear the reaction of the two co-sponsors of the joint proposal before we take a position on this question.

The interesting suggestion has been made that Article III should include a prohibition of attacks on nuclear stations. Such attacks would amount, in effect, to the spreading of another country's radiological material and thus constitute the use of RW. This action is of course already banned in part by Article 56 of the Geneva Protocol of July 1977 relating to the protection of victims of international armed conflicts. Although we would, in an ideal world, wish to prohibit such an attack, we wonder if it can be done in the case where, for example, the nuclear generating station is clearly providing power in direct support of military operations. Since this case was considered in the negotiation of the Geneva Protocol and is specifically exempted from its prohibition, its implications should be considered in terms of that protocol and not in a treaty on radiological weapons themselves.

The suggestion has been made, both as a general suggestion, and in relation to Article VI, that the Convention on the Physical Protection of Nuclear Material be referred to, and even broadened to include all radioactive material. We do agree that an RW treaty should be consistent with this Convention. However, if the suggestion is that an international monitoring system for all radioactive material equivalent to the IAEA safeguards system for source and special nuclear materials be set up, we have serious doubts, given the level of technology at the moment, that this is a workable proposition. We would wish to have further discussions

on this matter, as it is clear that States must assume certain responsibilities under Article VI, and the Convention on the Physical Protection of Nuclear Materials might well offer an appropriate set of ground rules.

A number of useful suggestions have been made concerning Article VIII. First of all, that the discriminatory aspect, i.e., the veto option of the permanent members of the Security Council, be removed. We would like to explore this question with other delegations, to see if this part of Article VIII could be made less discriminatory. We would support the two changes of wording suggested on April 9 by the delegation of Belgium. One would call for the Consultative Committee to be set up immediately, if possible, upon request; and the other would allow the Committee to formulate opinions on other issues than those raised by the State which requested that the Committee be convened. We also share the desire expressed by another delegation to know more about the relationship between and among the different avenues for consultation, investigation and complaint specified in the sub-paragraphs of Article III. In other words, would it be helpful to specify that these three steps should be taken one after the other, in the order given, or would it be too binding if, for example, a party wished to go directly to the Security Council? We tend to the view that these steps should be undertaken consecutively, but we are open to other views. Finally, with regard to the request that an example of "assistance", as used in sub-paragraph 5 of Article VIII, be given, we would also be interested in receiving additional information on this question.

It has been suggested that the option of withdrawing from the treaty described in Article X be removed. My Government would accept this suggestion if others agree to it, but we would remark that the right to withdraw, while explaining the extraordinary events which, in the perception of the State concerned, have jeopardized its supreme interests, is a standard clause in many international agreements.

Finally, the question of the timing of the first Review Conference has been raised. We would be prepared to accept the formula expressed in the joint proposal, but if a number of other delegations have doubts about it as it stands, it would perhaps be wiser to change it so as to have the first conference sooner.

FEDERAL REPUBLIC OF GERMANY

Proposed new Article V:  
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Para 1: Nothing in this Treaty shall be interpreted as affecting the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes.

Para 2: Provisions of the Treaty shall not hinder the use of sources of radiation from radioactive decay for peaceful purposes and shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

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COMMENTS FROM THE DELEGATION OF THE FEDERAL REPUBLIC OF GERMANY  
ON MAJOR ELEMENTS OF A TREATY PROHIBITING THE DEVELOPMENT,  
PRODUCTION, STOCKPILING AND USE OF RADIOLOGICAL WEAPONS.

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In the understanding of the delegation of the Federal Republic of Germany it is quite clear what we are aiming at. There should be a complete and comprehensive prohibition of a particular type of weapon of mass destruction already defined, but not yet in existence, whose destructive effects are caused by means of radiation produced by the decay of radioactive material.

Hence, any other use of radioactive material not having the destructive effect just mentioned, in particular in medical and technical applications, will not and cannot be covered by the treaty. Moreover, we should resist any attempt to burden the treaty with additional problems; instead we should limit ourselves to deal with this one type of weapon for mass destruction only.

Following these general remarks I would like to offer some more specific observations.

In our opinion it would be more logical to revert the order of Articles I and II so that the definition comes first, whereas purpose and scope of the prohibition would be dealt with subsequently. Otherwise, the prohibition is postulated before it becomes clear what will be covered by such prohibition.

With respect to Article V which stipulates the peaceful use of nuclear energy, we would suggest to introduce an additional first paragraph, the existing para becoming para 2. The new para 1 of Article V would read as follows:

"Nothing in this Treaty shall be interpreted as affecting the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes".

In the last part of what now becomes para 2, the draft before us mentions "without prejudice to any generally recognized principles and applicable rules of international law concerning such use".



We would like to ask the authors for clarification which principles and rules of international law they had in mind.

The complaints procedure envisaged in Article VIII is, in our judgment, far from being ideal. We must, however, recognize that the treaty prohibits weapons not yet in existence, a fact that consequently does not call for destruction or limitation of stocks. The proposed solution might, therefore, be acceptable in this case. By the same token, the proposed procedure has to be without prejudice to verification and complaints procedures in other agreements on the limitation and prohibition of already existing types of weapons.

These are the remarks I would like to offer at this time. I reserve the right to ask for the floor again during the further course of our deliberations, particularly concerning the preambular part of the treaty.

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Proposals by the delegation of Sweden

Treaty Prohibiting Radiological Warfare including the Development,  
Production, Stockpiling and Use of Radiological Weapons

- I. Each State Party to the Treaty undertakes not for any purpose to develop, produce, stockpile, otherwise acquire or possess, or use radiological weapons, or otherwise to engage in radiological warfare.
- II. For the purpose of this Treaty,
  1. the term radiological warfare means dissemination of radioactive material, other than through the explosion of a nuclear explosive device, in order to cause destruction, damage or injury by means of the radiation produced by the decay of such material,
  2. the term radiological weapon means any device, including any weapon or equipment, other than a nuclear explosive device, specifically designed to employ radioactive material by disseminating it to cause destruction, damage or injury by means of the radiation produced by the decay of such material.
- III. Each State Party to the Treaty undertakes not for any purpose to attack or deliberately damage any nuclear electrical generating station, other nuclear facility or nuclear deposit on the territory of States Parties to the treaty.

COMMENTS FROM THE ITALIAN DELEGATION ON MAJOR ELEMENTS  
OF A TREATY PROHIBITING THE DEVELOPMENT, PRODUCTION,  
STOCKPILING AND USE OF RADIOLOGICAL WEAPONS (DOC. CD/31  
AND CD/32)

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The Italian Delegation has carefully considered the main elements of the proposed Treaty, and wishes to make at this stage in the ad hoc Working Group on Radiological Weapons some comments on the following articles.

Art. II - paragraph 2

The Italian Delegation has already asked the cosponsors of the proposed main elements for a Treaty on Radiological Weapons to clarify what they had in mind in drafting Art. II, paragraph 2. It seems in fact to us difficult to imagine a sufficiently clear and unequivocal category of radioactive materials ("any radioactive material specifically designed for....") as the one defined by Art. II, paragraph 2. The paragraph as it stands now would be of difficult interpretation and could create, in our opinion, some confusion.

On the other hand we wonder whether it is really necessary, considering that Art. II, paragraph 1, and Art. III are clear and wide enough for the purposes of the Treaty we have in mind. We therefore would like to suggest the deletion of paragraph 2 of Art. II.

Art. IV

Our concern has already been expressed to the Working Group that the provisions of this Article might in some way hamper or limit the scientific, technical, and industrial international co-operation and exchanges intended strictly for peaceful developments of nuclear energy and peaceful applications of radioactive materials. To make it clearer, the Italian Delegation would like to propose a new wording of Art. IV on the following lines:

"Each State Party to the Treaty undertakes not to take  
"any deliberate action intended to assist, encourage  
"or induce any person, State, group of States or inter-  
"national organization to engage in any of the activities  
"which the Parties to the Treaty have undertaken not to  
"engage in under the provisions of paragraph I and III".

Art. V

The Italian Delegation appreciates and supports the amendment proposed by the Delegation of the Federal Republic of Germany to include a new paragraph on the inalienable right of all Parties to develop research, production and use of nuclear energy for peaceful purposes. The Italian Delegation also feels that another paragraph should be

added to reaffirm the need to safeguard international co-operation for peaceful purposes. The new paragraph could read as follows:

"Nothing in this Treaty shall be interpreted as limiting  
"the right to the international co-operation aimed at  
"the exchange of equipment, materials and scientific  
"and technological information for the peaceful uses of  
"radioactive materials".

Art. VI

Art. VI has been defined by the distinguished Representative of the USA as a "unilateral obligation". The Italian Delegation feels that the measures to be taken by each State Party to the Treaty in order to prevent loss; and to prohibit and prevent diversion of radioactive materials that might be used in radiological weapons should not be only the ones which it "deems necessary", but should also be "effective" to their scope. The Italian Delegation as already suggested as an appropriate matter of consideration to the Working Group the relationship between certain provisions of the proposed Treaty and the provisions of the Convention on the Physical Protection of Nuclear Material, negotiated within the IAEA. Some Delegations expressed the opinion that the latter provisions may be impracticable as applied to the present proposed Treaty. The Italian Delegation should like to point out that necessary and effective measures can also be accommodated within the national laws and regulations governing the production, possession, use and disposal of radioactive materials for peaceful purposes. We therefore would prefer at least to see Art. VI reading

as follows:

"Each State Party to the Treaty undertakes, in accordance  
"with its constitutional procedures, to take effective  
"measures to prevent loss of and to prohibit and prevent  
"diversion of radioactive materials that might be used  
"in radiological weapons and any activities contrary to  
"the provisions of Treaty in its territory or at any  
"place under its jurisdiction or under its control".

FRANCE

Proposed amendments to the agreed joint USSR-United States proposal  
on major elements of a treaty prohibiting the development, production,  
stockpiling and use of radiological weapons

USSR-United States text

II

For the purpose of the Treaty, the term "radiological  
weapon" means:

1. Any device, including any weapon or equipment, other than a nuclear explosive device, specifically designed to employ radioactive material by disseminating it to cause destruction, damage or injury by means of the radiation produced by the decay of such material.
2. Any radioactive material, other than that produced, by a nuclear explosive device, specifically designed for employment, by its dissemination, to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

III

Each State Party to the Treaty also undertakes not to employ deliberately, by its dissemination, any radioactive material not defined as a radiological weapon in paragraph II, subparagraph 2, and not produced by a nuclear explosive device, to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

\* / Reissued for technical reasons.

Amendments proposed by France

II

For the purpose of the Treaty, the term "radiological  
weapon" means:

1. Any device, including any weapon or equipment, other than a nuclear explosive device, specifically designed to disseminate radioactive material to cause injury or damage to persons or property through the action of the radiation produced by the decay of such material.
2. Any radioactive material, other than that produced by a nuclear explosive device, specifically prepared for dissemination to cause injury or damage to persons or property through the action of the radiation produced by the decay of such material.

III

Each State Party to the Treaty undertakes not to employ deliberately, by its dissemination, any radioactive material not defined as a radiological weapon in paragraph II, subparagraph 2, and not produced by a nuclear explosive device, to cause injury or damage to persons or property through the action of the radiation produced by the decay of such material.

V

Provisions of the Treaty shall not hinder the use of sources of radiation from radioactive decay for peaceful purposes and shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

VI

Each State Party to the Treaty undertakes, in accordance with its constitutional procedures, to take any measures which it deems necessary to prevent loss of and to prohibit and prevent diversion of radioactive materials that might be used in radiological weapons and any activities contrary to the provisions of the Treaty in its territory or at any place under its jurisdiction or under its control.

VII

Nothing in the Treaty shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Treaty on the Non-Proliferation of Nuclear Weapons, the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, or any existing rules of international law governing armed conflict.

V

The provisions of the Treaty shall not hinder the use of sources of radiation from radioactive decay for peaceful purposes and shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

In particular, they shall not hinder the use of radioactive material, by disseminating it, for research on materials for and methods of protection against radiation.

VI

Each State Party to the Treaty undertakes, in accordance with its constitutional procedures and with existing international arrangements, to take any measures which it deems necessary to prevent loss of and to prohibit and prevent diversion of radioactive materials that might be used in radiological weapons and any activities contrary to the provisions of the Treaty in its territory or at any place under its jurisdiction or under its control.

VII

Nothing in the Treaty shall be interpreted as in any way limiting or detracting from the obligations assumed by States Signatories of the Treaty on the Non-Proliferation of Nuclear Weapons, the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, or any existing rules of international law governing armed conflict.



VIII

3. Any State Party to the Treaty which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.

IX

1. A State Party may propose amendments to the Treaty. Each proposed amendment shall be submitted to the Depositary, which shall promptly transmit it to all States Parties.

2. An amendment shall enter into force for each State Party accepting the amendment after the deposit with the Depositary of documents of acceptance by a majority of the States Parties. Thereafter, the amendment shall enter into force for each remaining State Party on the date of the deposit by it of the acceptance document.

VIII

3. Any State Party to the Treaty which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may lodge a complaint with the Security Council of the United Nations in accordance with the provisions of the Charter. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.

IX

1. Any State Party may propose amendments to the Treaty. Each proposed amendment shall be submitted to the Depositary, which shall promptly transmit it to the other States Parties and to the Committee on Disarmament.

2. The Committee on Disarmament may decide to study the proposal and refer it to a meeting of governmental experts open, in accordance with the Committee's procedure, to all States which express their intention to participate in it.

3. The proposed amendment shall enter into force for each State Party accepting the amendment after the deposit with the Depositary of documents of acceptance by a majority of the States Parties. Thereafter, the amendment shall enter into force for each remaining State Party on the date of the deposit by it of the acceptance document.

X

1. The Treaty shall be of unlimited duration.

XI

1. Ten years after entry into force of the Treaty, or earlier if requested by a majority of States Parties, a conference of States Parties should be convened to review the operation of the Treaty, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review should take into account any new scientific and technological developments relevant to the Treaty.

3. If no review conference has been convened within (blank) years following the conclusion of a previous review conference, the Depositary should solicit the views of all States Parties on the holding of such a conference. If (blank fraction) or (blank number) of the States Parties, whichever number is less, respond affirmatively, the Depositary should take immediate steps to convene the conference.

XII

3. The Treaty shall enter into force upon the deposit of the instruments of ratification by (blank) Governments in accordance with subparagraph 2 of this paragraph.

X

1. The Treaty shall be for a period of twenty-five years.

XI

1. Five years after entry into force of the Treaty, or earlier if requested by a majority of States Parties, a conference of States Parties shall be convened at Geneva (Switzerland) to review the operation of the Treaty and with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being respected. Such review shall take into account any new scientific and technological developments likely to affect the purpose of the Treaty or the possibility of verifying observance of the obligations assumed by the Parties in this regard.

3. If no review conference has been convened within five years following the conclusion of a previous review conference, the Depositary should solicit the views of all States Parties on the holding of such a conference. If two thirds of the States Parties respond affirmatively, the Depositary shall take immediate steps to convene the conference as soon as possible.

XII

3. The Treaty shall enter into force upon the deposit of the instruments of ratification by ten Governments in accordance with subparagraph 2 of this paragraph.

Annex to the Treaty

Consultative Committee of Experts

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to paragraph VIII, subparagraph 1, of the Treaty by the State Party requesting the convening of the Committee.

Annex to the Treaty

Consultative Committee of Experts

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to paragraph VIII, subparagraph 1, of the Treaty. The Consultative Committee of Experts shall be entitled to receive any information which a State Party to the Treaty deems it useful to communicate with a view to strengthening the confidence of States Parties in the observance of the purpose and provisions of the Treaty.

6. The Consultative Committee and each of the governmental experts shall, where necessary, preserve the confidential character of any information they receive, in accordance with the provisions of the Treaty, from a State Party or international organization.

PROPOSALS BY THE DELEGATION OF  
PAKISTAN

Revise Article V as follows:

1. Nothing in the present Treaty will be construed in such a way as to limit or restrict in any way the full exercise of the inalienable rights of all States to apply and develop their programmes for the peaceful uses of radioactive materials and of their programmes in the field of nuclear energy including the right to have access to and be free to acquire technology, equipment and materials for this purpose.
2. Each State party to the Treaty undertakes to contribute fully to strengthening international cooperation for the promotion of the transfer and utilization of nuclear technology, including the peaceful uses of radioactive materials, for economic and social development especially in the developing countries.

Add a new article after Article V, as follows:

Each State Party to the Treaty undertakes to promote international cooperation and assistance, as appropriate, to ensure the development of adequate measures of protection against radiation by all countries, especially the developing countries.

Proposal by the delegation of YUGOSLAVIA  
for an article of the Treaty related to the  
definition of radiological weapons.

"For the purposes of this Treaty, the term "radiological weapon"  
includes:

1. Any material which is by its nature radioactive, or in  
the process of treatment before used as a weapon artificially made  
radioactive, and specifically designed for employment to cause  
destruction, damage or injury by its dissemination and by means  
of ionizing radiation in the process of natural decay of such ma-  
terial.

2. Any device, weapon or equipment specifically designed  
to employ radioactive material by its dissemination to cause  
destruction, damage or injury by means of ionizing radiation in  
the process of the natural decay of such material."

9 July 1980

ENGLISH

Original: SPANISH

## OBSERVATIONS OF THE DELEGATION OF ARGENTINA

Although we believe that any prohibition of an unknown weapon is basically preventive in its intention, since the more highly developed countries are agreed that there is a need to draft a convention on radiological weapons and believing as we do that the properties of radioactive material may well encourage its use as an instrument of warfare, my delegation would like to make a few preliminary comments as a contribution towards achieving progress in the negotiations.

We are pleased at the introduction of the idea of "radiological warfare" by the Swedish delegation since it implies that the proposed prohibition could cover all related and complementary aspects of the use of a radiological weapon.

We believe that we must first reach agreement on a definition of this type of weapon, a definition free of ambiguity and satisfactory from all points of view.

Taking the definition given in the USSR-United States draft as a starting-point, we would make the following observations:

1. It would seem desirable to maintain a reference to the two aspects mentioned in the definition, that of the radioactive material and that of the devices capable of being used for its dissemination, since the peculiar characteristics of the substances involved gives them a versatility which makes it necessary to foresee different possible forms of use.

2. Substantial objections have been expressed with regard to the proposed definition owing to the fact that it expressly excludes any "nuclear explosive device". This could give rise to the interpretation that something which we hope to make the subject of a separate prohibition would be tolerated.

We therefore endorse the proposal of the Netherlands that we should use instead, in the definition, the notion of "dissemination independently of nuclear explosions".

This makes it possible to refer to the origin of the radioactive material to be covered by the convention without explicitly mentioning nuclear explosive devices.

3. We also believe that the word "specifically" should be deleted from both parts of the definition in order to give a wider scope to the prohibition.

The deletion of this word would allow the definition to cover the possibility that a given radioactive material or a device of any kind, not originally intended or designed for hostile purposes, might at some time be used as agents of destruction.

This would mean, then, that whenever the purpose of these items was so changed, whatever the purpose for which they were originally designed, the convention would apply.

We believe that this amendment would help to achieve more completely the objective sought by the sponsors of the draft and by all delegations which have made known their views up to now.

4. With regard to the content of article V of the draft, my delegation agrees with the distinguished representative of Italy regarding the support merited by the proposal made by the delegation of the Federal Republic of Germany for a reaffirmation of the inalienable right of all States to develop research, production and use of nuclear energy for peaceful purposes.

It is our understanding that the future convention should in no way limit international co-operation in the exchange of scientific and technological information, as also equipment and materials, intended for the peaceful use of nuclear energy.

CD/RW/WP.12  
11 July 1980

ENGLISH  
Original: SPANISH

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on Radiological Weapons

PROPOSALS BY THE DELEGATION OF VENEZUELA

Draft amendment to the "Agreed joint USSR-United States proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons"

1. The title of the Treaty (or Convention) which may result from the negotiations being conducted by the Committee on Disarmament should be: "Treaty (or Convention) on the prohibition of the use of radioactive materials for hostile purposes."
2. Replace articles I, II and III of the "Joint USSR-United States proposal" by the following:

"Article I

Each State Party to this Treaty undertakes not to employ any radioactive material deliberately, by disseminating it, for hostile purposes or during an armed conflict, for the purpose of causing damage or injury to persons or property by means of the radiation produced by the decay of such materials".

3. Re-number the other articles of the "Joint proposal" correspondingly.



COMMITTEE ON DISARMAMENT

CD/EW/WP.14 \*  
14 July 1980

Ad Hoc working group on  
radiological weapons

Original: ENGLISH

COMPLIANCE AND VERIFICATION

PROPOSAL SUBMITTED BY THE DELEGATION  
OF SWEDEN

The Committee on Disarmament hereby requests the Secretariat to perform an overview study of the possibilities of establishing and administering safeguards to ensure that radioactive wastes, especially high level radio-active wastes from nuclear reactors, are not used in such a way as to further the development, production, stockpiling, acquisition, possession or use of radiological weapons or otherwise to further radiological warfare.

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\* reissued for technical reasons

T A B U L A T I O Nof proposals submitted to the Ad Hoc Working Group on Radiological Weapons on a treaty prohibiting radiological weaponsIntroductory note by the Secretariat

At its tenth meeting held on 14 July the Ad Hoc Working Group on Radiological Weapons requested the Secretariat to prepare a tabulation of texts of proposals submitted to the Working Group on a treaty prohibiting radiological weapons.

The present working paper incorporates the relevant parts of the documents, working papers and conference room papers submitted to the Ad Hoc Working Group on Radiological Weapons.

The contents of the following documents are tabulated in the original wording and in chronological order under the headings contained in the working paper entitled "Main elements in the negotiations on a treaty prohibiting radiological weapons" (CD/EW/WP.2/Rev.1) :

1. USSR-United States - "Agreed joint USSR-United States proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of Radiological Weapons". (CD/31-CD/32)
2. Summary - "Working paper on the draft preambular part of the Treaty on the Prohibition of the development, manufacture, stockpiling and use of radiological weapons". (CD/40)
3. German Democratic Republic - "Working paper on draft paragraph X, subparagraph 3, and paragraph XII, subparagraph 5 of the Treaty on the Prohibition of the Development, Manufacture, Stockpiling and Use of Radiological Weapons". (CD/42)

4. Federal Republic of Germany - Proposal for a new Article 7. (CD/EW/WP.4)
5. Sweden - Proposals for Articles I, II and III, of a Treaty prohibiting radiological warfare including the development, production, stockpiling and use of radiological weapons. (CD/EW/WP.6)
6. Italy - Comments on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons. (CD/EW/WP.7)
7. France - Proposed amendments to the agreed joint USSR-USA proposal on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons. (CD/EW/WP.8)
8. Pakistan - Proposals for a revised Article 7 and a new article after Article 7. (CD/EW/WP.9)
9. Yugoslavia - Proposal for an article of the Treaty related to the definition of radiological weapons. (CD/EW/WP.10)
10. Argentina - Observations on a Treaty prohibiting radiological weapons. (CD/EW/WP.11)
11. Venezuela - Proposals for the title and a new Article I of the Treaty on radiological weapons. (CD/EW/WP.12)
12. Sweden - Proposal for a study on IAEA safeguards.. (CD/EW/WP.14)
13. Secretariat - Conference Room Papers No: 1 to 12 and their addendae containing all proposals mentioned above, as well as additional proposals made by the delegations of Australia, Belgium, Bulgaria, Egypt, Federal Republic of Germany, India, Mexico, Morocco, Netherlands, Romania and Pakistan. (CD/EW/CRP. 1 to 12 and addendae)

P R E A M B L E

Summary  
CD/40

The States Parties to this Treaty,  
Determined to further enhance international peace and security and to save mankind from the danger of the use of new means of warfare and to contribute to the cause of the cessation of the arms race with the final goal of achieving general and complete disarmament under strict and effective international control and to continue negotiations to achieve further progress in the disarmament field,

Convinced of the importance of adopting effective measures to prevent the use of scientific and technological achievements for developing new types and systems of weapons of mass destruction including radiological weapons,

Realizing the threatening possibility of the development and deployment of radiological weapons in the arsenal of armed forces of States

Recalling that the General Assembly of the United Nations called for the prohibition of development, production, stockpiling and use of radiological weapons,

Conscious that the use of radiological weapons would have devastating consequences for mankind,

Convinced that the prohibition of radiological weapons will contribute to the preservation of the natural environment for the present and future generations,

Recognizing the need for peaceful uses of sources of radiation from radioactive decay in different fields of human activities,

Desiring to further confidence and peaceful relations among States and to improve international atmosphere in accordance with the purposes and principles of the Charter of the United Nations

Have agreed on the following:

Bulgaria  
CD/EW/CFP.12/Add.1

Insert after the first paragraph of the  
preamble part (CD/40) a new paragraph

"Declaring that nothing in this Convention  
should prejudice the determination of the  
international community to achieve effective  
measures relating to the cessation of the  
nuclear arms race at an early date and nuclear  
disarmament as the highest priority in the  
disarmament negotiations."

Sweden  
CD/EW/CFP.12/  
Add.2

New paragraph 3 (doc. CD/40)

"Realizing the growing potential risks of radiological  
warfare connected with the increasing amount of  
radioactive waste"

Federal Republic of  
Germany.  
CD/EW/CFP.12/  
Add.2

In paragraph 2 (doc. CD/40), second line, to replace the  
words "to prevent the use of scientific and technological  
achievements for developing new types and systems of  
weapons of mass destruction..." with:

"to prevent the emergence of new types of weapons of  
mass destruction based on new scientific principles  
and achievements..."

DEFINITION OF RADIOLOGICAL WEAPONS

II

CD/31-CD/32

USSR-USA

For the purpose of the Treaty, the term "radiological weapon" means:

1. Any device, including any weapon or equipment, other than a nuclear explosive device, specifically designed to employ radioactive material by disseminating it to cause destruction, damage or injury by means of the radiation produced by the decay of such material.
2. Any radioactive material, other than that produced, by a nuclear explosive device, specifically designed for employment, by its dissemination, to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

NETHERLANDS

CD/24/CDP.1

New subparagraph 2 of paragraph II of the joint USSR-USA proposal:

2. "Any radioactive material specifically designed for employment, by its dissemination independently of nuclear explosions, to cause destruction, damage or injury by means of the radiation produced by the decay of such material";

FRANCE

CD/24/22.3

Amendment of paragraph II of the joint USSR-USA proposal:

For the purpose of the Treaty, the term "radiological weapon" means:

1. Any device, including any weapon or equipment other than a nuclear explosive device, specifically designed to disseminate radioactive material to cause damage or injury to persons or property by means of the radiation produced by the decay of such material.
2. Any radioactive material, other than that produced, by a nuclear explosive device, specifically designed for dissemination to cause damage or injury to persons or property by means of the radiation produced by the decay of such material.

SWEDEN

CD/EW/VP.6

New paragraph II:

"For the purpose of this Treaty,

1. the term radiological warfare means dissemination of radioactive material, other than through the explosion of a nuclear explosive device, in order to cause destruction, damage or injury by means of the radiation produced by the decay of such material,

2. the term radiological weapon means any device including any weapon or equipment other than a nuclear explosive device, specifically designed to employ radioactive material by disseminating it to cause destruction, damage or injury by means of the radiation produced by the decay of such material".

EGYPT

CD/EW/CRP.1/Add.1

New subparagraph 1 of paragraph II of the joint proposal:

"For the purpose of the Treaty, the term "Radiological Weapon" means:

Any device, including any weapon or equipment specifically designed to cause damage, injury or contamination by means of radiation produced by any method other than explosive nuclear fission or fusion".

Add a new subparagraph under draft Article II:

PAKISTAN

CD/EW/CRP.1/Add.1

"3. The definition of radiological (weapons)(warfare) contained in paragraphs 1 and 2 of this Article does not imply any legitimacy to the use of nuclear explosive devices, including their radiation effects, for the purpose of causing destruction, damage or injury".

Suggested the deletion of paragraph 2 of Article II of the joint USSR-USA proposal.

ITALY

CD/EW/VP.7

AUSTRALIA

CD/EW/CRP.1/Add.1

Article II

1. Any device, including any weapon or equipment, other than a nuclear explosive device, specifically designed or manufactured to employ for military or other hostile purposes radioactive material by dissemination to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

2. Any radioactive material except when the material is produced by a nuclear explosive device, specifically designed or manufactured for employment for military or other hostile purposes, by its dissemination, to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

Yugoslavia  
CD/EW/WP.10

New Article:

"For the purposes of this Treaty, the term 'radiological weapon' includes:

1. Any material which is by its nature radioactive, or in the process of treatment before used as a weapon artificially made radioactive, and specifically designed for employment to cause destruction, damage or injury by its dissemination and by means of ionizing radiation in the process of natural decay of such material.
2. Any device, weapon or equipment specifically designed to employ radioactive material by its dissemination to cause destruction, damage or injury by means of ionizing radiation in the process of the natural decay of such material."

Yemen  
CD/EW/WP.12

1. Proposed new title of the treaty: "Treaty (or Convention) on the prohibition of the use of radioactive materials for hostile purposes".

2. To replace articles I, II and III of the joint USSR-JSA proposal by a new article I:

"Each State Party to this Treaty undertakes not to employ any radioactive material deliberately, by disseminating it, for hostile purposes or during an armed conflict, for the purpose of causing damage or injury to persons or property by means of the radiation produced by the decay of such materials".

The other articles of the joint proposal should be renumbered correspondingly.

Argentina  
CD/EW/WP.11

1. Endorsed the use of the notion "dissemination independently of nuclear explosions".
2. Suggested the deletion of the word "specifically" from both parts of the definition.
3. To introduce the term "radiological warfare".



Morocco

CD/EW/CEP.1/  
Add.5

New paragraph II

For the purpose of this Treaty, the term "radiological weapon" means:

Any weapon system, including any weapon, munition or equipment, other than a nuclear device, specifically designed to produce or emit radioactive radiations when substances, matters or any other radioactive sources which it contains or with which it is loaded are instantaneously or gradually released by manipulation of the weapon or equipment or by rupture of the munition's container.

SCOPE OF THE PROHIBITION

I

CD/32-CD/32  
USSR-USA

Each State Party to the Treaty undertakes not to develop, produce, stockpile, otherwise acquire or possess, or use radiological weapons.

III

Each State Party to the Treaty also undertakes not to employ deliberately, by its dissemination, any radioactive material not defined as a radiological weapon in paragraph II, subparagraph 2, and not produced by a nuclear explosive device, to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

BELGIUM:

CD/EW/CFP.2

Amendment of paragraph I of the joint USSR-USA proposal:

"Each State party to the Treaty undertakes never, under any circumstances, to develop, produce, stockpile, otherwise acquire or possess, or use radiological weapons".

I

SWEDEN

CD/EW/CFP.6

Each State Party to the Treaty undertakes not for any purpose to develop, produce, stockpile, otherwise acquire or possess, or use radiological weapons, or otherwise to engage in radiological warfare.

III

Each State Party to the Treaty undertakes not for any purpose to attack or deliberately damage any nuclear electrical generating station, other nuclear facility or nuclear deposit on the territory of States Parties to the treaty.

NETHERLANDS

CD/EW/CFP.2

Amendment of Article III of the joint USSR-USA proposal:

"Each State Party to the Treaty also undertakes not to employ deliberately, by its dissemination independently of nuclear explosions, any radioactive material not defined as a radiological weapon in paragraph II, subparagraph 2, to cause destruction, damage or injury by means of the radiation produced by the decay of such material".

AUSTRALIA  
CD/EW/CRP.2

Article III

Each State Party to the Treaty also undertakes not to employ for military or other hostile purposes, by its dissemination, any radioactive material not defined as a radiological weapon in Paragraph II, sub paragraph 2 (but excluding radioactive material when it is produced by a nuclear explosive device), to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

France  
CD/EW/YP.8

New Article III:

"Each State Party to the Treaty undertakes not to employ deliberately, by its dissemination, any radioactive material not defined as a radiological weapon in Paragraph II, Sub-paragraph 2, and not produced by a nuclear explosive, to cause injury or damage to persons or property by means of the radiation produced by the decay of such material."

ACTIVITIES AND OBLIGATIONS

CD/31-CD/32

USSR-USA

IV.

Each State Party to the Treaty undertakes not to assist, encourage, or induce any person, State, group of States or international organization to engage in any of the activities which the Parties to the Treaty have undertaken not to engage in under the provisions of paragraphs I and III.

VI.

Each State Party to the Treaty undertakes, in accordance with its constitutional procedures, to take any measure which it deems necessary to prevent loss of and to prohibit and prevent diversion of radioactive materials that might be used in radiological weapons and any activities contrary to the provisions of the Treaty in its territory or at any place under its jurisdiction or under its control.

Italy

CD/RW/WP.7

New Article IV.

"Each State Party to the Treaty undertakes not to take any deliberate action intended to assist, encourage or induce any person, State, group of States or international organization to engage in any of the activities which the Parties to the Treaty have undertaken not to engage in under the provisions of paragraph I and III".

New Article VI.

"Each State Party to the Treaty undertakes, in accordance with its constitutional procedures, to take effective measures to prevent loss of and to prohibit and prevent diversion of radioactive materials that might be used in radiological weapons and any activities contrary to the provisions of Treaty in its territory or at any place under its jurisdiction or under its control".

Australia

CD/RW/CEP.3/Add.1

New Article VI:

Each State Party to the Treaty undertakes, in accordance with its constitutional procedures, to take any measures in its territory at any place under its jurisdiction or under its control which it deems necessary to prevent loss of and to prohibit and prevent diversion to radiological weapons of radioactive materials that might be used for such weapons and any activities contrary to the provisions of the Treaty.

France  
CD/EW/WP.8

New Article VI:

"Each State Party to the Treaty undertakes, in accordance with its constitutional procedures and the existent international arrangements, to take any measures which it deems necessary to prevent loss of and to prohibit and prevent diversion of radioactive materials that might be used in radiological weapons and any activity contrary to the provisions of the Treaty in its territory or at any place under its jurisdiction or under its control."

PEACEFUL USES

V

CD/31-CD/32

USSR-USA

Provisions of the Treaty shall not hinder the use of sources of radiation from radioactive decay for peaceful purposes and shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

FEDERAL REPUBLIC  
OF GERMANY

CD/RW/WP.4

New Article V:

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes.

2. Provisions of the Treaty shall not hinder the use of sources of radiation from radioactive decay for peaceful purposes and shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

ITALY

CD/RW/WP.7

To add a new paragraph to the Article V proposed by FRG:

"Nothing in this Treaty shall be interpreted as limiting the right to the international co-operation aimed at the exchange of equipment, materials and scientific and technological information for the peaceful uses of radioactive materials."

France

CD/RW/WP.8

New Article V:

Provisions of the Treaty shall not hinder the use of sources of radiation from radioactive decay for peaceful purposes and shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

In particular, they shall not hinder the use of radioactive materials, by dissemination, with the view to study the materials and the methods of protection against radiation.

Pakistan  
CD/EW/WP.9

New Article V:

1. Nothing in the present Treaty will be construed in such a way as to limit or restrict in any way the full exercise of the inalienable rights of all States to apply and develop their programmes for the peaceful uses of radioactive materials and of their programmes in the field of nuclear energy including the right to have access to and be free to acquire technology, equipment and materials for this purpose.
2. Each State party to the Treaty undertakes to contribute fully to strengthening international cooperation for the promotion of the transfer and utilization of nuclear technology, including the peaceful uses of radioactive materials, for economic and social development especially in the developing countries.

To add a new article after Article V:

Each State Party to the Treaty undertakes to promote international cooperation and assistance, as appropriate, to ensure the development of adequate measures of protection against radiation by all countries, especially the developing countries.

ROMANIA  
CD/EW/CEP.4/Add.3

Amendment to paragraph 2, Article V (Pakistan).

In paragraph 2, second line, the words ".....to strengthening international....." to be replaced with ".....alone or together with other States or international organizations to the strengthening of international....."

RELATIONSHIP WITH OTHER DISARMAMENT  
MEASURES AND AGREEMENTS

CD/31-CD/32

USSR-USA

VII

Nothing in the Treaty shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Treaty on the Non-Proliferation of Nuclear Weapons; the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva, on June 17, 1925, or any existing rules of international law governing armed conflict.

Australia  
CD/EW/CRP.5/Add.1

Proposed deletion of Article VII of the joint USSR-USA proposal.

France  
CD/EW/WP.8

New Article VII:

"Nothing in the Treaty shall be interpreted as in any way limiting or detracting from the obligations assumed by the States signatories of the Treaty on the Non-Proliferation of Nuclear Weapons, the Protocol for the Prohibition of the use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed in Geneva on June 17, 1925, or any existing rules of International Law governing armed conflict."

New Article after Article VII

Pakistan  
CD/EW/CRP.5/Add.2

The States Parties to the Treaty solemnly undertake to pursue urgent negotiations to achieve a halt to the qualitative development of nuclear weapons; a cessation of the production of such weapons and to implement a phased programme for their reduction leading to their ultimate elimination, as well as to conclude effective measures to prevent the use or threat of use of nuclear weapons.



COMPLIANCE AND VERIFICATION

VIII

CD/31-CD/32  
USSR-USA

1. The States Parties to the Treaty undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of or in the application of the provisions of the Treaty. Consultation and co-operation pursuant to this Paragraph may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a Consultative Committee of Experts as provided for in Subparagraph 2 of this Paragraph.
2. For the purposes set forth in Subparagraph 1 of this Paragraph, the Depositary shall, within one month of the receipt of a request from any State Party, convene a Consultative Committee of Experts. Any State Party may appoint an expert to this Committee, whose functions and rules of procedure are set out in the Annex, which constitutes an integral part of the Treaty. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.
3. Any State Party to the Treaty which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.
4. Each State Party to the Treaty undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Treaty of the results of the investigation.
5. Each State Party to the Treaty undertakes to provide or support assistance, in accordance with the provisions of the Charter of the United Nations, to any Party to the Treaty which so requests, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of violation of the Treaty.

NEUGIDM  
CD/EW/CRP.6

To amend the first sentence of Subparagraph 2, Paragraph VIII, as follows:

"For the purposes set forth in Subparagraph 1 of this Paragraph, the Depositary shall, if possible immediately and in any case within one month of the receipt of a request....".

FRANCE  
CD/EW/WP. 8

Subparagraph 3 of Paragraph VIII, as amended:  
3. Any State Party to the Treaty which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may lodge a complaint with the Security Council of the United Nations in accordance with the provisions of the Charter. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.

New Article VIII

Pakistan  
CD/EW/CONF.6/Add.1

1. The States Parties to the Treaty undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of or in the application of the provisions of the Treaty. Consultation and co-operation pursuant to this Paragraph shall be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter including the services of appropriate international organizations, as well as of a Consultative Committee of Experts as provided for in Subparagraphs 2 and 4 of this Paragraph.
2. Any state party may appoint an expert on the Consultative Committee, whose functions and rules of procedure are set out in the annex which constitutes an integral part of the Treaty. The Consultative Committee will meet periodically to exchange information pertaining to compliance by States Parties with their obligations under the Treaty and technological and other developments relating to the implementation of the Treaty.
3. Any State Party to the Treaty which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may lodge a complaint with the General Assembly of the United Nations (a Governing Board consisting all the States Parties to the Treaty). Such a complaint should include all relevant information as well as all possible evidence supporting its validity.

4. Upon the receipt of such a complaint by the General Assembly (Governing Board) the Depository shall immediately inform all States Parties and urgently convene the Consultative Committee of Experts. The Committee shall, on the basis of the information provided to it, make a preliminary determination on the complaint, to request further information from the parties concerned. The Consultative Committee shall transmit to the General Assembly (Governing Board) a summary of its findings, incorporating all views and information presented to the Committee during its proceedings. The Depository shall distribute this Summary to all States Parties.

5. Each State Party to the Treaty undertakes to co-operate in carrying out any investigation which the General Assembly (Governing Board) may initiate, in accordance with the provisions of the Charter of the United Nations on the basis of the complaint received by the Assembly (Board). The General Assembly (Governing Board) shall inform the States Parties to the Treaty of the results of the investigation.

6. Each State Party to the Treaty undertakes to provide or support assistance, in accordance with the provisions of the Charter of the United Nations, to any Party to the Treaty which so requests, if the General Assembly (Governing Board) decides that such Party has been harmed or is likely to be harmed as a result of violation of the Treaty.

SWEDEN  
CD/RW/WP.14

Proposal for a Study

The Committee on Disarmament hereby requests the Secretariat to perform an overview study of the possibilities of establishing and administering safeguards to ensure that radioactive wastes, especially high level radioactive wastes from nuclear reactors, are not used in such a way as to further the development, production, stockpiling, acquisition, possession or use of radiological weapons or otherwise to further radiological warfare.

OTHER PROVISIONS

AMENDMENTS

CD/31-CD/32  
USSR-USA

IX

1. A State Party may propose amendments to the Treaty. Each proposed amendment shall be submitted to the Depositary, which shall promptly transmit it to all States Parties.
2. An amendment shall enter into force for each State Party accepting the amendment after the deposit with the Depositary of documents of acceptance by a majority of the States Parties. Thereafter, the amendment shall enter into force for each remaining State Party on the date of the deposit by it of the acceptance document.

FRANCE  
CD/EW/WP.8

New Paragraph IX

1. Any State Party may propose amendments to the Treaty. Each proposed amendment shall be submitted to the Depositary, which shall promptly transmit it to the other States Parties and to the Committee on Disarmament.
2. The Committee on Disarmament may decide to study the proposal and refer it to a meeting of governmental experts open, in accordance with the Committee's procedure, to all States which express their intention to participate in it.
3. The proposed amendment shall enter into force for each State Party accepting the amendment after the deposit with the Depositary of documents of acceptance by a majority of the States Parties. Thereafter, the amendment shall enter into force for each remaining State Party on the date of the deposit by it of the acceptance document.

DURATION AND WITHDRAWAL

X.

CD/31 - CD/32  
USSR - USA

1. The Treaty shall be of unlimited duration.
2. Each State Party to the Treaty shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardized the supreme interest of its country. It shall give notice of such withdrawal to all other States Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

France  
CD/EW/CRP.8

Paragraph X, new subparagraph 1:

1. The Treaty shall be for a period of twenty-five years.

REVIEW CONFERENCES

CD/31-CD/32  
USSR-USA

Paragraph XI

1. Ten years after entry into force of the Treaty, or earlier if requested by a majority of States Parties, a conference of States Parties should be convened to review the operation of the Treaty, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review should take into account any new scientific and technological developments relevant to the Treaty.

2. Thereafter, a majority of the States Parties could obtain the convening of a conference with the same objectives.

3. If no review conference has been convened within (blank) years following the conclusion of a previous review conference, the Depositary should solicit the views of all States Parties on the holding of such a conference. If (blank fraction) or (blank number) of the States Parties, whichever number is less, respond affirmatively, the Depositary should take immediate steps to convene the conference.

Paragraph XI, new sub-paragraph 3

3. If no review conference has been convened within ten years following the conclusion of a previous review conference, the Depositary should solicit the views of all States Parties on the holding of such a conference. If one-third or ten of the States Parties, whichever number is less, respond affirmatively, the Depositary should take immediate steps to convene the conference.

CD/42  
German Democratic Republic

Article XI as amended

Australia  
CD/EW/CRP.10

1. Ten years after entry into force of the Treaty, or earlier if requested by the majority of States Parties, a Conference of States Parties shall be convened to review the operation of the Treaty with a view to assuring that the purposes of the preamble of the provisions of the Treaty are being realized. Such review should take into account any new scientific and technical developments relevant to the Treaty.

2. Subsequent Conferences to review the operation of the Treaty, with a view to assuring the purposes of the preamble and the provisions of the Treaty are being realised, could be convened by a majority of the States Parties.

3. Australia has no objection to the proposal made by the German Democratic Republic in CD/42.

France  
CD/EW/VP.8

Paragraph XI, new sub-paragraphs 1 and 3

1. Five years after entry into force of the Treaty, or earlier if requested by a majority of States Parties, a conference of States Parties shall be convened at Geneva (Switzerland) to review the operation of the Treaty, and with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being respected. Such review shall take into account any new scientific and technological developments likely to affect the purpose of the Treaty or the possibility of verifying observance of the obligations assumed by the Parties in this regard.

3. If no review conference has been convened within five years following the conclusion of a previous review conference, the Depositary should solicit the views of all States Parties on the holding of such a conference. If two thirds of the States Parties respond affirmatively, the Depositary shall take immediate steps to convene the conference as soon as possible.

Yugoslavia  
CD/EW/CP.10/Add.1

New paragraph XI

1. Every five years from the date of entry into force of this Treaty, or before that date if a majority of the States Parties so request by submitting a proposal to that effect to the depositary, a Conference of the States Parties shall be convened to review:

The operation of this Treaty;

Proposed amendments to this Treaty;

Any additional clause or proposed additional Protocol to this Treaty

2. In any case, all new scientific and technical discoveries and achievements with a bearing on this category of weapons shall be given a place in the agenda of each of these conferences.



CD/31-CD/32  
USSR-USA

ADHERENCE, ENTRY INTO FORCE, DEPOSITARY

Paragraph XII

1. The Treaty shall be open to all States for signature. A State which does not sign the Treaty before its entry into force in accordance with sub-paragraph 3 of this paragraph may accede to it at any time.
2. The Treaty shall be subject to ratification by signatory States. Instruments of ratification and accession shall be deposited with the Secretary-General of the United Nations.
3. The Treaty shall enter into force upon the deposit of the instruments of ratification by (blank) Governments in accordance with sub-paragraph 2 of this paragraph.
4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of the Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
5. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of entry into force of the Treaty, as well as of any amendment to it and of the receipt of other notices.
6. The Treaty shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

German Democratic Republic  
CD/42

Paragraph XII, new sub-paragraph 3

3. The Treaty shall enter into force upon the deposit of the instruments of ratification by 25 Governments (including the nuclear-weapon States) in accordance with sub-paragraph 2 of this paragraph.

Australia  
CD/RW/CRP.11

Article XII, paragraph 3

3. Australia has no objection to the proposal made by the German Democratic Republic in CD/42.

France  
CD/RN/VP.8

Paragraph XII, sub-paragraph 3

3. The Treaty shall enter into force upon the deposit of the instruments of ratification by ten Governments in accordance with sub-paragraph 2 of this paragraph.

Pakistan  
CD/RN/CNP.11

Suggested that the words "including the nuclear-weapon States" be deleted (CD/42, subpara.3).

**A N N E X**

**Annex to the Treaty - Consultative Committee of Experts.**

CD/31-CD/32  
USSR-JSA

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide experts views relevant to any problem raised pursuant to Paragraph VIII, Subparagraph 1, of the Treaty by the State Party requesting the convening of the Committee.
2. The work of the Consultative Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in Paragraph 1 of this Annex. The Committee shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.
3. The Depositary or his representative shall serve as the Chairman of the Committee.
4. Each expert may be assisted at meetings by one or more advisers.
5. Each expert shall have the right, through the Chairman to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work.

PARAG  
CD/31/VP.8

**For Paragraph 1 of the Annex:**

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to Paragraph VIII, Subparagraph 1, of the Treaty. The Consultative Committee of Experts shall be entitled to receive any information which a State Party to the Treaty deems it useful to communicate with a view to strengthening the confidence of States Parties in the observance of the purpose and provisions of the Treaty.

**To add a new Paragraph to the Annex:**

6. The Consultative Committee and each of the governmental experts shall, where necessary, preserve the confidential character of any information they receive. In accordance with the provisions of the Treaty, from a State Party or international organization.

**1981**

Proposals by the delegation of India for amendments of Articles I, II,  
III, V and VII of the elements of the proposed Draft Treaty on the  
Prohibition of Radiological Weapons

ARTICLE I

This Article should be reformulated as follows:

"Each State Party to the Treaty undertakes not to develop, produce, stockpile, otherwise acquire or possess, transfer or use radiological weapons".

The word "transfer" has been added to the formulation contained in the joint USSR-United States proposals so as to make it clear that the prohibition covers the transfer of such weapons to other countries as well. This is in line with other treaties on the prohibitions of different kinds of weapons.

ARTICLE II

While the Indian delegation has not as yet a precise formulation for the wording of Article II, it recommends that any definition that is adopted must not contain an exclusion clause with respect to nuclear weapons. Thus the phrase "other than a nuclear explosive device" in sub-para 1. of Article II and the phrase "other than that produced by a nuclear explosive device" contained in sub-para 2. of Article II ought to be dropped and a suitable formulation based on scientific principles ought to be attempted. Such a definition could be based on the specific technical characteristics of potential radiological weapons.

ARTICLE III

Article III of the draft elements presented by the United States and the USSR is ambiguous in character. Its language seems to suggest that the scope of the Treaty is open-ended and extends beyond radiological weapons. The Article may be deleted altogether or it should be drafted in a more precise manner so that it is clear what is intended by this Article.

ARTICLE V

This Article should read as follows:

"Provisions of the Treaty shall not hinder the use of any radioactive material or sources of radiation from radioactive decay for peaceful purposes and shall be without prejudice to any generally recognized principles and applicable rules of international law governing such use".

The phrase "any radioactive material or" before the words "sources of radiation" has been introduced so as to complete the meaning of this Article and to bring it in conformity with Article II.

ARTICLE VII

Article VII should read as follows:

"Nothing in the Treaty shall be interpreted as detracting from the obligations assumed by any State under any other international treaty or other existing rules of international law governing an armed conflict".

As non-signatories to the Treaty on the Non-Proliferation of Nuclear Weapons we are unable to accept a specific reference to this Treaty in this Article. We would, therefore, prefer the Article to be worded in a general manner dropping specific references to other international treaties and agreements.

16 March 1981

Original: ENGLISH

## COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on Radiological WeaponsStatement delivered by the delegation of Indonesia  
at the Fourth Meeting of the Ad Hoc Working Group  
on Radiological Weapons held on 15 March 1981Art. VIII

Allow me to make a very brief comment on the proposed article VIII which deals with compliance and verification as appeared in WP.15 pp. 14 to 16.

While there seems to be a common approach as to the stages of procedures to solve any problems which may arise in relation to the objectives and the application of the treaty and the possible use of international procedures, including the use of a consultative committee of experts, I note the following differences in the existing proposals:

(a) The United States-USSR proposal conceives that, during the initial stages, the examination of the question would be confined in the Committee of experts which would be convened within one month upon the receipt of a request made by a party to the treaty. Only subsequently, when a party finds that a breach of the treaty has taken place, that the matter should be brought up to one of the principal organs of the United Nations, the Security Council;

(b) According to the Pakistan proposal, one of the principal organs of the United Nations, the General Assembly (not the Security Council as suggested by the United States-USSR proposal) should be seized from the very beginning without waiting until a party, taking into account of the results of the examination of the committee of experts, considers that there has been a breach of the treaty. The Pakistan proposal suggests that the Committee of Experts be convened immediately while the United States-USSR proposal suggests "within one month"; the Belgian amendment proposes a compromise formula which reads: "if possible immediately and in any case within one month" of the receipt of a request made by a party to the treaty.

It is my delegation's view that the stages of the solution to any problems which may arise in connection with the objectives or application of the treaty should be as follows:

1. A request for consideration of the matter should be addressed to the depository government;

2. The depositary government would then convene the committee of experts which would examine the question raised;
3. Subsequently, when a party considers that there has been a breach of the treaty, the question would be brought to the attention of one of the principal organs of the United Nations. While we feel that the Security Council seems to be the most suitable organ to take up the question, the possibility of bringing up the matter to the General Assembly should not be excluded, in the case, for example, of the failure of the Security Council to act in accordance with the provisions of the treaty (suggested paragraph 4 of the United States-USSR proposal). I note that the suggested article VIII of the United States-USSR proposal is identical with article V of the Geneva Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD) of 18 May 1977.
4. With regard to the question of when the committee of experts should be convened after the receipt of a request made by a party to the treaty, considering the importance of the matter, my delegation agrees that the committee should in principle be convened urgently. However, to enable the parties to make the necessary arrangements to designate and send their experts to the meeting (which may not always be easy for a developing country, like mine, which has a limited number of experts who could be put on a stand-by basis), an ample time should be foreseen without however affecting the urgent nature of such a meeting. My delegation feels therefore that the Belgian proposed amendment, which reads "if possible immediately and in any case within one month etc." constitutes a good compromise.

Art. IX.

As regards draft article IX, my delegation has no difficulty with the text suggested by the United States-USSR proposal, which is more or less similar to the text of article VI of the 1977 ENMOD Convention.

My delegation has some difficulties with regard to the reference to the CD of any proposed amendment to the treaty as suggested by paragraphs 1 and 2 of the French Working Paper for the following reasons:

1. We cannot now foresee for how long the CD would exist. It may be expected to exist until the time when the ultimate goal of the disarmament process has been achieved. It may also be replaced by another organ with a different name and a different mandate. In any case all these possibilities should not be excluded and the matter depends on the General Assembly;



2. From the time the Treaty enters into force, the supreme power in relation to the treaty, including its possible amendment, is in the hands of the parties to the instrument; the parties to the treaty themselves which would have the competence to deal with any proposed amendment.

#### Art. X

In regard to draft article X, my delegation has also no difficulty with the United States-USSR proposal. The proposed paragraph 1 is similar to the wording of article VII of the 1977 ERMOG Convention and the proposed paragraph 2 seems to be inspired by paragraph 1 of article X of the NPT.

Fixing a limited period for the duration of the treaty may not be necessary for the following reasons:

(a) With the amendment machinery provided for by draft article IX, if the majority of the parties so wish, the duration of the treaty could always be shortened;

(b) Radiological weapons are considered as a new type of weapons of mass destruction and their use would have devastating consequences for mankind; the treaty prohibiting such weapons should therefore be of unlimited duration.

#### Art. XI

As regards draft articles XI, the necessity of having review conferences, with a view to assuring the realization of the purposes of the preamble and the provisions of the treaty, is shared by all. Two questions would still have to be agreed upon:

1. When should the first review conference be held (ten years after the entry into force of the treaty according to the United States-USSR and Australian proposals, five years according to the French proposal);
2. The intervals of the subsequent review conferences (every ten years after the first review conference if the majority of the parties so wish according to the proposals made by the German Democratic Republic and Australia, or five years according to the French proposal, while the Moroccan proposal suggests that the first as well as the subsequent review conferences should be held periodically every five years).

Considering the pace of the technological progress which may lead to new scientific and technical discoveries and achievements affecting the purpose of the treaty, my delegation agrees with the French proposal that the first review conference should be held five years after the entry into force of the treaty while subsequent review conferences would be convened in principle at five year intervals if the majority of the parties to the treaty so wish (this is also the case with the NPT, see article VIII paragraph 3).

Art. XII

As regards draft article XII (final clauses), my delegation has no objection to the suggested paragraphs 1, 2, 4, 5 and 6. My delegation reserves the right to make its comments on paragraph 3 at an appropriate time.

Annex

As to the draft Annex, the United States-USSR text, which is identical to the Annex of the ENMOD Convention of 1977, is acceptable to my delegation. I suggest however that the words "Paragraph VIII, subparagraph 1" be replaced by "Article VIII, Paragraph 1" (I assume that roman VIII refers to article VIII and arabic 1 refers to paragraph 1 of that article).

With regard to the underlined part of the proposed new paragraph 1 suggested by the French delegation, I don't think that it is necessary because the right of every expert to request, not only to receive, information and also assistance from States and international organizations, has been spelled out in paragraph 5 of the United States-USSR proposal.

While agreeing with the new proposed paragraph 6 suggested by the French delegation, I would suggest the deletion of the word "governmental" in the first line of the text, because all the experts, members of the Committee, are appointed by the government of States party to the treaty, pursuant to article VIII paragraph 2, and are of course governmental experts.

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COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

Indonesia's comment on the agreed joint USSR-United States CD/31-CD/32 especially paragraph 3 Article VIII concerning compliance and verification and on the French proposal contained in CD/RW/WP.8.

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In its statement on 13 March, 1981 the delegation of Indonesia has stated, inter alia, that the Security Council seems to be the most suitable organ to take up the question when a party to the treaty considers that there has been a breach of obligations deriving from the provisions of the treaty (CD/RW/WP.15/Add.2, page 2).

In this connection in order for the Security Council to discharge its functions effectively and properly, the Indonesian delegation considers that certain measures need be undertaken:

- (i) in the existing Provisional Rules of Procedure of the Security Council a chapter should be added, which refers to the role of this organ on disarmament agreements;
- (ii) such chapter should, inter alia, contain provision that decision for an inclusion of an item in the agenda of the Security Council should be automatic so as to ensure that the Security Council would not fail to take up any complaint brought to its attention of alleged breach or violation of a disarmament agreement.
- (iii) it should further be necessary to include a provision governing such complaint that action would be taken by the Security Council by waiving the prerogative rights of the permanent members of the Security Council.

This suggestion should not be interpreted as an amendment to article 27 of the United Nations Charter, but merely as a manifestation of the continued belief of the Indonesian delegation in the primary responsibility of the Security Council as an important organ in the maintenance of international peace and security. In the opinion of the Indonesian delegation, any verification machinery or procedure governing disarmament agreements would be meaningless unless coupled with such arrangements.

The Indonesian delegation is aware that the foregoing has no direct link with the work of the Committee on Disarmament but it has a direct bearing with the implementation of the future treaty.

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COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

Proposal by the delegation of Yugoslavia for amendments to Article II  
of the elements of the proposed Draft Treaty on the  
Prohibition of Radiological Weapons

Article II

"For the purposes of this Treaty, the term "radiological weapons includes:

1. Any radioactive material which, when used as weapon, produces effects exclusively by ionizing radiation created in the process of natural decay of such material.
2. Any weapon, device or equipment specifically designed to be employed for dissemination of a radioactive material as defined by the preceding paragraph of this Article.

COMMITTEE ON DISARMAMENT  
Ad Hoc Working Group on Radiological Weapons

Report to the Committee on Disarmament

I. INTRODUCTION

1. The Final Document of the Tenth Special Session of the General Assembly in its section III entitled "Programme of Action" contains the following paragraph:  
"76. A convention should be concluded prohibiting the development, production, stockpiling and use of radiological weapons".
2. At its 1979 session the Committee on Disarmament noted with satisfaction the submission by the USSR and the United States of America of an agreed joint proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons (CD/31 and CD/32). Following a preliminary discussion, the Committee concluded that it would continue consideration of the agreed joint proposal as soon as possible at its next annual session.
3. At its thirty-fourth session the General Assembly of the United Nations adopted resolution 34/87 A entitled "Conclusion of an international convention prohibiting the development, production, stockpiling and use of radiological weapons", which operative paragraphs 1 and 2 read as follows:
  1. Welcomes the report of the Committee on Disarmament with regard to radiological weapons and, particularly, its stated intention to continue consideration of proposals for a convention banning these weapons at its next session;
  2. Requests the Committee on Disarmament to proceed as soon as possible to achieve agreement, through negotiation, on the text of such a convention and to report to the General Assembly on the results achieved for consideration by the Assembly at its thirty-fifth session."
4. In considering item 5 of its 1980 agenda, entitled "New types of weapons of mass destruction and new systems of such weapons; radiological weapons", the Committee on Disarmament at its 69th plenary meeting held on 17 March 1980 adopted the following decision:  
"The Committee on Disarmament decides to establish for the duration of its 1980 session an ad hoc working group of the Committee with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons.

The ad hoc working group will report to the Committee on the progress of its work at any appropriate time and in any case before the conclusion of its 1990 session."

5. At its 30th meeting on 22 April the Committee designated Ambassador Dr. Imre Komives of Hungary as Chairman of the Ad Hoc Working Group. Mr. B. Konstantinov, of the United Nations Centre for Disarmament, served as Secretary of the Working Group.

## II. SUMMARY OF THE PROCEEDINGS

6. In accordance with the agreement reached in the Committee the Ad Hoc Working Group held 16 meetings between 24 April and 1 August 1990, and conducted also informal consultations during that period.

7. Delegates of all member States of the Committee on Disarmament participated in the work of the Working Group. Experts from Czechoslovakia, Egypt, France, Romania, Indonesia, Sweden, USSR, United States and Yugoslavia provided additional information and gave explanations.

8. At its first meeting the Working Group considered organisational matters. It was agreed that the Group would resume its substantive work on Monday, 16 June, and that, at the beginning, possibility would be given for a short general exchange of views on radiological weapons. It was left that each delegation would decide at which point the assistance of experts would be needed.

9. At its second meeting the Working Group agreed that the proceedings should encompass three phases:

- (a) to identify the main elements of the future treaty, bearing in mind the documents submitted so far and the statements made;
- (b) to negotiate on each of identified elements;
- (c) to draft the text of the convention.

10. At the request of the Working Group the Chairman submitted and the Group adopted at its third meeting a working paper containing the "Main elements in the negotiations of a treaty on the prohibition of radiological weapons", namely:

1. Preamble
2. Scope of the prohibition
3. Definition of radiological weapons
4. Activities and obligations
5. Relationship with other disarmament measures and agreements
6. Peaceful uses
7. Compliance and verification

8. Other provisions
  9. Amendments
  10. Duration and withdrawal
  11. Review conference
  12. Adherence, entry into force, depositary
  13. Annexes
11. At the same meeting the Group adopted a proposal by the Chairman concerning the order which could serve as a guide in discussing the main elements at meetings of the Working Group, namely:

- Definition of radiological weapons
- Scope of the prohibition
- Activities and obligations
- Peaceful uses, Relationship to other treaties
- Compliance and verification
- The remaining "main elements" (other provisions, amendments, duration and withdrawal, review conference, adherence, entry into force, depositary)
- Preamble

It was further agreed that during each meeting the Working Group would tackle all proposals and considerations of States members of the Committee on Disarmament which were submitted prior to the day of the meeting or might be submitted and which refer to the main element to be discussed.

12. In the conduct of its work the Working Group had before it the following documents and working papers:

- (1) CD/31 "Letter dated 9 July 1979 addressed to the Chairman of the Committee on Disarmament from the Representative of the Union of Soviet Socialist Republics transmitting a document entitled "Agreed joint USSR-United States proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of Radiological Weapons."
- (2) CD/32 - Letter dated 9 July 1979 addressed to the Chairman of the Committee on Disarmament from the Representative of the United States of America transmitting a document entitled "Agreed joint United States-USSR proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons".

- (3) CD/40 - "Working paper on the draft preambular part of the Treaty on the Prohibition of the development, manufacture, stockpiling and use of radiological weapons", dated 25 July 1979, submitted by the delegation of Hungary:
- (4) CD/42 - "Working paper on draft paragraph XI, subparagraph 5, and paragraph XII, subparagraph 3 of the Treaty on the Prohibition of the Development, Manufacture, Stockpiling and Use of Radiological Weapons", dated 25 July 1979, submitted by the delegation of the German Democratic Republic.
- (5) CD/RW/WP.3 - Canada: Comments on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons.
- (6) CD/RW/WP.4 - Federal Republic of Germany: Proposal for a new Article V.
- (7) CD/RW/WP.5 - Federal Republic of Germany: Comments on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons.
- (8) CD/RW/WP.6 - Sweden: Proposals for Articles I, II and III, of a Treaty prohibiting radiological warfare including the development, production, stockpiling and use of radiological weapons.
- (9) CD/RW/WP.7 - Italy: Comments on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons (Doc. CD/31 and CD/32).
- (10) CD/RW/WP.8 - France: Proposed amendments to the agreed joint USSR-USA proposal on major elements of a Treaty prohibiting the development, production, stockpiling and use of radiological weapons.
- (11) CD/RW/WP.9 - Pakistan: Proposals for a revised Article V and a new article after Article V.
- (12) CD/RW/WP.10 - Yugoslavia: Proposal for an article of the Treaty related to the definition of radiological weapons.
- (13) CD/RW/WP.11 - Argentina: Observations on a Treaty prohibiting radiological weapons.
- (14) CD/RW/WP.12 - Venezuela: Proposals for a title and for substitution the Articles I, II and III of the "agreed joint USSR-USA proposal on major elements of a treaty prohibiting the development, production, stockpiling and use of radiological weapons".
- (15) CD/RW/WP.14 - Sweden: Proposal for a study on IAEA safeguards.



In addition to these documents the Working Group took into account the views expressed by many delegations on the question of the prohibition of radiological weapons in the Committee, as well as during the last session of the General Assembly. Many delegations have also commented upon the documents referred to previously, making suggestions and also asking questions in connexion with them.

At the request of the Group the Secretariat compiled in twelve Conference Room Papers and their addenda all proposals and suggestions mentioned above, as well as additional proposals and suggestions made by the delegations of Australia, Belgium, Bulgaria, Egypt, the Federal Republic of Germany, India, Mexico, Morocco, the Netherlands, Romania and Pakistan.

A list of documents, working papers and conference room papers was prepared by the Secretariat (CD/RW/CRP.13).

13. At the request of the Working Group the Secretariat prepared a "Compilation of relevant documents on radiological weapons covering the period 1979-1980" (CD/104).

14. Also at the request of the Working Group the Secretariat prepared a tabulation of the texts of all proposals concerning the provisions of a treaty on radiological weapons (CD/RW/WP.15)..

### III. SUMMARY OF THE DISCUSSION

15. In carrying out its mandate, the ad hoc working group held extensive discussions on the main elements of a treaty prohibiting radiological weapons. The discussion confirmed that while all delegations were ready to negotiate a treaty on radiological weapons, different concepts existed with regard to approach, the priority, the role and scope of the treaty, the definition of radiological weapons and the procedures of verifying of compliance as well as on some other areas.

16. With respect to the approach, the role and the scope of the treaty, the view was expressed on the one hand that its importance consists of preventing the emergence of a particular type of weapon of mass destruction not yet in existence but which could be developed and produced. Consequently the treaty should not be burdened with additional problems. Furthermore, the treaty would represent another contribution to the limitation of the qualitative arms race and progress towards the objective of using scientific and technological achievements solely for peaceful purposes. The joint USSR-United States proposal was regarded as a

suitable basis for reaching agreement on a treaty prohibiting the development, production, stockpiling and use of radiological weapons. On the other hand, in assessing the joint proposal, the view was expressed that the text was too restrictive and it should be broadened in a manner as to include the prohibition of all kinds of weapons that used radiation. In this respect, it was stressed that any treaty prohibiting the use of radiological weapons should contain explicit provisions concerning the urgent priority of nuclear disarmament.

- The view was held that particle beam weapons should also be covered by a ban on radiological weapons. However, others pointed out that particle beam weapons are of a different nature and could not be included within the scope of the proposed convention.

- The question of introducing the notion of radiological warfare was raised. The view was expressed that the term radiological warfare means dissemination of radioactive material, other than through the explosion of a nuclear explosive device, in order to cause destruction, damage or injury by means of the radiation produced by the decay of such material. In this connexion the view was expressed that the introduction of such a notion would lead to confusion in the field of international law related to armed conflicts and that the joint proposal is aimed at a preventive prohibition of radiological weapons as well as the prohibition of radiological warfare, i.e. military actions with the use of such weapons or any radioactive material.

- The view was expressed that the treaty should explicitly prohibit deliberate attacks on nuclear reactors or any other nuclear fuel facilities. On the other hand the view was expressed that a similar prohibition is already provided for in Article 56 of the Additional Protocols of 1977 to the Geneva Conventions on the protection of victims of war.

- It was stated that, as radiological weapons did not yet exist, and that since it did not seem foreseeable that they could exist as a specific type of weapon, the work of the Committee on Disarmament should be oriented towards the conclusion of a convention on the prohibition of the use of radioactive material for hostile purposes. This opinion was contested and the view was expressed that such approach would limit the scope of a future treaty and that the joint proposal was more comprehensive and already provides for the prohibition of the use of any radioactive material for military purposes.

- The view was expressed that more explicit wording should be used with respect to the prohibition of radiological weapons in wartime, for defence purposes, as well as to the use of radioactive barriers and permissible levels of radioactivity.

With respect to the definition the view was expressed that the joint proposal was insufficient. The view was expressed that the definition of radiological weapons should not be so drafted as to imply that the use of nuclear weapons would have a legal justification that certain delegations did not accept. The definition of radiological weapons should, therefore, be in terms of the specific attributes of such potential weapons and not in terms of the exclusion of nuclear explosive devices. On the other hand the view was expressed that the definition of radiological weapons contained in the joint proposal had a sound scientific basis. At the same time the view was expressed that it would be useful to continue the search for a formulation that would define radiological weapons in strictly positive terms, without resorting to exclusion clauses.

17. Questions were raised regarding the manner in which the obligations contained in the joint elements not to divert radioactive material for use in radiological warfare would be ensured, especially with regard to radioactive material in nuclear facilities outside international safeguards. It was proposed in this context that an overview study of the possibilities of establishing and administering international safeguards should be performed by the Secretariat. Others expressed their disagreement with this proposal.

18. It was generally accepted that the provisions of the treaty should not hinder the use of radiation from radioactive decay for peaceful purposes. Views were expressed concerning the need for more explicit provisions for the right of the parties to exchange information as well as to develop and acquire nuclear technology for peaceful purposes.

19. In considering the procedures of verifying of compliance the view was expressed that the related provisions of the joint proposal correspond to the subject and scope of prohibition and meet the requirements of this particular treaty. Some held the view that the procedure of lodging complaints, envisaged in the joint USSR-United States proposal could be regarded as a satisfactory one. On the other hand, reservations were raised with regard to the procedure of verifying of compliance as proposed, in particular to the rule of the Security Council of the United Nations, as well as the proposed mandate for the Consultative Committee of Experts. The view was also expressed that greater authority, including with respect to on-site inspection, should be granted to the Consultative Committee of Experts as an independent body. The view was also expressed that the ultimate authority in the matter of compliance should be vested not in the Security Council, but in the United Nations General Assembly or in a Governing Board consisting of all the States Parties to the Treaty.

20. The working group also briefly considered other elements of the treaty such as the preamble and the final clauses.

IV. CONCLUSION

21. There was wide recognition of the need to reach agreement on the text of a treaty prohibiting radiological weapons. However, various differences of approach have yet to be resolved.

22. In the light of the progress made, the Ad Hoc Working Group recommends that the Committee on Disarmament set up at the beginning of its 1981 session another Ad Hoc Working Group on Radiological Weapons under appropriate mandate as to continue negotiations on a treaty prohibiting radiological weapons.

AD HOC WORKING GROUP ON RADIOLOGICAL WEAPONS

Brief for the Chairman

delivered at the First Meeting of the Ad Hoc Working Group on  
Radiological Weapons held on 20 February 1981

I declare open the first meeting of the Ad Hoc Working Group on Radiological Weapons re-established by the Committee on 12 February 1981 for the duration of its 1981 session, so that it may continue its work on the basis of the former mandate which had appeared in document CD/79 of 17 March 1980. The Ad Hoc Working Group will report to the Committee on the progress of its work at any appropriate time and in any case before the conclusion of its 1981 session.

At the outset of our work I would like to thank all the members of the Committee for the trust they have shown in appointing me as Chairman of this working group. Members may rest assured that I shall devote my efforts to serving the Group and to lead its work to a successful conclusion. I realize that we have a heavy list of questions to be solved during this session. Yet, I believe that in a spirit of conciliation, accommodation and good will we can fulfil the main task entrusted to us to elaborate a draft treaty prohibiting the development, production, stockpiling and use of radiological weapons.

As you are aware, last year the Ad Hoc Working Group held extensive discussion on the main elements of an agreement which revealed the readiness of all delegations to negotiate a treaty on radiological weapons. Although some different concepts still exist with regard to the approach, the priority, the role and scope of the treaty, one can now state that we have reached the stage at which negotiations on a concrete text could be possible.

The Ad Hoc Working Group recommended that the Committee on Disarmament set up at the beginning of its 1981 session a further ad hoc working group under an appropriate mandate to be determined at that time, to continue negotiations on the elaboration of a treaty prohibiting radiological weapons.

I consider it extremely important and encouraging for our work that many delegations at the last session of the General Assembly had advocated completing the elaboration of a treaty by the Committee on Disarmament during its 1981 session. The Ad Hoc Working Group also has before it the resolution of the General Assembly A/Res/35/156G by which the General Assembly, inter alia, called upon the Committee to "continue negotiations with a view to elaborating a treaty prohibiting the development, production, stockpiling and use of radiological weapons and to report on the results to the General Assembly at its thirty-sixth session".

The General Assembly, in its Declaration of the 1980s as the Second Disarmament Decade (A/Res/35/46), stressed that all efforts should be exerted by the Committee on Disarmament urgently to negotiate with a view to reach agreement and submit agreed texts where possible before the second special session devoted to disarmament on a treaty on the prohibition of the development, production and use of radiological weapons.

To commence the substantive work of the Ad Hoc Working Group, the Chair would propose to proceed on the line the group started last year, to continue from where we stopped.

According to paragraph 9 of our last year's report the Working Group agreed that the proceedings should encompass three phases:

- (a) to identify the main elements of the future treaty, bearing in mind the documents submitted so far and the statements made;
- (b) to negotiate on each of the identified elements;
- (c) to draft the text of the convention.

We have completed the task appearing under subparagraph (a) and a great part of the task under subparagraph (b). The Chair suggests to continue from there in the following way: we would distribute the main elements appearing under paragraph 11 of the Report into three groups and would take them up one by one during three subsequent meetings as follows:

1. Definition of radiological weapons; scope of prohibition.
2. Activities and obligations; peaceful uses, relationship to other treaties.
3. Compliance and verification; remaining main elements.

During these meetings delegations could sum up, review the results of last year's negotiations, put forward new positions, proposals and try to narrow the existing differences.

Consequently, the Group could take up one by one particular main elements, altogether 13 as listed in paragraph 10 of the Report of the Working Group. The Chair, with the help of the Secretariat, would compile all proposals pertaining to the main element under discussion. The Group would proceed on that basis to negotiate an agreed text acceptable to all.

We have or may have a number of experts with us from various countries for the negotiations to be carried out in this working group. The Working Group, due to known circumstances, has one meeting per week. Consequently, the time of the experts is not fully, not even partly utilized.

On the other hand, to promote the work of the Group efficiently, we need more concreteness, specific concrete formulations available on the basis of the existing proposals and of the results of our last year's work.

As far as existing differences are concerned, if we are unable to solve them in the Group, they could also be discussed within the framework of open-ended consultations under my chairmanship with interested members, as well as in other possible consultations among various delegations. On this matter, I think we should be flexible. While it might be premature to establish any fixed dates for any consultations, it is my intention to conduct consultations before every meeting of the Group. May I suggest also that the proposals and amendments to the draft should be submitted to the Chair in written form; thus, they could be included into the existing tabulation (WP.15) to promote our negotiations without delay.

In thanking you for your attention, I would like to ask you for comments and suggestions concerning our work during this session.

The floor is open.

Summing up by the Chair

I am very grateful to the members of the Group for their comments on our organization of work and on the need to start negotiations on a draft treaty as soon as possible.

In general I heard no objection to the suggestion in that connection and, if the Group accepts, we could use them as flexible guidelines for our future work.

I have taken note of the views expressed concerning the need of informal, open-ended consultations, the nature of those consultations and their relation with the activities of the working group. It is my intention, as I said at the beginning, to promote informal contacts among delegations, keeping in mind all the views expressed here today.

The Chair will circulate its comments as a working paper of the Group, so that we might have some guidance for our work.

We will proceed according to it right from our next meeting, which is to take place on 27 February.

COMMITTEE ON DISARMAMENT  
Ad Hoc Working Group on Radiological Weapons

CHAIRMAN'S WORKING PAPER

Since the Ad Hoc Working Group is approaching the end of the first stage of its work during this session, namely the review in three groups of the main elements of a future treaty on Radiological Weapons, the Chair intends to facilitate the transfer of the work of the Group to the next stage. As the Ad Hoc Working Group agreed during its first meeting as contained in document CD/RW/WP.17, after having finished the review of the main elements the Group will take up one by one the particular main elements. This stage requires more concreteness, constant efforts to bridge the existing differences.

In order of the above mentioned aims and on the basis of the mandate accorded to the Chair, the Chair submits on its own initiative alternative text concerning the definition and the scope of prohibition of a future treaty. In doing so the Chair has taken into account the joint USSR-United States proposal as well as other proposals submitted by delegations in written form as contained in the Tabulation. Of course the Chair has been unable to take up all proposals.

As a new text for the definition of radiological weapons and as a new Article I of the treaty proposes the following:

For the purpose of the Treaty, the term "radiological weapon" means any device, including any weapon or equipment, other than a nuclear explosive device, specifically designed to employ radioactive material for military or other hostile purpose by disseminating it to cause destruction, damage or injury to persons or property by means of the radiation produced by the decay of such material.

For the scope of prohibition as new Article II (in replacing Articles I and III of the joint draft) the Chair puts forward the following text:

Each State Party to the Treaty undertakes never, under any circumstances, to develop, produce, stockpile, otherwise acquire or possess, or use radiological weapons as well as to use for military or other hostile purposes any radioactive material not produced by a nuclear explosive device by disseminating it to cause destruction, damage or injury to persons or property by means of the radiation produced by the decay of such material.

In order to meet the wish of some delegations concerning the extension of the prohibition to a wider range of possible means of radiological destruction and those according to which the high priority of nuclear disarmament should duly be reflected in the future treaty the Chair submits two additional paragraphs to be included in the Preamble:



Conscious that the prohibition of radiological weapons will make a further contribution to saving mankind from the danger of the use of radiation for hostile purposes, and determined to continue efforts towards the complete elimination of such a danger,

Declaring that nothing in this Convention prejudices the determination of the international community to achieve effective measures which would outlaw nuclear weapons, as a priority question at disarmament negotiations.

24 March 1981

Original: ENGLISH

## COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on Radiological Weapons

## CHAIRMAN'S WORKING PAPER

On the basis accorded to the Chair, the Chair submits on its own initiative alternative texts concerning the following main elements of a future treaty on RW: Activities and Obligations and Peaceful Uses.

## I. ACTIVITIES AND OBLIGATIONS

## 1. New text proposed by the Chair for Article III:

"Each State Party to the Treaty undertakes not to transfer to anybody, directly or indirectly, radiological weapons and not take any deliberate action intended to assist, encourage, or induce any person, State, group of States or international organization to engage in any of the activities which the Parties to the Treaty have undertaken not to engage in under the provisions of paragraph II."

## 2. New text proposed by the Chair for Article IV:

"Each State Party to the Treaty undertakes, in accordance with its constitutional procedures, to take any measures which it deems necessary to prevent loss of and to prohibit and prevent diversion to radiological weapons of radioactive materials that might be used for such weapons and any activities contrary to the provisions of the Treaty in its territory or at any place under its jurisdiction or under its control."

## II. PEACEFUL USES

## 1. New text proposed by the Chair for Article V:

"Nothing in this Treaty shall be interpreted as affecting the inalienable right of the Parties to the Treaty to carry out their programmes for the use of nuclear energy for peaceful purposes and as limiting in any way their right to the international co-operation in the field of the peaceful uses of nuclear energy including the exchange of equipment, technology, materials, and scientific and technological information for the peaceful uses of radioactive materials.

No provisions of the Treaty shall hinder the use of any sources of radiation from radioactive decay for peaceful purposes and they shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

In particular, they shall not hinder the use of radioactive materials, by dissemination, with the view to study the materials and the methods of protection against radiation."

COMMITTEE ON DISARMAMENT  
Ad Hoc Working Group on  
Radiological Weapons

CHAIRMAN'S WORKING PAPER

On the basis accorded to the Chair, the Chair submits on its own initiative alternative texts concerning the following main elements of a future treaty on RW: Relationship with other Disarmament Measures and Agreements, Compliance and Verification.

RELATIONSHIP WITH OTHER DISARMAMENT  
MEASURES AND AGREEMENTS

Article VI

"Nothing in this Treaty shall be interpreted as in any way limiting or detracting from the obligations assumed by the States Parties under any other international Treaty or any existing rules of international law governing armed conflicts."

COMPLIANCE AND VERIFICATION

Article VII

1. The States Parties to the Treaty undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of or in the application of the provisions of the Treaty. Consultation and co-operation pursuant to this Paragraph may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations as well as of a Consultative Committee of Experts as provided for in Subparagraph 2 of this Paragraph.
2. For the purposes set forth in Subparagraph 1 of this Paragraph, the Depositary shall, if possible immediately and in any case within one month of the receipt of a request from any State Party, convene a Consultative Committee of Experts. Any State Party may appoint an expert to this Committee, whose functions and rules of procedure are set out in the Annex, which constitutes an integral part of the Treaty. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.

3. Any State Party to the Treaty which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may lodge a complaint with the Security Council of the United Nations in accordance with the provisions of the Charter. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.
4. Each State Party to the Treaty undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Treaty of the results of the investigations.
5. Each State Party to the Treaty undertakes to provide or support assistance, in accordance with the provision of the Charter of the United Nations, to any Party to the Treaty which so requests, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of violation of the Treaty.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

CHAIRMAN'S WORKING PAPER

ANNEX

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to paragraph VII, subparagraph 1, of the Treaty by the State Party requesting the convening of the Committee. The Consultative Committee of Experts shall be entitled to receive any information which a State Party to the Treaty deems it useful to communicate with a view to strengthening the confidence of States Parties in the observance of the purpose and provisions of the Treaty.

2. The work of the Consultative Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this Annex. The Committee shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.

3. The Depositary or his representative shall serve as the Chairman of the Committee.

4. Each expert may be assisted at meetings by one or more advisers.

5. Each expert shall have the right, through the Chairman to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work.

6 April 1981

Original: ENGLISH

## COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

## CHAIRMAN'S WORKING PAPER

On the basis accorded to the Chair, the Chair submits on its own initiative alternate text concerning the formulation of the following articles of a future treaty on RW: Amendments, Duration and Withdrawal, Review Conferences, Adherence, Entry into Force, Depositary.

## AMENDMENTS

Article VIII

1. Any State Party may propose amendments to the Treaty. Each proposed amendment shall be submitted to the Depositary, which shall promptly transmit it to all other States Parties and to the Committee on Disarmament.
2. The Committee on Disarmament may decide to study the proposal and refer it to a meeting of governmental experts open, in accordance with the Committee's procedure, to all States which express their intention to participate in it.
3. An amendment shall enter into force for each State Party accepting the amendment after the deposit with the Depositary of documents of acceptance by a majority of the States Parties. Thereafter, the amendment shall enter into force for each remaining State Party on the date of the deposit by it of the acceptance document.

## DURATION AND WITHDRAWAL

Article IX

1. The Treaty shall be of unlimited duration.
2. Each State Party to the Treaty shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardized the supreme interest of its country. It shall give notice of such withdrawal to all other States Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

GE.81-61195

REVIEW CONFERENCES

Article X

1. Ten years after entry into force of the Treaty, or earlier if requested by a majority of States Parties, a conference of States Parties should be convened to review the operation of the Treaty, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being respected. Such review should in any case take into account any new scientific and technological developments likely to affect the provisions of the Treaty.

2. Thereafter, a majority of the States Parties could obtain the convening of a conference with the same objectives.

3. If no review conference has been convened within 10 years following the conclusion of a previous review conference, the Depositary should solicit the views of all States Parties on the holding of such a conference. If one third or 10 of the States Parties, whichever number is less, respond affirmatively, the Depositary should take immediate steps to convene the conference at the most appropriate time.

ADHERENCE, ENTRY INTO FORCE, DEPOSITARY

Article XI

1. The Treaty shall be open to all States for signature. A State which does not sign the Treaty before its entry into force in accordance with subparagraph 3 of this paragraph may accede to it at any time.

2. The Treaty shall be subject to ratification for signatory States. Instruments of ratification and accession shall be deposited with the Secretary-General of the United Nations.

3. The Treaty shall enter into force upon the deposit of the instruments of ratification by twenty-five governments (including the nuclear-weapon States) in accordance with subparagraph of this paragraph.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of the Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of entry into force of the Treaty, as well as of any amendment to it and of the receipt of other notices.

6. The Treaty shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

CD/RW/WP.19  
16 March 1981

Original: ENGLISH

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on Radiological Weapons

Memorandum submitted by the delegation of Sweden on certain aspects  
of a convention prohibiting Radiological Warfare

The joint proposal on a prohibition of radiological weapons tabled by the United States of America and the Union of Soviet Socialist Republics in July 1979 (CD 31, 32) has the term radiological weapon as its basic concept. The proposed convention would preclude a possible future development, production, stockpiling, acquisition or possession of weapons "specifically designed to employ radioactive material by disseminating it to cause destruction, damage or injury by means of the radiation produced by the decay of such material". The draft also proposes that the prohibition should be extended to cover the deliberate dissemination for the same hostile purposes of any radioactive material not defined in the text as a radiological weapon. The treaty exempts all nuclear weapons or their use from the scope of the prohibition which, however, must not be understood as a legitimization of the use of such weapons.

Studies undertaken by the competent authorities in Sweden show that the development of specific radiological weapons as defined by the drafters is a very remote possibility. They could hardly become practical weapons of mass destruction or for that matter even effective weapons on the battlefield. A radiological weapon of sufficient strength for denying an enemy access to significant areas of terrain would be almost impossible to fabricate, handle and deliver. There is, however, correspondingly less difficulties in using radioactive materials in much smaller amounts for the purpose of terror or to exceed peacetime dose limits in various environments of man. It must be observed how enormous the difference is between doses capable of inducing sickness and death within a very short time and the dose limits usually recommended for the public. The amounts of radioactive materials needed to block enemy access to an area of only a few square kilometres would be enough to exceed peacetime dose limits for an area corresponding to the entire earth, if evenly disseminated. A radiological weapon in the low end of the dose spectrum would not constitute a weapon of mass destruction. In the high dose end the effects of such a weapon could be profitable for a user, but the problems associated with its production and delivery are so overwhelming that use must be considered unfeasible.

GE.81-60740



There exists, however, already today a very real risk for mass destruction from dissemination of radioactive substances in war and that is the case of military attacks on nuclear power industry installations where very large amounts of radioactive materials are present. In this case the main obstacles connected with high dose weapons, i.e. the production and delivery problems, are bypassed.

In Sweden's opinion Article III of the joint proposal prohibits such attacks. Our conclusion is thus that Article III of the joint proposal covers much more important risks for mass destruction than do Articles I and II. This fact should in our view be reflected in the structure of a treaty text. The Swedish delegation proposed in accordance with this view on 30 June 1980, alternative language for Articles I-III (CD/RW/WP.6). The prominence of the risks from radioactive sources other than specific radiological weapons motivates that the more general concept of radiological warfare should be the key word in the title of the treaty rather than the less important and limited weapon concept. The Swedish delegation on the same occasion also suggested that the main source of radiological warfare, i.e. attacks on nuclear power installations, should be mentioned explicitly in Article III.

It is important to note that attacks on nuclear installations may concern not only States engaged in war, since releases of radioactive substances following such attacks may spread across borders to other States as well.

Although releases following an attack on nuclear electrical generating stations in operation would yield the most widespread effects, considerable effects could also result from the destruction of reprocessing facilities and deposits of spent fuel and radioactive waste.

Some of these risks are foreseen and prohibited in the 1977 Additional Protocols (I:56, II:15) to the Geneva Conventions of 12 August 1949. These provisions are, however, limited in two respects. Firstly, they cover only nuclear electrical generating stations leaving other installations with large amounts of radioactive materials present uncovered. Secondly, their purpose is limited to providing protection for the civilian population in the vicinity of these installations. They, however, permit military considerations to take priority over the humanitarian ones and thus provide for exceptions from the protective provisions.

A general prohibition of radiological warfare should cover all important risks and have no loopholes. Therefore, it would be necessary to include in a RW-convention a provision going beyond those already agreed in the Additional Protocols.

A few aspects of the Swedish proposal need comment. These relate to nuclear reactors directly supporting military operations, reactors used for propulsion of submarines and other naval vessels, purely military and possibly movable reactors on land and stockpiles of nuclear weapons and of fissionable materials for weapons and other purposes.

In the case that an ordinary nuclear power reactor also provides substantial electrical power in regular direct support of military operations, a military objective to terminate such support would, according to the Swedish proposal, have to be executed by other means than attack on the reactor itself. In our view such effective means do exist. If, in a particular case, such means would not exist, priority should be given to the need to avoid mass destruction and the reactor should be protected accordingly.

It seems reasonable to exclude from a general protection of nuclear reactors in a radiological warfare convention those used for propulsion of submarines or other naval vessels. Firstly, releases of radioactive substances at sea, while unfortunate from the point of view of environmental protection would not constitute mass destruction. Secondly, regulations of such vessels are to a certain extent negotiated within the SALT context. The delegation of Sweden therefore supports that protection of nuclear reactors would apply to the territories of States Parties, i.e. to their land areas and territorial waters, leaving high sea areas outside the scope of the treaty.

A few reactors have been constructed for the sole purpose of producing power for military forces, some of them movable. It seems, however, that this technique is impractical and would not be very much utilized in the future. In principle, it is the understanding of the Swedish delegation that such reactors should be covered by the protective provisions of a radiological warfare convention. Preponderance should rather be given to the prevention of the possible mass destruction effects than to the military objective to terminate their support of conventional military operations. An unconditional protection covering all reactors on land has in addition the great advantage of avoiding the problem of distinguishing between military and other reactors in wartime.

Another sensitive issue is nuclear weapons either on station or in stockpile and stocks of fissionable material for weapons and other purposes. The Swedish delegation does not propose that such weapons and stockpiles should be protected by the radiological warfare convention. The reason is that the radioactive substances involved have a low radiation intensity and that, therefore, attack on such stockpiles would not cause releases with mass destruction effects.

CD/EW/WP.20  
21 April 1981

Original: ENGLISH

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

CHAIRMAN'S WORKING PAPER

Consolidated text based on proposals  
submitted by the Chairman

The Chairman is aware that, while efforts have been made to reach agreement on a text, reservations are maintained by some delegations on specific articles and further consideration is needed.

DEFINITION

Article I

"For the purpose of the Treaty, the term 'radiological weapon' means any device, including any weapon or equipment, other than a nuclear explosive device, specifically designed to employ radioactive material for military or other hostile purpose by disseminating it to cause destruction, damage or injury to person or property by means of the radiation produced by the decay of such material."

SCOPE OF PROHIBITION

Article II

"Each State Party to the Treaty undertakes never, under any circumstances, to develop, produce, stockpile, otherwise acquire or possess, or use radiological weapons, as well as to use for military or other hostile purposes any radioactive material not produced by a nuclear explosive device by disseminating it to cause destruction, damage or injury to persons or property by means of the radiation produced by the decay of such material."

ACTIVITIES AND OBLIGATIONS

Article III

"Each State Party to the Treaty undertakes not to transfer to any recipient whatsoever directly or indirectly radiological weapons and not to take any action intended in any way to assist, encourage, or induce

any person, State, group of States or international organization to engage in any of the activities which the Parties to the Treaty have undertaken not to engage in under the provisions of Article II."

#### Article IV

"Each State Party to the Treaty, in accordance with its constitutional procedures and international arrangements in force to which it is a Party, shall take effective measures to prevent loss of and to prohibit and prevent diversion to radiological weapons of radioactive materials that might be used for such weapons and any activities contrary to the provisions of the Treaty within the territory of such State, under its jurisdiction or under its control anywhere."

#### PEACEFUL USES

##### Article V

"Nothing in this Treaty shall be interpreted as affecting the inalienable right of the Parties to the Treaty to carry out their programmes for the use of nuclear energy for peaceful purposes and as limiting in any way their right to the international co-operation in the field of the peaceful uses of nuclear energy including the exchange of equipment, technology, materials, and scientific and technological information for the peaceful uses of radioactive materials.

No provisions of the Treaty shall hinder the use of any sources of radiation from radioactive decay for peaceful purposes and they shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

In particular, they shall not hinder the use of radioactive materials, by dissemination, with the view to study the materials and the methods of protection against radiation."

#### RELATIONSHIP WITH OTHER DISARMAMENT MEASURES AND AGREEMENTS

##### Article VI

"Nothing in this Treaty shall be interpreted as in any way limiting or detracting from the obligations assumed by the States signatories under any other international Treaty or any existing rules of international law governing armed conflict."

## COMPLIANCE AND VERIFICATION

### Article VII

1. The States Parties to the Treaty undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of or in the application of the provisions of the Treaty. Consultation and co-operation pursuant to this Paragraph may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations as well as of a Consultative Committee of Experts as provided for in Subparagraph 2 of this Paragraph.
2. For the purposes set forth in Subparagraph 1 of this Paragraph, the Depositary shall, if possible immediately and in any case within one month of the receipt of a request from any State Party, convene a Consultative Committee of Experts. Any State Party may appoint an expert to this Committee, whose functions and rules of procedure are set out in the Annex, which constitutes an integral part of the Treaty. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.
3. Any State Party to the Treaty which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may lodge a complaint with the Security Council of the United Nations in accordance with the provisions of the Charter. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.
4. Each State Party to the Treaty undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Treaty of the results of the investigation.
5. Each State Party to the Treaty undertakes to provide or support assistance, in accordance with the provision of the Charter of the United Nations, to any Party to the Treaty which so requests, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of violation of the Treaty.

## AMENDMENTS

### Article VIII

1. Any State Party may propose amendments to the Treaty. Each proposed amendment shall be submitted to the Depositary, which shall promptly transmit it to all other States Parties and to the Committee on Disarmament.
2. The Committee on Disarmament may decide to study the proposal and refer it to a meeting of governmental experts open, in accordance with the Committee's procedure, to all States which express their intention to participate in it.
3. An amendment shall enter into force for each State Party accepting the amendment after the deposit with the Depositary of documents of acceptance by a majority of the States Parties. Thereafter, the amendment shall enter into force for each remaining State Party on the date of the deposit by it of the acceptance document.

## DURATION AND WITHDRAWAL

### Article IX

1. The Treaty shall be of unlimited duration.
2. Each State Party to the Treaty shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardized the supreme interest of its country. It shall give notice of such withdrawal to all other States Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

## REVIEW CONFERENCES

### Article X

1. Ten years after entry into force of the Treaty, or earlier if requested by a majority of States Parties, a conference of States Parties should be convened to review the operation of the Treaty, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being respected. Such review should in any case take into account any new scientific and technological developments likely to affect the provisions of the Treaty.
2. Thereafter, a majority of the States Parties could obtain the convening of a conference with the same objectives.
3. If no review conference has been convened within 10 years following the conclusion of a previous review conference, the Depositary should solicit the views of all States Parties on the holding of such a conference. If one third or 10 of the States Parties, whichever number is less, respond affirmatively, the Depositary should take immediate steps to convene the conference as soon as possible.

ADHERENCE, ENTRY INTO FORCE,  
DEPOSITARY

Article XI

1. The Treaty shall be open to all States for signature. A State which does not sign the Treaty before its entry into force in accordance with subparagraph 3 of this paragraph may accede to it at any time.
2. The Treaty shall be subject to ratification for signatory States. Instruments of ratification and accession shall be deposited with the Secretary-General of the United Nations.
3. The Treaty shall enter into force upon the deposit of the instruments of ratification by 25 governments (including the nuclear-weapon States) in accordance with subparagraph of this paragraph.
4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of the Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
5. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of entry into force of the Treaty, as well as of any amendment to it and of the receipt of other notices.
6. The Treaty shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

ANNEX

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to paragraph VII, subparagraph 1, of the Treaty by the State Party requesting the convening of the Committee. The Consultative Committee of Experts shall be entitled to receive any information which a State Party to the Treaty deems it useful to communicate with a view to strengthening the confidence of States Parties in the observance of the purpose and provisions of the Treaty.
2. The work of the Consultative Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this Annex. The Committee shall decide procedural questions relative to the

organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.

3. The Depositary or his representative shall serve as the Chairman of the Committee.
4. Each expert may be assisted at meetings by one or more advisers.
5. Each expert shall have the right, through the Chairman to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work.



CD/RW/WP.20/Add.1  
6 July 1981  
Original: ENGLISH

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

Proposal by the delegation of Sweden

RELATIONSHIP WITH OTHER INTERNATIONAL AGREEMENTS

Article VI

"Nothing in this Treaty shall be interpreted as in any way limiting or detracting from the obligations assumed by any State Party under any Disarmament or Arms Regulation Agreements, or from any existing rules of international humanitarian law applicable in armed conflict."

CD/RW/WP.20/Add.1/Supp.1  
10 July 1981

ENGLISH  
Original: FRENCH

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

Proposal by the delegation of Morocco

RELATIONSHIP WITH OTHER INTERNATIONAL AGREEMENTS

Article VI

"Nothing in this Treaty shall be interpreted as in any way limiting or detracting from the obligations assumed by any State Party under any Disarmament Agreements, or under any rules of international law applicable in armed conflict."

CD/RW/WP.20/Add.2

7 July 1981

Original: ENGLISH

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

JAPAN

Proposed amendment to Article V of CD/RW/20

The first paragraph should be amended by adding a phrase as underlined as follows:

Article V

"Nothing in this Treaty shall be interpreted as affecting the inalienable right of the parties to the Treaty consistent with the internationally accepted objective of preventing the proliferation of nuclear weapons to carry out their programmes for the use of nuclear energy for peaceful purposes and as limiting in any way their right to the international co-operation in the field of the peaceful uses of nuclear energy including the exchange of equipment, technology, materials, and scientific and technological information for the peaceful uses of radioactive materials."

GE.81-62561

New paragraph 3

3. If agreement cannot be reached, a report containing all different opinions and the reasons given shall be prepared and submitted.

23 July 1981

Original: ENGLISH

## COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological WeaponsPROPOSAL BY THE DELEGATION OF  
THE FEDERAL REPUBLIC OF GERMANY

## Compliance and Verification

## Article VII

2. For the purposes set forth in Subparagraph 1 of this Paragraph, the Depositary shall, if possible immediately and in any case within one month of the receipt of a request from any State Party, convene a Consultative Committee of Experts. Any State Party may appoint an expert to this Committee, whose functions and rules of procedure are set out in the Annex, which constitutes an integral part of the Treaty. All States Parties undertake to co-operate fully with the Consultative Committee of Experts with a view to facilitating the execution of its task. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.

3. Any State Party to the Treaty which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may refer the issue to the Consultative Committee of Experts. This shall not detract from the State Party's right to lodge a complaint with the Security Council of the United Nations in accordance with the provisions of the Charter. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.

## ANNEX

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact, inter alia, through carrying out on-site inspections and provide expert views relevant to any problem raised pursuant to paragraph VII, subparagraph 1, of the Treaty by the State Party requesting the convening of the Committee. The Consultative Committee of Experts shall be entitled to receive any information which a State Party to the Treaty deems it useful to communicate with a view to strengthening the confidence of States Parties in the observance of the purpose and provisions of the Treaty.

GE.81-63863

CD/RW/WP.20/Add.4  
27 July 1981

Original: ENGLISH

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

Sweden

AMENDMENTS

Article VIII

1. Add to subparagraph 1 at the end:  
"Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary shall convene a conference, to which he shall invite all the Parties to the Treaty to consider such an amendment."
2. Delete subparagraph 2.
3. Renumber subparagraph 3 subparagraph 2.

CD/EW/WP.20/Add.5  
27 July 1981  
ENGLISH  
Original: SPANISH

COMMITTEE ON DISARMAMENT  
Ad. Hoc Working Group on  
Radiological Weapons

VENEZUELA

Proposed amendment to article IX of document CD/EW/WP.20

1. The Treaty shall be of unlimited duration.
2. Each State Party to the Treaty shall in exercising its national sovereignty have the right to withdraw from the Treaty. It shall give notice of such withdrawal to all other States Parties to the Treaty and, if it so decides, to the United Nations Security Council three months in advance. Such notice shall include a statement of the reasons it regards as having prompted it to withdraw from the Treaty.

30 July 1961

ENGLISH

Original: FRENCH

COMMITTEE ON DISARMAMENT  
Ad Hoc Working Group on  
Radiological Weapons

HCROCCC

Proposed amendment to article VII of document CD/RI/WP.20

1. The States Parties to the Treaty undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of or in the application of the provisions of the Treaty through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations as well as of a Consultative Committee of Experts as provided for in subparagraph 2 of this paragraph.
2. For the purposes set forth in subparagraph 1 of this paragraph, the Depositary shall, within one month of the receipt of a request from any State Party, convene a Consultative Committee of Experts. Any State Party may appoint an expert to this Committee, whose functions and rules of procedure are set out in the Annex, which constitutes an integral part of the Treaty. The Committee shall transmit to the Depositary the results of its investigation and a summary of all the views and information presented to the Committee during its proceedings. The Depositary shall transmit copies of this material to all States Parties.
3. Any State Party to the Treaty which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may lodge a complaint with the Consultative Committee, informing thereof the Security Council and the General Assembly. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.
4. Each State Party to the Treaty undertakes to co-operate in carrying out any investigation which the Consultative Committee may initiate, in accordance with the provisions of the Charter of the United Nations and of this Treaty, on the basis of the complaint received by the Committee. The Consultative Committee shall inform the States Parties to the Treaty of the results of the investigation.
5. Each State Party to the Treaty undertakes to provide assistance, in accordance with the provisions of the Charter of the United Nations and of this Treaty, to any Party to the Treaty which has been harmed or is likely to be harmed as a result of violation of the Treaty.



COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

CHAIRMAN'S WORKING PAPER

DEFINITION

Article I

"For the purpose of the Treaty,

1. The term "radiological weapon" means any device, including any weapon or equipment, specifically designed to employ radioactive material for military or other hostile purposes by disseminating it to cause destruction, damage or injury to persons or property by means of the radiation produced by the decay of such material."

2. The terms "radiological weapon" and "radioactive material" do not mean "a nuclear explosive device" and/or radioactive substance produced by it.

SCOPE OF PROHIBITION

Article II

"Each State Party to the Treaty undertakes never, under any circumstances, to develop, produce, stockpile, otherwise acquire or possess, or use radiological weapons, as well as to use for military or other hostile purposes any radioactive material by disseminating it to cause destruction, damage or injury to persons or property by means of the radiation produced by the decay of such material."

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

CHAIRMAN'S WORKING PAPER

PEACEFUL USES

Article V

Nothing in this Treaty shall be interpreted as limiting in any way the inalienable right of the Parties to the Treaty:

to implement their programme for the peaceful uses of radioactive materials and nuclear energy,

to international cooperation in this field, including the exchange of equipment, technology, materials, scientific and technological information, the development of measures of protection against radiation, as well as

to render and receive appropriate assistance taking into account particular needs of the developing countries in the interests of their economic and social development.

Provisions of the Treaty shall not hinder the use of sources of radiation from radioactive decay for peaceful purposes and shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

In particular, they shall not hinder the use of radioactive material by its dissemination with the view to study the materials and the methods of protection against radiation.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

PROPOSAL BY THE NETHERLANDS

Amendments

Articles VIII and X

Article VIII

1. Rephrase paragraph 1 as follows:  
"Any State Party may propose amendments to the Treaty. Each proposed amendment shall be submitted to the Depositary, which shall promptly transmit it to all other States Parties and which shall inform the Committee on Disarmament. The Depositary shall seek the views of the States Parties on whether a conference should be convened to consider the proposal. Thereupon, if requested to do so by one-third or more of the States Parties to the Treaty, the Depositary shall convene a conference to which he shall invite all States Parties to the Treaty to consider such a proposal. States not Parties to the Treaty shall be invited to the Conference as observers. The conference may agree upon amendments which shall enter into force in accordance with paragraph 2 of this Article."
2. Delete paragraph 2.
3. Renumber paragraph 3 to paragraph 2.

Article X

Amend paragraph 1 as follows:

"If after a period of 5 years following the entry into force of the Treaty, or earlier if requested by a majority of States Parties, no conference has been convened in accordance with Article VIII of this Treaty, a Conference of States Parties shall be convened to review the scope and operation of this Treaty and to consider any proposal for amendments of this Treaty. States not Parties to the Treaty shall be invited as observers to the conference. The conference may agree upon amendments which shall enter into force in accordance with Article VIII above."

1 July 1981

Original: ENGLISH

AUSTRALIA  
WORKING PAPER  
RADIOLOGICAL WEAPONS  
Scope and Definitions

The question of the scope of the proposed convention and the consequent definition of a "radiological weapon" appear to be the major outstanding problem regarding the proposed Radiological Weapons Convention.

The following comments and suggestions are offered by the Australian Delegation in an attempt to assist the Committee to resolve the definitional issue by drafting. This paper leaves aside the question of civil nuclear facilities, although it is recognized that resolution of that question may have implications for drafting.

Articles II and III of the "major elements" proposed jointly by the United States and Soviet Union in CD/52 read as follows:

II

"For the purpose of the Treaty, the term radiological weapon means

1. Any device, including any weapon or equipment, other than a nuclear explosive device, specifically designed to employ radioactive material, by disseminating it to cause destruction, damage or injury by means of the radiation produced by the decay of such material.
2. Any radioactive material, other than that produced, by a nuclear explosive device specifically designed for employment, by its dissemination, to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

III

Each State Party to the Treaty also undertakes not to employ deliberately, by its dissemination, any radioactive material not defined as a radiological weapon in paragraph II, subparagraph 2, and not produced by a nuclear explosive device, to cause destruction, damage or injury by means of the radiation produced by the decay of such material."

The Working Group Chairman has proposed the following revision:

"For the purpose of the Treaty, the term 'radiological weapon' means any device, including any weapon or equipment, other than a nuclear explosive device, specifically designed to employ radioactive material for military or other hostile purpose by disseminating it to cause destruction, damage or injury to person or property by means of the radiation produced by the decay of such material."

There is widespread agreement within the Committee as to what it is proposed to ban, that is:

- (1) any device, specifically designed for the purpose of disseminating radioactive material with a view to that radioactivity serving as a weapon;
- (2) any radioactive material intended to be used so that its radioactivity serves as a weapon;
- (3) the use of any radioactive material for this purpose;

but the ban will not cover

- (4) nuclear weapons; nor
- (5) radioactive material in civil uses; nor
- (6) bullets, knives or other weapons in which the radioactivity of the constituent elements is slight and its deleterious effects, if any, are incidental to the essential purpose of the weapon.

However:

- The Indian, Brazilian and other delegations have raised objection to the phrase "other than a nuclear explosive device" in Article II, subparagraph 2 and to the similar phrases in Article II, subparagraph 2 and Article III, on the grounds that it can be read as "legitimizing" nuclear weapons.
- Several delegations have objected to the intricacy -- some have suggested implausibility -- of the formulations in the joint "elements".
- The Australian delegation has pointed out that Article II, subparagraph 1 as formulated might be read to extend to medical treatment designed to cause the destruction by radiation of cancerous tissue; Australia has pointed out that the first line of subparagraph 2 would seem to exclude those radioactive substances which are produced by nuclear explosive devices even when that material is produced by other means, or radioactive material produced by a nuclear explosion and gathered up for subsequent use in a radiological weapon; and that the word "designed" in subparagraph 2 seems inappropriate as "design" (whatever its meaning in this context) would be only one aspect of the preparation of a radiological weapon.

Two approaches have been suggested to overcome the difficulties identified in the Articles as proposed in the draft "elements".

The most elegant answer is that suggested by the Venezuelan delegation. Venezuela last year proposed recasting the convention into a prohibition of the use of radioactive materials for hostile uses:

Replace Articles I, II and III of the joint element with:

"Each State Party to this Treaty undertakes not to employ any radioactive material deliberately, by disseminating it, for hostile purposes or during an armed conflict, for the purpose of causing damage or injury to persons or property by means of the radiation produced by the decay of such materials."

Two objections have been raised against this formulation:

- (1) that this formulation on a plain reading would seem to include nuclear weapons; and
- (2) that it changes the thrust of the proposed convention from a weapon ban to a ban exclusively on certain uses of radioactive material.

The first difficulty may be soluble by defining the terms "by disseminating it" so as to avoid reference to nuclear weapons. Thus, for example, the Venezuelan formulation might be supplemented by a definition on the following lines: "dissemination here means the dispersal of material by means of a chemical explosive, a mechanical device, gaseous or fluid means". This formula, or some variation on it, would seem to meet the call by the Indian delegation in WP.15 for "a formulation based on scientific principles". The second objection, being essentially of a philosophical nature, does not appear to be capable of solution by drafting.

The Yugoslav delegation has suggested a proposed solution which follows more closely the model of the United States/Soviet Union "elements" as drafted. Yugoslavia has proposed the following redraft of Article II:

"For the purposes of this Treaty, the term 'radiological weapons' includes:

1. Any radioactive material which, when used as a weapon, produces effects exclusively by ionizing radiation created in the process of natural decay of such material.
2. Any weapon, device or equipment specifically designed to be employed for dissemination of a radioactive material as defined by the preceding paragraph of this Article."

To this it has been objected

(1) that subparagraph 1 can be read as meaning "any radioactive material which is capable of being used as a weapon" and that this would cover much radioactive material which it is not intended to ban;

(2) that the term "ionizing radiation" may raise complicating technical issues;

(3) that subparagraph 2, on a plain reading, covers at least some categories of nuclear weapons, if not all nuclear weapons.

Objection (1) may be overcome by rephrasing the beginning of subparagraph 1 of the Yugoslav draft to read "any radioactive material specifically designed to be employed as a weapon producing effect etc.". Objection (2) may be overcome by dropping the word "ionizing". Objection (3) may be overcome by adopting a definition of the word "dissemination" as suggested above in connection with the Venezuelan formulation.

A third possibility would be to seek to combine some of the original ideas in each of the Venezuelan and Yugoslav formulations while staying as close as possible to the original United States/Soviet Union "elements" but seeking to cover all the objections raised against other formulations as follows:

#### Article II

"For the purposes of the treaty the term 'radiological weapons' means:

1. Any device specifically designed to disseminate radioactive material for hostile purposes and to cause destruction, damage or injury, exclusively by means of the radiation produced by the decay of such material;
2. Any radioactive material specifically prepared to be disseminated for hostile purposes in a way intended to cause destruction, damage or injury exclusively by means of the radiation produced by the decay of such material."

#### Article III

Each State Party also undertakes not to use any other radioactive material as a weapon in this way.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

WORKING PAPER OF THE GROUP OF 21 ON CERTAIN  
ELEMENTS OF THE CONVENTION ON THE PROHIBITION  
OF RADIOLOGICAL WEAPONS

One of the most important questions regarding the future Convention on the Prohibition of Radiological Weapons is, no doubt, the definition of radiological weapons. In the opinion of the Group of 21, this definition, for the purpose of this Convention, must be precise and complete, based on scientific data and refer exclusively to specific characteristics of radiological weapons, since the content must not, either implicitly or explicitly, legitimize nuclear weapons.

The Group of 21 considers that the scope of the Convention should include the following elements:

1. An undertaking never to develop, produce, stockpile, or use radiological weapons. In this context, serious consideration should be given to the inclusion of the concept of radiological warfare.
2. An undertaking never to transfer radiological weapons to any recipient whatsoever nor to assist anyone in production or use of such weapons.
3. Since there exists a very real risk for mass destruction from dissemination of radioactive substances through attacks on nuclear facilities, serious consideration should be given to the inclusion of an undertaking never to attack or deliberately damage any such facility.

The Group of 21 considers that the following elements should be included in the peaceful use provisions of the Radiological Weapons Convention.

1. Inalienable rights of all States to develop and apply their programmes for the peaceful uses of radioactive materials and sources of radiation including nuclear energy and right of access and acquisition of related materials, equipment, information and technology.
2. All States undertake to contribute fully to the strengthening of international cooperation in the peaceful uses of radioactive materials and sources of radiation including exchange and transfer of technology, equipment, material, scientific information and know-how, etc., taking into account the particular needs of the developing countries for their economic and social development.



3. Promotion of international cooperation in developing protective measures against harmful effects of radiation for the benefit of all countries, especially in providing assistance in this field to developing countries.

In dealing with the question of nuclear disarmament, the future Convention on Radiological Weapons provisions should take into account the following elements:

1. The Convention should not contain an exclusion clause with respect to nuclear weapons.

2. The Convention should be looked upon as a positive step in the process of future negotiations aimed at banning all weapons of mass destruction.

3. The Convention must contain an explicit commitment on the part of the States Parties to urgently pursue the goal of the cessation of nuclear arms race and the achievement of nuclear disarmament.

COMMITTEE ON DISARMAMENT

Ad-hoc Working Group on Radiological Weapons

Chairman's Statement

Distinguished Delegates,

I open the second meeting of the 1982 Session of the Working Group on Radiological Weapons.

As agreed at our last meeting, I have used the past ten days for a process of informal consultations on the direction which our work should take during this session. I have been in contact with all 40 delegations and I have had extensive consultations with them, individually or in small groups, depending on the wishes expressed. I should like to thank delegations for their readiness to consult with me, and for the wealth of opinion and advice which they have offered. I should also like to thank the Secretariat for helping me in digesting the material.

Distinguished Delegates, as I pointed out at the previous meeting, I consider it my utmost obligation as the Chairman of this group to correspond to the expectation of the General Assembly, expressed in Resolution 36/97 B, that the Committee on Disarmament achieve the early conclusion of a Radiological Weapons treaty, in order to have a presentable work result ready in time for the second special session on disarmament. However, looking at the material from last year in preparation for my round of consultations, I have had to realize that the negotiation process had largely become blocked. Despite the considerable efforts by Chairman Kõmives, it appeared that a major stumbling block had been the conflicting views as to how to handle the amendment, originally moved by the Swedish delegation to also include in the text of a radiological weapons convention a ban on attacks on nuclear facilities. This proposal, designed to amplify the original United States/USSR draft (CD/32), seemed to beset the entire negotiation process with considerable difficulties and caused arguments to go around in circles.

A major part of my consultations therefore centred around the problem how best to deal with this particular problem and how to construct modes of procedure which would allow delegations to get around the divergencies of the last session and to take a fresh look at the problems, permitting negotiations to go forward.

Happily, my consultations have given me an opportunity to discover that there has been movement on many sides and that a compromise, albeit on a procedural basis, might well be possible.

Minds have undoubtedly matured and in my contact with delegations I have been able to perceive that there is a large degree of agreement on some essential components of the over-all problem.

- Firstly, I could perceive a determination on the part of all delegations to bring the negotiations on a radiological weapons convention to an early close, to reach progress within this spring session, and to have a good record to present to the second special session on disarmament. It was generally felt that the credibility of the CD would suffer if even a

convention text of this limited proportion and relevance could not be negotiated successfully after so many years of insertion in the Committee's programme. Delegations also stressed to me their willingness to show flexibility and to take different views into account as far as they could. There was also widespread agreement that the radiological weapons item was something of a perishable good and that it would probably not be possible to negotiate it again next year if this year's effort should fail. It was also felt by some that those delegations which would not allow the negotiation process to go forward in a constructive manner might load onto them the heavy responsibility for failure of the entire negotiation exercise.

- Secondly it was uniformly felt that the Swedish proposal to protect nuclear facilities from attacks has substantial merit. While there was difference on how it could best be treated, all delegations appear now ready to concede that the Swedish delegation has a good point and that existing international regulation of the protection of nuclear installations from attack in other legal documents appears unsatisfactory.
- Thirdly, however, it is now also acknowledged by delegations that the Swedish proposal is not an easy one to incorporate into a convention and that it harbours more technical complexities than were thought to exist on first sight. Many delegations feel therefore, that additional technical inquiries are necessary before drafting is embarked upon, and that, in addition, the drafting exercise will have to be comprehensive and go beyond a single convention article or two.
- Fourthly, I have detected a growing readiness to negotiate the problem of protecting nuclear facilities from attack within the Committee on Disarmament as opposed to other fora. While some delegations have expressed doubts as to the suitability or competence of this forum and may have a preference for other bodies, it has appeared to me that in the last analysis no delegation seriously contests the right of the CD to take this work in hand.
- Fifth and last, I have found widespread feeling that at least for procedural purposes it would be prudent to disentangle the traditional radiological weapons subject matter, as embodied in the original United States/USSR draft (CD/32), and the additional problems posed by the Swedish amendment. All delegations, however, seem to agree that such sorting out of the two distinct yet related subject matters would have to be complemented by some sort of linkage between the separate procedures one might devise.

If the foregoing points reflect the degree of agreement which I have been able to perceive in my informal consultations with delegations, there are also -- and it would be futile to deny this -- a number of remaining disagreements.

- A number of delegations still give definite preference to incorporating all aspects of the radiological weapons problem in one single convention. While prepared to consider negotiation modes which allow for problems to be dealt with separately, and in a soberly disentangled fashion, they cannot at this time agree to alternative legal forms. In their view the negotiation sequences relating to problem A -- the traditional radiological weapons subject matter -- and problem B -- the ban on attacks on specific facilities -- would have to be closely linked to prevent their final drifting away from each other. Even under the hypothesis that these

delegations will finally accept a dividing-up of the total subject matter into two different legal instruments, say a convention and an additional facultative protocol, comprehensive linkage mechanisms would have to be devised in their view to make certain that the two instruments are put on the international market place and are opened for legal action at the same time.

Some other delegations, by contrast, prefer a total separation of the two negotiations and insist on their being embodied, in the final analysis, in two different, specific legal instruments. These delegations, however, also agree to some linkage and have pointed out to me that they can even be more generous at this time in conceding linkage mechanisms than they were last year. Reciprocal verbal references in the two instruments which they envisage, and even a formal undertaking to open negotiations on the protection of nuclear facilities at a given time and at a given place are some of the devices that show their willingness to be forthcoming. The difference between the two views -- and this observation would apply in varying degrees to the many intermediate shades of opinion -- would then appear to lie merely in the degree of linkage between the two subject matters, both as regards the negotiating procedures and eventual final legal instruments. Looking at the substantial amount of basic agreement and at the relative smallness of the divergencies on the linkage problem in the spirit of compromise which a Chairman should promote, I thus come to the conclusion that there is room for a formula which may help to get our negotiation process unstuck.

My proposal which I am confident is acceptable to all delegations, in the same spirit of compromise, and will allow them to maintain their particular positions intact, is the following.

(a) The working group agrees as a procedural hypothesis and without prejudice to later decisions on the number and form of international legal instruments into which negotiation results are to be incorporated, to conduct separate meetings on the traditional radiological weapons subject matter, on the one hand, and on the special problems relating to attacks on nuclear facilities on the other.

(b) Both negotiation areas are going to be taken in hand during the current spring session of the Committee on Disarmament. However, some difference in treatment of the one and the other will necessarily result from the different character of the issues and the different stages achieved in the prior work of the Working Group. Thus, the traditional radiological weapons problems will be negotiated on the basis of a largely completed text where it will be our task to clear up remaining difficulties, while on the nuclear facilities issue technical and legal groundwork has to be laid so as to give to our present negotiations or pre-negotiations rather an exploratory nature.

(c) The sequence of work thus proposed is one of "substance before form". But precaution would be taken both in the editing of working papers and in the report of the working group that appropriate disclaimers are inserted, wherever necessary, to make clear that delegations have preserved their positions as to the form of a future legal instrument or instruments.

(d) In practical terms this proposal, if adopted by the working group, translates as follows:

There will be formal meetings of this working group, devoted to the open drafting issues of the traditional radiological weapons convention today, on 16 March, on 19 March and on 23 March. Additional informal meetings are going to be scheduled in both March and early April, as the negotiation process demands, with a view to finalizing the greatest possible number of texts. Delegations will then be called upon, if possible assisted by technical experts, to convene on 6 April and 13 April to consider the prerequisites for an early regulation of attacks on nuclear facilities. I am confident that all delegations having an interest in this particular subject matter will attend these meetings and make certain that the greatest possible expertise is brought to our work. I will remain in contact with interested delegations to collect their views as to the format and possible prior inputs into these meetings.

Distinguished delegates,

Before inviting your comments and, if possible, approval of this procedural formula, I should now like to turn to the progress which we might make on the already largely negotiated text of a radiological weapons convention. If my procedural proposal is followed I would take it that our negotiations throughout the month of March would largely deal with the issues described in part II of the questionnaire which has been used for my informal discussions. I am pleased to report that consultations have shown a growing degree of convergence on many of the problems listed in the questionnaire. In order to fertilize our later negotiations I would like to take the opportunity to give you a brief rundown of my findings.

There was universal agreement that, as a practical matter, negotiations should take place on the basis of the Chairman's consolidated draft as reflected in CD/RW/WP.20 of 21 April 1981, it being understood that all other proposals and suggestions, if still defended by their authors, could be brought in on an equal footing. This general acknowledgement of the quality of the Chairman's draft of last year is indeed a tribute to Ambassador Kómives' contribution to the work of the ad hoc Working Group.

I have perceived wide ranging support for a definition of radiological weapons which would try to avoid a negative formulation -- setting radiological weapons off from nuclear explosive devices -- and seek an appropriate, technically sound positive formulation. Personally, I would see good prospects for the elaboration of such a clause. There are now several formulations which meet the requirements of technical experts. I have asked the Secretariat to prepare a working paper which compiles all practicable formulations proposed as of this date, and I expect this paper to be distributed as soon as our negotiations start.

On the scope of prohibition (abstracting from the problem of the protection of nuclear installations) suggestions were made to also include a ban on the transfer of radiological weapons, even at the cost of some limited overlap of the various activities to be interdicted in the convention. There appear to be no objections to such a solution, especially since similar wording has now been suggested also for use in the chemical weapon convention. There are some differences as to whether the concept of radiological warfare promoted by the Swedish delegation should be used in the convention. Some delegations continue to have difficulty with this term, in part for linguistic reasons. Other delegations have explained to me that the use of the concept would depend on a final settlement of the question of the number of legal instruments; yet other delegations have brought out that it would very much depend on the definition of radiological weapons whether this additional concept is needed. I would suggest that we leave this question aside and deal with it only when later decisions on legal form are being taken.

On the peaceful uses issue, many delegations have voiced their dissatisfaction with a merely limitative, negatively worded clause as presently incorporated in article V of the Chairman's draft and its Addenda. These delegations want to see more affirmative wording and a concrete undertaking of the contracting parties to promote the use of the nuclear materials which are the subject of the convention. On the basis of my consultations I would suggest that there should be room for both an affirmative formulation and the existing text which would guide our interpretation of the future convention.

On the problem of compliance and verification, delegations have voiced some dissatisfaction as to the general pattern employed in the existing text, where the concept of a Consultative Committee of Experts and a complaint procedure with organs of the United Nations — two different models, heretofore only used in disarmament conventions alternatively and not cumulatively — form a bad mixture, and that some more conceptual clarity would be needed. This point appears to need a more extensive discussion in the working group in order to fertilize our conceptual thinking. I have asked the Secretariat to provide us with a comprehensive study showing where the one or other device has been employed in related treaty texts. Some delegations have pointed out to me that the Consultative Committee of Experts should be the focal point for all complaints and verification matters under the convention and that it should be provided with broad investigatory powers. It has been pointed out to me that the complaint procedure with the United Nations' organs is already available as of right under the United Nations Charter and would not appear to need special regulation in this convention. On the question of on-site inspections, some delegations have been unable to visualize a need at this time, while from other quarters I have received large-scale support for endowing the Consultative Committee of Experts with competency in this regard, especially since the scientific and technological progress in the field of radiological weapons can hardly be gauged at this time. In any event, no delegation has insisted that the verification instrument of on-site inspection be expressly excluded from the text.

As regards the final clauses the general feeling which I detected has been that the amendment procedure should be in the hands of States parties to the radiological weapons treaty, and that the depository should, if necessary, convene amendment conferences. While some delegations see merit in a ten year interval for review conferences, the argument was broadly advanced that scientific and technological progress in this as yet uncharted field of weaponry could be such that a five years interval would be more suitable, in accordance with the interval chosen in other related conventions.

There was a broad feeling that a radiological weapons convention should be allowed to enter into force with a lower number than 25 completed ratifications; figures advanced in this context ranged from 15 to 22. While the desirability of having all nuclear-weapon States and generally all technically advanced countries in the field of nuclear science included among the signatories was stressed, it was generally thought that a formal requirement to that effect would give even one nuclear-weapon-State veto powers vis-à-vis the entire legal instrument; and delegations suggested other means how the desirability of having these States ratify the convention could be expressed by political means.

Some delegations also raised an issue not specifically addressed in my questionnaire. Taking a cue from the Non-Proliferation Treaty, these delegations thought it advisable or even necessary that the radiological weapons convention be put in the context of general nuclear disarmament and should contain commitments of the signatory States to that effect. I have however perceived some flexibility in regard to this item so that perhaps a solution could be found in the context of the drafting of preambular language. Considerable flexibility was also shown as regards the reference to "existing rules of international law governing armed conflicts" in Article VI of the Chairman's draft (CD/RW/WP.20). It appears that the concern regarding this clause has now become less pressing for certain delegations and that they could, with appropriate understandings, accept the clause. It should however be noted that a similar clause is not included in other disarmament conventions which limit themselves to delineating their particular instrument from other international treaties.

Distinguished delegates, I have come to the conclusion of my brief rundown on current feelings regarding the principal remaining divergencies in the draft before us.

I would now like to open the discussion. Anticipating that you may wish to have a text of my statement, I have arranged for a sufficient number of copies to be made. I see that the paper has already been distributed in the original English version. I suggest that you indicate whether you would want the statement to become a formal working paper of this working group, entailing early translation into the other working languages.

Let me close by suggesting that if the procedure I have charted out as, in my opinion, the best course for our work meets with your approval, we should use the remainder of our meeting today to start with the problems of "definition". An indicative working agenda for future meetings of the Working Group during the spring session will be distributed to you shortly.

CD/RW/WP.25/Add.1/Rev.1\*  
15 March 1982

Original: ENGLISH

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

CHAIRMAN'S AMENDED PROPOSAL

for the organization of work during the opening session  
(adopted by the Working Group on 15 March 1982)

The Working Group agrees as a procedural hypothesis and without prejudice to later decisions to conduct separate meetings on the traditional RW subject matter, on the one hand, and on the question of prohibition of attacks on nuclear facilities on the other according to the following programme:

Traditional RW subject matter - 16, 19, 23 March

Question of prohibition of attacks on nuclear facilities - 3 meetings to be scheduled for late March and early April.

\*CD/RW/WP.25/Add.1 has already been circulated (in English only) and discussed in the meeting of the Working Group on 15 March.

GE.82-61305



COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

CHAIRMAN'S WORKING PAPER

Positive Formulations of an EW Definition

(Synopsis)

ALTERNATIVE I

Article II

For the purposes of this Treaty, the term "radiological weapons" includes:

1. Any radioactive material which, when used as weapon, produces effects exclusively by ionizing radiation created in the process of natural decay of such material.
2. Any weapon, device or equipment specifically designed to be employed for dissemination of a radioactive material as defined by the preceding paragraph of this Article.

ALTERNATIVE II

Replace Articles I, II and III of the joint USSR-USA proposal by a new Article I:

"Each State Party to this Treaty undertakes not to employ any radioactive material deliberately, by disseminating it, for hostile purposes or during an armed conflict, for the purpose of causing damage or injury to persons by means of the radiation produced by the decay of such materials".

ALTERNATIVE III.

Article II

For the purposes of the Treaty the term "radiological weapons" means:

1. Any device specifically designed to disseminate radioactive material for hostile purposes and to cause destruction, damage or injury, exclusively by means of the radiation produced by the decay of such material;
2. Any radioactive material specifically prepared to be disseminated for hostile purposes in a way intended to cause destruction, damage or injury exclusively by means of the radiation produced by the decay of such material.

Article III

Each State Party also undertakes not to use any other radioactive material as a weapon in this way.

ALTERNATIVE IV

For the purposes of the Treaty:

1. "Radiological weapon" means:

(a) any device, including any weapon or equipment, specifically designed to employ radioactive material, by its dissemination, to cause destruction, damage or injury by means of the radiation produced by the decay of such material;

(b) any radioactive material primarily suitable for employment, by its dissemination, to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

2. "Dissemination" means dispersal employing a chemical explosive, a mechanical device, or gaseous or fluid means.

ALTERNATIVE V

ADDITIONAL VARIANTS

Variant 1

Weapons in which radioactive material is incorporated during device construction so that the main damage mechanism of the weapon is associated with the radiation produced by the decay of that radioactive material.

Variant 2

The term "radiological weapon" means any device or equipment employing radioactive material, specifically designed to disseminate the radioactive material for hostile purposes, whose principal mechanism for destruction, damage or injury is the radiation produced by the natural decay of the radioactive material employed in the device.

Variant 3

The term "radiological weapon" means any device or equipment employing radioactive material not produced in the process of dissemination, etc.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

CHAIRMAN'S WORKING PAPER

Suggested formulation of the provision on scope of the  
Radiological Weapons Treaty

"Each State Party to the Treaty undertakes never, under any circumstances, to develop, produce, stockpile, otherwise acquire or possess, or transfer, or use radiological weapons, as well as to use for military or other hostile purposes any radioactive material not produced by a nuclear explosive device by disseminating it to cause destruction, damage or injury to persons or property by means of the radiation produced by the decay of such material."

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

CHAIRMAN'S WORKING PAPER

Suggested formulations of the provisions on peaceful uses

ALTERNATIVE I

Article V

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes.
2. Provisions of the Treaty shall not hinder the use of sources of radiation from radioactive decay for peaceful purposes and shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

ALTERNATIVE II

Article V

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes.
2. Provisions of the Treaty shall not hinder the use of sources of radiation from radioactive decay for peaceful purposes and shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.
3. Nothing in this Treaty shall be interpreted as limiting the right to the international co-operation aimed at the exchange of equipment, materials and scientific and technological information for the peaceful uses of radioactive materials.

ALTERNATIVE III

Article V

Provisions of the Treaty shall not hinder the use of sources of radiation from radioactive decay for peaceful purposes and shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

In particular, they shall not hinder the use of radioactive materials, by dissemination, with the view to study the materials and the methods of protection against radiation.

ALTERNATIVE IV

Article V

1. Nothing in the present Treaty will be construed in such a way as to limit or restrict in any way the full exercise of the inalienable rights of all States to apply and develop their programmes for the peaceful uses of radioactive materials and of their programmes in the field of nuclear energy including the right to have access to and be free to acquire technology, equipment and materials for this purpose.

2. Each State party to the Treaty undertakes to contribute fully to strengthening international co-operation for the promotion of the transfer and utilization of nuclear technology, including the peaceful uses of radioactive materials, for economic and social development especially in the developing countries.

To add a new Article after Article V:

Each State Party to the Treaty undertakes to promote international co-operation and assistance, as appropriate, to ensure the development of adequate measures of protection against radiation by all countries, especially the developing countries.

ALTERNATIVE V

Article V

1. Nothing in the present Treaty will be construed in such a way as to limit or restrict in any way the full exercise of the inalienable rights of all States to apply and develop their programmes for the peaceful uses of radioactive materials and of their programmes in the field of nuclear energy including the right to have access to and be free to acquire technology, equipment and materials for this purpose.

2. Each State party to the Treaty undertakes to contribute fully alone or together with other States or international organizations to the strengthening of international co-operation for the promotion of the transfer and utilization of nuclear technology, including the peaceful uses of radioactive materials, for economic and social development especially in the developing countries.

ALTERNATIVE VI

Article V

Nothing in this Treaty shall be interpreted as affecting the inalienable right of the Parties to the Treaty to carry out their programmes for the use of nuclear energy for peaceful purposes and as limiting in any way their right to the international co-operation

Alternative VI : in the field of the peaceful uses of nuclear energy including the  
(cont'd) exchange of equipment, technology, materials, and scientific and technological information for the peaceful uses of radioactive materials.

No provisions of the Treaty shall hinder the use of any sources of radiation from radioactive decay for peaceful purposes and they shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

In particular, they shall not hinder the use of radioactive materials, by dissemination, with the view to study the materials and the methods of protection against radiation.

ALTERNATIVE VII

Article V

Nothing in this Treaty shall be interpreted as affecting the inalienable right of the parties to the Treaty consistent with the internationally accepted objective of preventing the proliferation of nuclear weapons to carry out their programmes for the use of nuclear energy for peaceful purposes and as limiting in any way their right to the international co-operation in the field of the peaceful uses of nuclear energy including the exchange of equipment, technology, materials, and scientific and technological information for the peaceful uses of radioactive materials.

ALTERNATIVE VIII

Article V

Nothing in this Treaty shall be interpreted as limiting in any way the inalienable right of the Parties to the Treaty:

to implement their programme for the peaceful uses of radioactive materials and nuclear energy,

to international co-operation in this field, including the exchange of equipment, technology, materials, scientific and technological information, the development of measures of protection against radiation, as well as

to render and receive appropriate assistance taking into account particular needs of the developing countries in the interests of their economic and social development. Provisions of the Treaty shall not hinder the use of sources of radiation from radioactive decay for peaceful purposes and shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

Alternative VIII In particular, they shall not hinder the use of radioactive material  
(cont'd) by its dissemination with the view to study the materials and the  
methods of protection against radiation.

ALTERNATIVE IX

Article V

The provisions on peaceful uses should include the following  
elements:

1. Inalienable rights of all States to develop and apply their programmes for the peaceful uses of radioactive materials and sources of radiation including nuclear energy and right of access and acquisition of related materials, equipment, information and technology.
2. All States undertake to contribute fully to the strengthening of international co-operation in the peaceful uses of radioactive materials and sources of radiation including exchange and transfer of technology, equipment, material, scientific information and know-how, etc., taking into account the particular needs of the developing countries for their economic and social development.
3. Promotion of international co-operation in developing protective measures against harmful effects of radiation for the benefit of all countries, especially in providing assistance in this field to developing countries.

CD/RW/WP.30  
18 March 1982

Original: ENGLISH

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

PROPOSAL BY THE DELEGATION OF YUGOSLAVIA

Definition of Radiological Weapons

ARTICLE II

For the purposes of this Treaty, the term "radiological weapons" includes:

1. Any radioactive material which, when specifically employed as a weapon and throughout the entire process of its employment as weapon, results in injury, destruction or damage to human beings, animal life, the human environment, and material goods exclusively by and only through the ionizing radiation created in the process of natural decay of such material.

2. Any weapon, device or equipment specifically designed to be employed for dissemination of a radiological weapon as defined in the first paragraph of this Article.



CD/RW/WP.51/Add.1

2 April, 1982

Original: ENGLISH

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

Proposal by the Delegation of Australia

ALTERNATIVE IV

DEFINITION

Article I

For the purposes of the Treaty, the term "radiological weapon" means:

1. Any device or equipment which employs radioactive material for hostile purposes by a process which, while not creating new radioactive material, disseminates radioactive material to cause destruction, damage or injury by means of the radiation produced by the decay of the material disseminated.

2. Any radioactive material prepared for dissemination as or use in a radiological weapon.

SCOPE OF PROHIBITION

Article II

Each State Party to the Treaty undertakes never under any circumstances, to develop, produce, stockpile, otherwise acquire or possess, transfer or use radiological weapons.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

Proposal by the Delegation of Australia

ALTERNATIVE I

DEFINITION

Article I

For the purposes of the Treaty, the term "radiological weapon" means:

1. Any device or equipment for disseminating radioactive material for hostile purposes by a process of dissemination which does not in any way increase the radioactivity of that material, and which causes destruction, damage or injury by means of the radiation produced by the decay of such material.
2. Any radioactive material prepared for dissemination for hostile purposes by a process of dissemination which does not in any way increase its radioactivity and which causes destruction, damage and injury by means of the radiation produced by the decay of such material.

SCOPE OF PROHIBITION

Article II

Each State Party to the Treaty undertakes never under any circumstances, to develop, produce, stockpile, otherwise acquire or possess, transfer or use radiological weapons, as well as to disseminate for hostile purposes radioactive material as defined in paragraph 2 of Article I.

ALTERNATIVE II

DEFINITION

Article I

For the purposes of the Treaty, the term "radiological weapon" means:

1. Any device or equipment for disseminating radioactive material for hostile purposes by a process of dissemination which does not add to the radioactive material being disseminated and which causes destruction, damage or injury by means of the radiation produced by the decay of such material.
2. Any radioactive material prepared for dissemination for hostile purposes by a process of dissemination which does not add to the radioactive material being disseminated and which causes destruction, damage and injury by means of the radiation produced by the decay of such material.

SCOPE OF PROHIBITION

Article II

Each State Party to the Treaty undertakes never under any circumstances, to develop, produce, stockpile, otherwise acquire or possess, transfer or use radiological weapons, as well as to disseminate for hostile purposes radioactive material as defined in paragraph 2 of Article I.

ALTERNATIVE III

DEFINITION

Article I

For the purposes of the Treaty, the term "radiological weapon" means:

1. Any device or equipment for disseminating radioactive material that is not in any way produced in the process of dissemination and which causes destruction, damage or injury by means of the radiation produced by the decay of such material.

2. Any radioactive material prepared for dissemination as or use in a radiological weapon.

SCOPE OF PROHIBITION

Article II

Each State Party to the Treaty undertakes never under any circumstances, to develop, produce, stockpile, otherwise acquire or possess, transfer or use radiological weapons, as well as to disseminate for hostile purposes radioactive material as defined in paragraph 2 of Article I.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

CHAIRMAN'S WORKING PAPER

Suggested mechanism of compliance and verification

(following on Document CD/RW/WP.20)

Synopsis

COMPLIANCE AND VERIFICATION

ALTERNATIVE I

Article VII

1. The States Parties to the Treaty undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of or in the application of the provisions of the Treaty. Consultation and co-operation pursuant to this paragraph may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations as well as of a Consultative Committee of Experts as provided for in subparagraph 1 of this paragraph.

2. For the purposes set forth in subparagraph 1 of this paragraph, the Depositary shall, if possible immediately and in any case within one month of the receipt of a request from any State Party, convene a Consultative Committee of Experts. Any State Party may appoint an expert to this Committee, whose functions and rules of procedure are set out in the Annex, which constitutes an integral part of the Treaty. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.

3. Any State Party to the Treaty which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may lodge a complaint with the Security Council of the United Nations in accordance with the provisions of the Charter. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.

4. Each State Party to the Treaty undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Treaty of the results of the investigation.
5. Each State Party to the Treaty undertakes to provide or support assistance, in accordance with the provision of the Charter of the United Nations, to any Party to the Treaty which so requests, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of violation of the Treaty.

ANNEX

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to paragraph VII, subparagraph 1, of the Treaty by the State Party requesting the convening of the Committee. The Consultative Committee of Experts shall be entitled to receive any information which a State Party to the Treaty deems it useful to communicate with a view to strengthening the confidence of States Parties in the observance of the purpose and provisions of the Treaty.
2. The work of the Consultative Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this Annex. The Committee shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.
3. The Depositary or his representative shall serve as the Chairman of the Committee.
4. Each expert may be assisted at meetings by one or more advisers.
5. Each expert shall have the right, through the Chairman to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work.

ALTERNATIVE II

Article VII

2. For the purposes set forth in subparagraph 1 of this paragraph, the Depositary shall, if possible immediately and in any case within one month of the receipt of a request from any State Party, convene a Consultative Committee of Experts. Any State Party may appoint an expert to this Committee, whose functions and rules of procedure are set out in the Annex, which constitutes an integral part of the Treaty. All States Parties undertake to co-operate fully with the Consultative Committee of Experts with a view to facilitating the execution of its task. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.

3. Any State Party to the Treaty which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may refer the issue to the Consultative Committee of Experts. This shall not detract from the State Party's right to lodge a complaint with the Security Council of the United Nations in accordance with the provisions of the Charter. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.

ANNEX

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact, inter alia, through carrying out on-site inspections and provide expert views relevant to any problem raised pursuant to paragraph VII, subparagraph 1, of the Treaty by the State Party requesting the convening of the Committee. The Consultative Committee of Experts shall be entitled to receive any information which a State Party to the Treaty deems it useful to communicate with a view to strengthening the confidence of States Parties in the observance of the purpose and provisions of the Treaty.

New paragraph 3

3. If agreement cannot be reached, a report containing all different opinions and the reasons given shall be prepared and submitted.

ALTERNATIVE III

Article VII

1. The States Parties to the Treaty undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of or in the application of the provisions of the Treaty through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations as well as of a Consultative Committee of Experts as provided for in subparagraph 2 of this paragraph.
2. For the purposes set forth in subparagraph 1 of this paragraph, the Depositary shall, within one month of the receipt of a request from any State Party, convene a Consultative Committee of Experts. Any State Party may appoint an expert to this Committee, whose functions and rules of procedure are set out in the Annex, which constitutes an integral part of the Treaty. The Committee shall transmit to the Depositary the results of its investigation and a summary of all the views and information presented to the Committee during its proceedings. The Depositary shall transmit copies of this material to all States Parties.
3. Any State Party to the Treaty which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may lodge a complaint with the Consultative Committee, informing thereof the Security Council and the General Assembly. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.
4. Each State Party to the Treaty undertakes to co-operate in carrying out any investigation which the Consultative Committee may initiate, in accordance with the provisions of the Charter of the United Nations and of this Treaty, on the basis of the complaint received by the Committee. The Consultative Committee shall inform the States Parties to the Treaty of the results of the investigation.
5. Each State Party to the Treaty undertakes to provide assistance, in accordance with the provisions of the Charter of the United Nations and of this Treaty, to any Party to the Treaty which has been harmed or is likely to be harmed as a result of violation of the Treaty.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on Radiological Weapons

CHAIRMAN'S SUMMARY

of suggested issues of initial relevance relating to protection of nuclear facilities for discussion during Working Group meetings on 26 March and 2 April 1982

- I. General Debate: Political considerations arguing for regulating ban on attacks on nuclear facilities in multilateral treaty framework
- II. Definition of facilities to be protected
  1. Criteria for need to accord protection
  2. Types of facilities
    - (a) Nuclear power reactors
    - (b) Other reactors
    - (c) Exemptions to (a), (b)
    - (d) Reprocessing plants
    - (e) Spent fuel storage facilities (including temporary or permanent waste deposits)
    - (f) Nuclear research installations
    - (g) Protection of irradiated material and other dangerous or toxic radioactive material while in transport
- III. Scope of prohibition
  - (a) Civilian vs. military facilities
  - (b) Acts to be prohibited
- IV. Perimeters of sanctuary; actions to be prohibited within sanctuary
- V. Time limits of protection (construction period, criticality, operation, moth-balling, cooling-off, dismantling)
- VI. Territorial limits of prohibition
- VII. Possibility of declaration of sanctuary as permanent demilitarized area
- VIII. Identification, notification and marking of facilities to be protected
- IX. Special notification (e.g. in case of facilities adjacent to State borders, military facilities, etc.)



- X. Verification and compliance issues. Delineation from accidents, including "civilian" accidents in war-time
- XI. Role of IAEA and other international organizations
- XII. Correlation with General Protocol additional to Geneva Conventions of 12 August 1949 (Additional Protocol No. 1 of 1977, particularly Art. 56)
- XIII. Consideration of existing draft proposals for regulation of ban on nuclear facilities
- XIV. Relationship of possible drafts for prohibition of attacks on nuclear facilities with draft texts on "traditional" RW subject matter

Memorandum submitted by the delegation of Sweden  
on certain aspects of a convention prohibiting  
Radiological Warfare

In this Working Paper the Swedish delegation wants to put forward its views on some of the questions tabled by the Chair in the Ad Hoc Working Group on Radiological Weapons (CD/RW/WP.55) on 26 March 1982.

The general view of the Swedish delegation on the RW issue should by now be rather well-known in this forum. It has been presented in statements in the CD on 26 February 1980 and on 7 April 1981, as well as in different Working Papers in the Working Group (WP.6, WP.19).

We continue to be convinced that a treaty along the lines suggested by the original drafters is of a too limited value. The most effective radiological weapon is, of course, the nuclear weapon. For well-known reasons this weapon is excluded in the context of an RW agreement. The only other option for radiological warfare of any significance is attack on nuclear facilities with large inventories of radioactive matter.

What types of facilities should then be protected and which criteria should be used to define such facilities? First of all it must be stated that the criterion for protection of an installation should be its potential to cause mass destruction through the release of radioactivity. Not all installations dealing with nuclear matters have such a potential, for example not mining, concentration, enrichment and fuel fabrication facilities, neither some university type research reactors, other nuclear research installations or transports of radioactive material on land and at sea. Many reactors used for propulsion purposes could induce severe and harmful effects, but if attacked at sea such effects can hardly be expected to entail mass destruction. The prime object of concern is the nuclear energy generating reactor in operation. By systematically attacking several elements of such a reactor, like core cooling systems, power support systems, and engineered safety systems, a loss of coolant can be induced leading to a core meltdown, a massive release of radioactive substances and catastrophic consequences.

How large can these consequences be? During the last decade a number of extensive investigations have been carried out in several countries on the effects of a loss of coolant core meltdown. In Sweden several studies were made during the years 1977-1980 which looked specifically into this problem for the four nuclear power sites in our country. The estimated number of early deaths varies widely with the course of events, with the type of weather and with the population pattern around the reactors. A conclusion of the Swedish studies is that a large reactor accident in Sweden could have consequences of the order of hundreds to thousands of early deaths, thousands to tens of thousands of cases of late cancer and thousands to tens of thousands km<sup>2</sup> of contaminated area.

For the case of a reactor in more populated areas correspondingly more severe consequences would be the result. A recent book, "Destruction of Nuclear Energy Facilities in War", by Bennett Ramberg cites cases with up to 10,000 early deaths (table 2-13 in that book).

A full scale nuclear energy generating reactor has a potential for radiological warfare for two combined reasons. First, it has a large inventory of radionuclides. Secondly, such a facility, in operation or for some time after shutdown, by itself provides the force for an effective dissemination of these radionuclides. Less powerful reactors not only have smaller inventories, but generally the driving force is too small to induce widespread dissemination of radioactive materials. It is thus conceivable to discuss some kind of a limit (e.g. 10 MW) of the power output below which the facility would not be covered by the Treaty. In this way the number of protected facilities can be kept limited and manageable. Such a limit will, however, introduce the problem of formally distinguishing between reactors above and below such a limit.

Reprocessing plants, spent fuel storage facilities and waste deposits do not have the same violent driving force for dissemination as have the reactors. They might, however, contain substantially more long-lived radioactive materials than a power-producing reactor. Attacks on such facilities are likely to yield a lesser number of early fatalities, due to radiation, but they can make extensive areas unfit for use by man for a very long time. Therefore, such facilities should be protected.

Civilian versus military facilities. Identification, notification and marking.  
Possible role of the IAEA. There may be good arguments that all facilities of the kind mentioned above should be protected by an RM-convention, be they civilian, military or dual purpose. The objective of preventing mass destruction would thus override the possible military advantage of an attack.

The political difficulties of protecting military facilities in an international disarmament instrument are obvious, and such facilities therefore seem to have to be excluded from a convention. The question then naturally arises of how to distinguish between military and civilian installations. One way would be that a Party to an RW-convention wanting to protect one or several installations should register them by notifying the Depositary about the nature and location of those installations. The Depositary would then pass this information on to all other Parties.

To ensure that such installations could be physically identified, they would have to be marked, e.g. in accordance with the provisions of the 1977 Protocol I Additional to the Geneva Convention of 1949, Annex I, Article 16. If a dispute arises between Parties, whether an installation notified and marked for protection is in fact operated for peaceful purposes, the Parties would enter into consultation in accordance with the rules of the Convention.

For a simple procedure, covering a large part of the relevant nuclear installations, it would be presumed that facilities subject to IAEA safeguards would always be entitled to protection, once they have been notified to the Depositary and adequately marked. The application of IAEA safeguards should, however, not be a prerequisite for protection. It would only be a way to simplify the procedures. With this scheme disputes on the status of an installation could be solved case by case.

The Swedish delegation is of the view that there is virtually no risk that a release of radioactivity could be started by mistake or by some other random disturbance. A military attack designed merely to cut the production of electricity needs therefore not lead to a release of radioactivity capable of mass destruction. For a large release of radioactivity, with catastrophic consequences, an intentional and well planned operation would be required, specifically aimed at several of the systems for reactor control and safety. It is not possible to draw up a complete list of actions leading to a catastrophic release. Individual facilities have individual systems for control and safety.

Therefore, if a catastrophic release occurs, it must be considered to have been generated by an intentional and well planned action and would constitute a violation of the RW-treaty. Some kind of absolute liability could thus be contemplated.

#### Area of protection

A sanctuary area of certain geometric shape and dimension might be considered a straightforward way of protecting a nuclear facility from attack. Such an area of simple geometric form, e.g. a circle, could easily cover not only all parts of the

site where weapons effects might cause damage leading to a release of radioactivity. It might, however, also cover some other parts where an attack could be directed with the purpose of merely terminating power production, without risk for substantial release of radioactivity. This would in our view go beyond the purpose of the Treaty.

It is obvious that State Parties to the Treaty must undertake not to use the vicinity of the protected object for other military purposes than its immediate and local defence.

#### Time limits of protection

It has been suggested that a facility should be protected only during certain periods of time. According to this idea the protection should be withdrawn when the facility does not contain dangerous substances. In the view of the Swedish delegation it seems reasonable, however, to grant protection to a facility continuously from the day the installation is commissioned, notified and marked.

#### Civil accidents

The problem of distinguishing attacks from accidents is a rather hypothetical one against the background of the extremely low probability of a severe accident. There are normally several built-in safety systems in reactors which should function regardless of war or peace. The United States Reactor Safety Study, commonly referred to as the Rasmussen Report, arrives at a probability of 1 in 20,000 per reactor year for a core melt accident in a United States commercial reactor.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

Draft Report to the Committee on Disarmament in view of the  
Second Special Session devoted to Disarmament

Ad Hoc Working Group on Radiological Weapons

I. INTRODUCTION

1. Taking into consideration paragraph 76 of the final document of the First Special Session of the General Assembly devoted to Disarmament, which stated that a convention should be concluded prohibiting the development, production, stockpiling, and use of radiological weapons and the General Assembly Resolution 34/87A entitled "Conclusion of an international convention prohibiting the development, production, stockpiling and use of radiological weapons", the Committee on Disarmament at its 69th Plenary Meeting held on 17 March 1980 adopted the decision reading, inter alia,  
"The Committee on Disarmament decided to establish for the duration of its 1980 session an ad hoc working group of the Committee with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons."
2. The Working Group was re-established by the Committee in 1981 at its 105th Plenary Meeting on 12 February 1981 to continue its work on the basis of its former mandate.
3. In carrying out its mandate during the 1980/1981 sessions of the Committee on Disarmament, the Working Group held further extensive discussions on the main elements of a treaty prohibiting radiological weapons on the basis of the Joint USSR-United States Proposal (CD/31 and CD/32) as well as the Chairman's Consolidated Text (CD/RW/WP.20) and other documents and proposals submitted with a view to elaborating the draft provisions for the treaty on radiological weapons (CD/153 and CD/228).

4. The activities of the Ad Hoc Working Group during that period showed that, while further efforts were made to narrow down the existing difficulties divergencies still existed, particularly on the scope of the prohibition, the definition of radiological weapons, the procedure for verifying compliance, peaceful uses and the relationship of the proposed treaty with other international agreements and other measures in the field of disarmament, including nuclear disarmament.

5. In 1981, several specific suggestions were put forward in the Working Group in connection with the scope of the treaty. Some delegations argued that there existed a very real risk of mass destruction from dissemination of radioactive substances through attacks on nuclear facilities. Therefore, those delegations believed that the Treaty should contain a provision for an undertaking not to attack nuclear facilities or to deliberately damage such facilities and that the treaty on radiological weapons would be the appropriate legal framework for elaboration of such an international legal norm.

6. Other delegations considered that an attempt to deal in the same negotiations with the prohibition of radiological weapons and with the protection of nuclear facilities would lead to confusion and make elaboration of any agreements on both matters practically impossible. They believed that provisions concerning this matter were already covered by the Geneva Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol 1), 1979, and that any additional measures to protect nuclear facilities should be considered within the framework of international humanitarian law applicable in armed conflict.

7. Some delegations also expressed the view that as a compromise the idea of holding separate negotiations on this question should be reflected in the text of the treaty or in a separate statement.

## II. Present state of negotiations on elaboration of the Treaty prohibiting radiological weapons

### A. Organization of work and procedures

8. In pursuing the Committee's decision on subsidiary bodies, on 18 February 1982 (CD/243), the Ad Hoc Working Group on Radiological Weapons was re-established on the basis of its former Mandate, with a view to reaching agreement on a convention prohibiting the development, production, stockpiling and use of radiological weapons.

9. At its 157th Plenary Meeting on 23 February 1982 the Committee on Disarmament appointed Ambassador Dr. Henning Wegener (Federal Republic of Germany) as Chairman of the Ad Hoc Working Group. Mr. Guennady Efimov of the United Nations Centre for Disarmament was appointed as Secretary of the Working Group.

10. The Ad Hoc Working Group held meetings between 20 February and April 1982.

11. In fulfilling its mandate, the Ad Hoc Working Group continued to take into consideration paragraph 76 of the final document of the First Special Session of the General Assembly devoted to Disarmament, and the relevant recommendations of the United Nations Disarmament Commission. The Working Group further took into account Resolution 36/97B of the General Assembly entitled "Conclusion of an international convention prohibiting development, production, stockpiling, and use of radiological weapons", and agreed that a particular sense of urgency was instilled into the Group's work by virtue of the appeal contained in that resolution to complete its negotiations in order to allow a treaty to be submitted if possible to the General Assembly at its Second Special Session devoted to Disarmament.

12. However, at the outset of the work of the Working Group, it appeared that the existing divergences as to whether or not a provision for an undertaking not to attack or damage nuclear facilities made it difficult for the Working Group to resume its negotiations with the requisite speed.

Between 24 February to 9 March 1982, the Chairman therefore conducted informal consultations with all delegations on matters of procedure (conduct of further negotiations), issues of substance of a Radiological Weapons Convention, and problems relating to the protection of nuclear facilities.

In the Working Group's meeting on 9 March, the Chairman gave a comprehensive report on his consultations (CD/RW/WP.25), advancing on a personal basis a certain number of suggestions as to the procedure to adopt, and as to possible compromises for the still unresolved problems.



13. At the suggestion of the Chairman, on 15 March 1982 the Working Group agreed, as a procedural hypothesis and without prejudice to later decisions, to conduct separate meetings on the traditional radiological weapons subject matter, on the one hand, and on the question of prohibition of attacks on nuclear facilities on the other, according to the following programme:

Traditional RW subject matter - 16, 19, 23 March 1982;

Question of prohibition of attacks on nuclear facilities - three meetings to be scheduled for late March and early April, (which were, in effect, held on 26 March, 2 April and 6 April).

14. In connection with the proposed procedure of the further negotiations, while it was now generally accepted that separate meetings - in equal numbers - on a radiological weapons treaty and on the question of prohibition of attacks on nuclear facilities should be conducted, some reservations were expressed. In that regard, some delegations maintained that the wording of such a procedural decision should not be interpreted as signifying the commencement of parallel negotiations - in the full sense of that term - on the subject of prohibition of attacks on nuclear facilities. Other delegations believed that the two subjects on which negotiations were being conducted in accordance with the proposed procedure should be treated equally on a non-discriminatory basis with a view to incorporating them in the same legal instrument. Other delegations expressly reserved their position with respect to the form of the future legal instrument(s) on the subjects under consideration.

B. Discussions on the provisions of the draft treaty on radiological weapons

(to be completed subsequent to the Working Group's informal drafting session on 14 April)

C. Consideration of the questions relating to the prohibition of attacks on nuclear facilities

In carrying out its decision relating to a separate consideration of the problem of protecting nuclear facilities from attack, the Working Group held three meetings devoted to a substantive and detailed examination of issues of initial relevance to a possible future ban in this field, following an outline of such issues in a Working Paper (CD/RW/WP.33) proposed by the Chairman.

During these meetings, a number of delegations were assisted by technical experts. However, some delegations while prepared to participate in the meetings expressed doubts as to the competence of the Committee on Disarmament to negotiate the problem of protecting nuclear facilities from attack. Other delegations maintained their reservations as to the form of any future legal instrument regulating this matter. Some delegations made clear that the consideration of these issues could, in their view, only be of an exploratory nature at this time.

The discussions on the protection of nuclear facilities from attack centred around the definition of facilities to be protected, the scope of a possible prohibition, perimeters of sanctuary, time and territorial limits of protection, identification, notification and marking of facilities to be protected, and certain related problems. The Working Group formed an opinion as to the destructive effects that could result from attacks on certain types of nuclear facilities that were generically or typically designated as dangerous in the sense of possible mass destruction (such effects, it was found, could emanate from nuclear power reactors upwards of a certain thermic output, reprocessing plants, and storage facilities of certain inventories of irradiated material and waste). The Working Group also heard expert views as to certain facilities which because of their low inventory of radioactive material or the lack of such inventory, would not be a source of mass destruction or destruction generally, if attacked. It was generally felt that the technical exploration of these subjects had deepened the understanding of the Working Group of the problems on hand.

Taking into account these findings, the Working Group discussed the question whether the scope of a future ban on the attack of nuclear facilities should be limited in terms of covering only civilian, or also military installations, and whether a possible ban should only pertain to facilities that would harbour the risk of mass destruction, if attacked.

A certain number of divergences in relation to these issues appeared. Some delegations maintained that there should be no difference between civilian and military installations, and that it would not be justifiable to exempt nuclear facilities with a lower level of radioactive releases. In the view of these

delegations, all nuclear installations and related sources of radiation should be protected from attack, especially in view of the needs of developing countries to build up their uses of nuclear energy free of all dangers of interference or attack. In this connection, a specific proposal on the definition of facilities to be protected was put forward by one delegation (CD/RW/CRP.16).

Some other delegations felt that it would be unreasonable, and even self-defeating, to subject all nuclear installations to the same ban, and that in this context it would be appropriate to introduce a threshold of minimum release of radioactivity from facilities in case of attack (and of a minimum thermic effect in the case of nuclear power reactors), so as to eliminate from the ban installations which, in case of attack, would not be the cause of any mass destruction, or even no destruction at all. These delegations also held that the inclusion of military installations would entail additional and very complex problems of warfare, and of compliance and verification. A working paper embodying, inter alia, these views, and a draft proposal on definition and scope of prohibition were put before the Working Group by one delegation.

These divergences could not be settled in the course of this first substantive discussion of the subject, and, generally, in the time available to the Working Group; and it was generally felt that the topic needed further clarification and discussion. The Working Group also felt that a detailed discussion on the remaining issues of the Chairman's provisional checklist (CD/RW/WP.33) would require a solution of these basic differences of view on definition of facilities and scope of prohibition.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

B. Discussions on the provisions of the  
Draft Treaty on Radiological Weapons  
("traditional" RW subject matter)

In accordance with its decision of 15 March 1982, the Ad Hoc Working Group on Radiological Weapons conducted three separate meetings devoted to consideration of the matters related to the traditional radiological weapons subject matter. In addition, an open-ended contact group met three times to examine the draft language of some treaty provisions. The discussions on the provisions of the draft treaty on radiological weapons showed that, while the number of controversial issues had decreased, and some new possible compromise formulations had been found, both for the preamble and for the operative parts of the Treaty, divergencies still exist regarding, in particular, the definition of radiological weapons, the scope of prohibition, verification and compliance, peaceful uses, relationship of the treaty on radiological weapons with general nuclear disarmament, and some aspects of the final clauses. Some delegations reminded the Working Group of their view that all draft articles might have to be revised, in view of their intention to have the ban on attacks on nuclear facilities included as an integral part of the Treaty.

With regard to the formulation of a definition of radiological weapons, the view was expressed that it should be of a "positive" character and avoid an exclusion clause concerning nuclear weapons. Several specific suggestions were made in this respect (CD/RW/WP.26, 30, 31, 31/Add.1). The Working Group extensively considered these suggestions, with the assistance of experts from some delegations. Although no formulation was as yet found to be entirely acceptable, both from the technical and legal points of view, the Working Group felt that efforts in this direction should be continued on the basis of the texts proposed. While some delegations expressed their readiness to participate in those efforts, they still believed that the most effective way to define radiological weapons could be through maintaining an exclusion clause. Some delegations maintained their doubts as to the feasibility of including certain radioactive materials in the definition of radiological weapons.

In connection with the scope of prohibition, some delegations felt that a decision on the use of the concept of radiological warfare should be taken in the context of a final settlement on the question of the number of legal instruments. Some delegations maintained that the use of such a concept in the text of the future treaty would depend on the definition of radiological weapons.

Some delegations maintained that the future treaty on the prohibition of radiological weapons should, as a conditio sine qua non contain an explicit commitment to urgently pursue negotiations for the cessation of the nuclear arms race, the conclusion of effective measures to prevent the use or threat of use of nuclear weapons and the achievement of nuclear disarmament. In this connection, a proposal was made by a number of delegations (CD/RW/WP.36). Other delegations were of the view that the subject-matter of such commitment was alien to the scope of a radiological weapons treaty. The possibility of referring to commitments in this field in a preambular paragraph was also discussed.

As regards peaceful uses, it was generally admitted that the Treaty should contain both a commitment of States parties to contribute to the strengthening of international co-operation in the peaceful uses of sources of radiation from radioactive decay by affirmative action, and a provision stating that nothing in the Treaty should be interpreted as affecting the inalienable right of the Parties to the Treaty to develop and apply their programmes for the peaceful uses of nuclear energy, and to international co-operation in this field: the Working Group, however, had not completed its consideration of the precise wording of these provisions.

On the question of compliance and verification, some delegations were of the view that the procedures provided in the joint USSR/US proposal correspond to the subject and scope of the treaty on prohibition of radiological weapons and should be fully maintained, including the provision for lodging complaints, in case of an alleged breach of the Treaty, with the United Nations Security Council.

Some delegations disagreed with these views and held that the procedures for lodging of complaints under the Treaty should not refer to the Security Council or other organs of the United Nations, since such procedures were, in any event, available under the United Nations Charter, and that the Consultative Committee of Experts should be the focal point for complaints and verification matters under the treaty. It was suggested that the Consultative Committee of Experts should be provided with broad investigatory powers so as to include, in the view of some delegations, provisions for on-site inspections. Some delegations advocated a two-tiered structure for the verification required under the Treaty, with a

Consultative Committee of Experts as a fact-finding body, and a General Assembly of States parties entrusted with evaluation and political matters. While there was a general feeling that many of these suggestions were useful, it was agreed that the issues of compliance and verification under the Treaty needed further consideration.

With regard to the final clauses, an amendment was moved for a more elaborate procedure to act upon proposed amendments: the general idea of this amendment was supported by some delegations. While some divergencies persisted as to the time intervals between entry into force and holding of a first and then subsequent review conferences, the view was expressed that these differences of view could, perhaps, be overcome by appropriate wording.

There was general agreement that the treaty should enter into force upon the deposit of the instruments of ratification by a lower number than hitherto 14 and the number of 15 was advanced in this context.

In the closing stages of the session, the Chairman submitted an integral draft text of a future RW Treaty, covering the traditional RW subject matter (CD/RW/WP.37) which, in his view, took the fullest possible account of the discussions during the Spring session and which he considered as a suitable basis for compromise on which all delegations could eventually agree.

CD/EW/WP.36  
14 April 1982

Original: ENGLISH

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

TEXT PROPOSED BY THE GROUP OF 21  
FOR AN ARTICLE IN THE DRAFT TREATY  
ON RADIOLOGICAL WEAPONS

The States Parties to the Treaty undertake to urgently pursue negotiations for the cessation of the nuclear arms race, the conclusion of effective measures to prevent the use or threat of use of nuclear weapons and the achievement of nuclear disarmament.

GE.82-62132

CD/RW/WP.38  
6 September 1982

Original: ENGLISH

COMMITTEE ON DISARMAMENT  
Ad Hoc Working Group on  
Radiological Weapons

CHAIRMAN'S STATEMENT

Distinguished delegates, I declare open the first meeting of the Working Group on Radiological Weapons during the second part of the 1982 session. As you remember, our Working Group had a particularly busy meeting schedule during the first part of the session heeding the appeal by the General Assembly, as contained in resolution 36/97B, to finalize our work if possible before the Second Special Session on Disarmament. Despite considerable effort, for which I wish to pay tribute to delegations, that objective was not reached and we did not attain more than intermediate results to which I will refer in detail at a later point.

On our return from New York, at the opening of this part of the session, a certain change in perception had intervened with respect to radiological weapons. It was then clearly felt that the brevity of the summer part of the session did not allow for priority treatment of a great number of subjects simultaneously and, that clearly, top priority was to be allotted to the Working Groups on Chemical Weapons and on the Nuclear Test Ban. In fact, I was at that time informed by the Chairman of the Committee that meeting time for the Radiological Weapons Working Group had been reduced to two or three formal meetings at most. I am certain that, notwithstanding the significance of our subject, you have all approved of that choice of priorities.

As you know I, as Chairman of the Working Group, have used the intermediate period to initiate an exchange of views with delegations on the more urgent problems that loom over our Working Group. I refer to my letter of 3 August 1982 which all Heads of delegations received at the outset of the summer part of the session. In my letter, I brought to bear that the Working Group had been temporarily successful in overcoming an earlier deadlock by a procedural device, the separation of the "traditional" radiological weapons subject matter and the problems relating to the protection of nuclear facilities against attacks into different strands of negotiation; while delegations entirely reserved their position as to the final form of the resulting international instrument (or instruments).

My letter continued to point out that this procedural approach enabled the Group to make some good progress on the text of a "traditional" radiological weapons draft convention, and, towards the end of the session, the Chairman felt encouraged to introduce informally a Consolidated Draft which, in his view, could serve as a promising basis for eventual compromises. In the parallel negotiations on nuclear facilities, delegates were afforded a first opportunity, with the assistance of experts in some delegations, to measure, in the course of in-depth discussion, the relevance of the original Swedish proposal to protect such installations from attacks; and it was more widely recognized than perhaps heretofore that the Swedish proposal had inherent merit. At the same time, however, it became clear



that an international regulation of the problem (amplifying, in substance, Article 56 of the First Additional Protocol to the Geneva Conventions of 1949) would be substantially more complex than initially assumed; it also emerged that the in-depth consideration of these aspects did little to produce converging views on whether, how, and, eventually, in what forum negotiations relating to nuclear facilities should be conducted. Quite to the contrary, the debates generated a further diversification of views, especially as regards the scope of protection of such facilities.

In conclusion of this part of my letter, I pointed out that the Spring part of the session in effect did little to bring the Group closer to a finalization of its work, and, in the end, even invalidated the "procedural hypothesis" on which the work during that part of the session was based.

Distinguished delegates, I then used the aforementioned letter to characterize the situation of the RW subject matter as follows, and I quote: "A number of delegations currently feel unable to agree to an RW Convention unless provisions on the protection of nuclear facilities become an integral part of that venture. Within that group, there are wide and probably unreconcilable differences on the kind of facilities to be so protected. There is another group of delegations who do not accept provisions on nuclear facilities as part of an RW Convention, and wish to limit a Convention to the scope of the original United States-USSR proposal. These positions are mutually exclusive. As matters now stand, it can be safely ruled out that either of these views will prevail in its present form in terms of a consensus result." I urged delegations to assess this situation in the light of the fact that a radiological weapons convention, in my view, constituted a perishable good. I pointed to the loss of credibility that might ensue from a deadlock of negotiations or, in the worst analysis, abandonment of the cause.

Putting a certain number of questions before delegations at that time, I gave my view that the moment had come now to re-consider some of the earlier contradictory positions and to look for a medium path which would allow all delegations nevertheless to see their particular concerns covered: and I gave my impression that this moment for progress and compromise might not come back.

Distinguished delegates, on the questions sent to Heads of delegations in a search for compromise, I have received about 20 replies. I would like to express gratitude to those who have shared their views with me. I have not expressly enquired whether the replies received would be designed, in the intention of the authors, for a wider distribution. In any event, it may appear more practical at this juncture to limit my report on the replies received to a summary assessment.

My first question enquired whether delegates felt that radiological weapons negotiations, in the broad sense of the radiological weapons concept, should be continued.

There was a general consensus emanating from the replies that negotiations should indeed be pursued and that substantial importance was still attributed to the subject. One delegation appeared somewhat more hesitant.

My second question invited delegates to agree that the protection of nuclear installations from attacks should be improved by appropriate international regulation. Although there was some prudent reserve on the part of some replies, the vast majority of those that have expressed themselves have answered in the affirmative. I must then conclude that the merit of the issue originally raised by the Swedish delegation is now widely acknowledged. I am certain that the extensive meetings, including the elucidation of the technical aspects of the issue which the Working Group held in the Spring part of the session have largely contributed to this awareness.

My third question enquired of delegations whether they felt that a regulation on nuclear installations could be evolved in the framework of the Committee on Disarmament, and subordinate questions asked whether this work should be taken in hand within this Working Group or possibly elsewhere and what kind of new mandate might possibly be required.

Here, it became amply clear from the replies that the Committee on Disarmament as the single multilateral negotiating body in the field would appear as the appropriate venue. Only two replies denied the suitability of the Committee on Disarmament altogether.

Question 4 enquired whether alternative negotiating fora might also be suitable for these negotiations to be lodged. The replies showed a great amount of flexibility and, with some exceptions, offered the names of particular fora quite clearly as a second choice only.

Questions 5 and 6 of my questionnaire related to a problem which was at the very centre of my enquiry. In question No. 5 I asked under what circumstances delegations would be prepared to envisage a separation of negotiations on the "traditional" radiological weapons subject matter, and on the problem related to the protection of nuclear facilities from attack and, in the sixth and final question I enquired of delegations what, in their view, the minimum linkage requirements between such possible separate legal instruments would be.

As could be expected, here the spectrum of replies opened much wider and, in fact, the familiar divergent views of delegations on this issue were quite clearly reflected. From the replies I must conclude that the majority of those who have taken the trouble to answer now prefer the separate consideration of the two items, but would admit some linkage. The number of those who continue to believe that the two items should not be separated as to the final legal instrument represent, seemingly, the minority view, but a view strongly held. Yet I have perceived some new flexibility on either side of this trench.

Those advocating rigorous separation have made a commendable effort to allow for linkage and have, indeed, suggested some linkage mechanisms. Also, two delegations who had formerly severely questioned the appropriateness of negotiations on nuclear facilities are now ready to join in such a negotiating endeavour provided that the principles of "separation" plus "linkage" be maintained.

On the other side of the picture, the Swedish delegation - and I cite our Swedish colleagues with their permission - has now moved away from a rigorous application of the "one instrument" concept, and gives thought to the possibility of an umbrella agreement for both subject matters where either would be incorporated in a separate - and I repeat the word "separate" - annexed protocol.

As to the linkage mechanism side, written replies and oral consultations have shown me a certain array of possibilities including the following: reciprocal undertakings in two different legal instruments to negotiate and conclude the other; incorporation of the two subject matters in one treaty and one (or several) protocols; simultaneity of signatures and, possibly, of entry into force, of two separate legal documents. In this context I would like to pay tribute to the delegation of Japan which, responding to the Chairman's appeal, has given particularly profound thought to the notions of separation and linkage. In fact, Working Paper CD/RW/WP.37 (CD/325) of 1 September 1982 outlines a full scenario for how the issue might conceivably be tackled. I find the ideas put forward by the Japanese delegation intriguing on many counts.

Distinguished delegates, this report about my letter and its replies, including various consultations, has, I think, moved the matter forward. However, the time constraint becomes particularly painful at this juncture. While some new vistas for further treatment of the subject have now been opened and certainly a new process of reflection been set in motion, I, as Chairman of the Working Group cannot purport to take matters further. In a way, my report to you is a form of stocktaking and I can certainly not do much more than transmit the accumulated material and my own thoughts to the future Chairman of the Group early next Spring. Personally, I continue to believe that a combination of the principles of "separation" and "linkage" harbours the greatest potential for consensus and I would like to express the hope that our collective thinking process will mature in that direction between now and the 1983 Spring session. However, I would think that an exchange of view on my findings in our meeting today would help to clarify the issues further.

Moving now to another recollection of our work in the Spring part of the session, I would like to remind you of the work we had jointly done on the "traditional" RW subject matter. There was some noticeable progress on several articles of the former texts, and the Chairman, as I recalled earlier in my statement, felt encouraged to circulate as an informal working paper some draft consolidated elements on a "traditional" RW treaty reserving in full the position of all delegations relating to legal form. Document CD/RW/CRP.17 was discussed in several informal meetings and delegations commented in detail. These comments have allowed the Chairman to produce a somewhat amended version of the draft. Several delegations have suggested to me that this draft should also be known to the Working Group in order to make sure that these modest fruits of our labour are not lost. I have, therefore, taken the liberty, as a personal initiative and with no commitment to delegations to have the revised version of CD/RW/CRP.17 circulated as a Working Paper in our Group. I hope that it will be in your hands before the end of this week. Should delegations wish, in our today's exchange of views, to address the merits of my earlier draft text as contained in CRP.17 they would certainly be welcome.

The final point which I would like to touch upon in this somewhat lengthy initial statement is the report of our Group to the Committee. You are all aware of the difficult and time-consuming editing of our Report of the Spring part of the session. Happily we do not have to re-open that Report because it is already before the General Assembly. I have been told by the Chairman of the Committee and by the Secretary

that the practice of all Working Groups at this part of the session would be to relate to their earlier reports by a brief documentary reference only. We would thus be left with a mere summary of this meeting and a reflection of the oral consultations and written exchanges that have preceded it during the summer part of the session. I would be glad if you would follow my recommendation that the text of the statement which I am reading now be attached to our draft report since it would seem to reflect in full the oral and written exchanges held on the subject matter. However, I would certainly be amenable to other modes of procedure the Working Group might suggest. In any event, a draft report which might incorporate today's exchange of views is expected to be in the possession of all delegations at the beginning of next week. Our second and final formal meeting on 8 September will be exclusively reserved to the adoption of that brief report.

9 September 1982

Original: ENGLISH

## COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

## CHAIRMAN'S WORKING PAPER

Compilation of Radiological Weapons Treaty Provisions

The subsequent compilation of Treaty provisions attempts to reflect some of the progress achieved in the negotiations of the Working Group during the first part of the 1982 session. However, it does not purport to be a fully negotiated text, and does not commit delegations, although it was generally acknowledged that the level of consensus on certain of these provisions was higher than on previous consolidated draft texts. The text is couched in the form of a complete Radiological Weapons Treaty and could be used as a basis of such Treaty should the Committee on Disarmament decide to act formally upon a legal instrument limited to the scope of prohibition as originally proposed in documents CD/31 and CD/32. However, both the well-known absence of a consensus on this issue and the results of the Chairman's consultations in the second part of the 1982 session are to be borne in mind in connection with the text.

## THE STATES PARTIES TO THIS TREATY

Determined to further enhance international peace and security and to save mankind from the danger of new means of warfare,

Desirous of contributing to the cause of halting the arms race and of bringing about general and complete disarmament under strict and effective international control,

Reaffirming in this connection the urgency of the pursuit and early conclusion of negotiations on effective measures aimed at the cessation of the nuclear arms race and nuclear disarmament,<sup>1/</sup>

Convinced of the importance of adopting effective measures to prevent the emergence of new types of weapons of mass destruction based on new scientific principles and achievements,<sup>2/</sup>

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1/ See foot-note 7.

2/ Alternative wording suggested by one delegation: "Recognizing that an agreement on the prohibition of radiological weapons represents another step towards the prohibition of all weapons of mass destruction".

Affirming the principle that the benefits of peaceful applications of nuclear technology should be available to all Parties to the Treaty, in particular the developing countries, and recognizing the need for peaceful uses of sources of radiation from radioactive decay in different fields of human activities,

Conscious that the widespread use of radiological weapons in whatever form could have devastating consequences for humanity,

Stressing therefore the particular importance of accession to this Treaty by the greatest possible number of States advanced in nuclear technology, including the nuclear-weapon States,<sup>3/</sup>

HAVE AGREED AS FOLLOWS:

DEFINITION

Article I

For the purposes of this Treaty, the term "radiological weapons" means:

1. Any device or equipment which employs radioactive material for hostile purposes by a process which, while not creating new radioactivity, disseminates radioactive material to cause destruction, damage, or injury by means of the radiation produced by the decay of the material disseminated.
2. Any radioactive material prepared or adapted for use in such a device or equipment, or for dissemination for hostile purposes by such a process.<sup>4/ 5/ 6/</sup>

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<sup>3/</sup> In the view of some delegations, the following preambular paragraph should be inserted: "Recalling that the General Assembly of the United Nations has urged the conclusion of an international convention prohibiting the development, production, stockpiling and use of radiological weapons".

<sup>4/</sup> It was agreed that the wording of this Article, while broadly acceptable to most delegations should be further examined as to its technical and legal tenability.

<sup>5/</sup> The following alternative wording for Article 1, paragraph 1 was suggested by one delegation: "For the purposes of this Treaty, the term 'radiological weapons' means:

1. Any device or equipment which is intended to cause radiological damage or injury primarily by dispersing into the environment radioactive materials, but which contains no mechanisms or systems designed to create or transform radioactive materials.
2. ...."

<sup>6/</sup> One delegation recalled its preference for the concept of "radiological warfare" to govern the provisions of "Definition" and "Scope of Prohibition".

## SCOPE OF PROHIBITION

### Article II

1. Each State Party to the Treaty undertakes never, under any circumstances to develop, produce, stockpile, otherwise acquire or possess, transfer or use radiological weapons.
2. Each State Party to the Treaty undertakes not to assist, encourage or induce any person, State, group of States, or international organization to engage in any of the activities which the Parties to the Treaty have undertaken not to engage in under the provisions of paragraph 1.<sup>6/</sup>

### Article III

Each State Party to the Treaty, in accordance with its constitutional procedures and international arrangements in force to which it is a Party, shall take effective measures to prevent loss of, and to prohibit and prevent diversion to radiological weapons of radioactive materials that might be used for such weapons and any activities contrary to the provisions of the Treaty within the territory of such State, under its jurisdiction or under its control anywhere.

## PEACEFUL USES

### Article IV

1. All States Parties to the Treaty undertake to contribute fully to the strengthening of international co-operation in the peaceful uses of sources of radiation from radioactive decay, and to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information in this field, taking into account the particular needs of the developing countries.
2. Nothing in this Treaty shall be interpreted as affecting the inalienable right of the Parties to the Treaty to develop and apply their programmes for the peaceful uses of nuclear energy, and to international co-operation in this field; and no provisions of the Treaty shall hinder the use of sources of radiation from radioactive decay for peaceful purposes, including the study of methods of protection against radiation, in accordance with generally recognized principles and applicable rules of international law concerning such use.

RELATIONSHIP WITH OTHER DISARMAMENT MEASURES AND AGREEMENTS

Article V

Nothing in this Treaty shall be interpreted as in any way limiting or detracting from the obligations assumed by the States signatories under any other relevant international Treaty or any existing rules of international law applicable in armed conflict.<sup>7/</sup>

COMPLIANCE AND VERIFICATION

Article VI

1. The States Parties to the Treaty undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of the Treaty.
2. For the purposes set forth in paragraph 1, the Depositary shall, if possible immediately and in any case within one month of the receipt of a request from any State Party, convene a Consultative Committee of Experts. Any State Party may appoint an expert to this Committee whose functions and rules of procedure are set out in the Annex, which constitutes an integral part of the Treaty. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.
3. Any State Party which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty, may refer the issue to, or lodge a complaint with, the Consultative Committee of Experts. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.
4. All States Parties undertake to co-operate fully with the Consultative Committee of Experts with a view to facilitating the execution of its task.
5. The rights and duties of States Parties under this Article do not affect their rights and duties under the Charter of the United Nations, particularly as regards procedures to be initiated by the Secretary-General of the United Nations, or before

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<sup>7/</sup> The Group of 21 proposes that the following text be inserted in the Treaty as a separate Article following Article V (cf. CD/RW/WP.36): "The States Parties to the Treaty undertake to urgently pursue negotiations for the cessation of the nuclear arms race, the conclusion of effective measures to prevent the use or threat of use of nuclear weapons and the achievement of nuclear disarmament." See also foot-note 1 on page 1.



the Security Council or the General Assembly. The provisions of this Article shall not be interpreted as affecting bilateral co-operation and consultation procedures and other international procedures including the services of appropriate international organizations.

#### AMENDMENTS

##### Article VII

1. Any State Party may propose amendments to the Treaty. Each proposed amendment shall be submitted to the Depositary, which shall promptly transmit it to all other States Parties and which shall inform the Committee on Disarmament.
2. The Depositary shall seek the views of the States Parties on whether a conference should be convened to consider the proposal. Thereupon, if requested to do so by a majority of the States Parties, the Depositary shall convene a conference to which he shall invite all States Parties to consider such a proposal. States not parties to the Treaty shall be invited to the Conference as observers.
3. An amendment shall enter into force for each State Party accepting the amendment after the deposit with the Depositary of documents of acceptance by a majority of the States Parties. Thereafter, the amendment shall enter into force for each remaining State Party on the date of the deposit by it of the acceptance document.

#### REVIEW CONFERENCES

##### Article VIII

1. Five years after entry into force of the Treaty, a conference of States Parties should be convened by the Depositary to review the scope and operation of the Treaty, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being respected, and to consider any proposals for amendments then pending. Such review should in any case take into account any new scientific and technological developments likely to affect the provisions of the Treaty. States not Parties to the Treaty shall be invited to the Conference as observers.
2. At intervals of five years thereafter, a majority of States Parties may obtain, by submitting a proposal to this effect to the Depositary, the convening of further conferences with the same objective.
3. If no Review Conference has been convened within 10 years following the conclusion of a previous Review Conference, the Depositary should solicit the views of all States Parties on the holding of such a Conference. If one-third or 10 of the States Parties, whichever number is less, respond affirmatively, the Depositary should take immediate steps to convene the conference as soon as possible.

DURATION AND WITHDRAWAL

Article IX

1. The Treaty shall be of unlimited duration.
2. Each State Party to the Treaty shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardized the supreme interest of its country. It shall give notice of such withdrawal to all other States Parties and to the Depositary three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

ADHERENCE, ENTRY INTO FORCE, DEPOSITARY

Article X

1. The Treaty shall be open to all States for signature. A State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.
2. The Treaty shall be subject to ratification for signatory States. Instruments of ratification and accession shall be deposited with the Secretary-General of the United Nations.
3. The Treaty shall enter into force upon the deposit of the instruments of ratification by 15 governments in accordance with paragraph 2 of this Article.
4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of the Treaty, it shall enter into force on the date of the deposit of their instrument of ratification or accession.
5. The Depositary shall promptly inform all signatory and acceding States of the dates of each signature, the date of deposit of each instrument of ratification or accession and the date of entry into force of the Treaty, as well as of any amendment to it and of the receipt of other notices.
6. The Treaty shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

ANNEX

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact, including on-site inspections when necessary, and provide views relevant to any problem raised pursuant to Article VI, paragraphs 1 and 3, of the Treaty by the State Party requesting the convening of the Committee. The Consultative Committee of Experts shall be entitled to request and receive any information which it deems necessary for completing its task, with a view to strengthening the confidence of States Parties in the observance of the purpose and provisions of the Treaty.
2. The work of the Consultative Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this Annex. The Committee shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.
3. The Depositary or his representative shall serve as the Chairman of the Committee, unless the Committee decides otherwise under the procedures laid down in paragraph 2.
4. Each expert may be assisted at meetings by one or more advisers.
5. Each expert shall have the right, through the Chairman, to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work.

**1983**

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

CHAIRMAN'S WORKING PAPER

1. At its second meeting, held on 29 April 1983, the Working Group on Radiological Weapons heard progress reports of the Co-ordinators of Group A and Group B regarding the work of these two Groups. The reports are attached to this Working Paper as Annexes I and II. It was generally considered that the work done in the respective Groups was encouraging and could serve as a useful basis for the work of the Working Group during the second part of the 1983 session.
2. The Chairman noted that some suggestions were made by the Co-ordinator of Group A concerning the issues of 'Definition', 'Peaceful Uses', and 'Relationship to other Agreements' on radiological weapons, which were contained in document CD/RW/CRP.19. It was made clear that the suggestions contained in the document represented the Co-ordinator's personal views on the issues under consideration and that they therefore did not engage the positions of the various delegations of Group A on the subject.
3. The Chairman suggested a programme of work of the Working Group for the second part of the 1983 session, as contained in document CD/RW/WP.43. The programme of work was adopted with the understanding that the allocation of meetings will be flexible.

ANNEX I

Statement made by the representative of the United States of America  
at the second meeting of the Working Group on Radiological Weapons  
held on 29 April 1983

Mr. Chairman, the United States delegation has had the honour of co-ordinating the work of Group A of the Radiological Weapons Working Group, which has been mandated to deal with the traditional RW subject matter. The Group has been co-ordinated by our Alternate Representative, Mr. Busby, who unfortunately is not able to be with us today. With your permission, I will in his absence read a brief report of the work of Group A to date.

At its initial meeting, the Co-ordinator suggested that rather than focusing on any of the three comprehensive compilations of elements of a radiological weapons treaty, as submitted originally by the United States of America and the Union of Soviet Socialist Republics and by previous chairmen of the Working Group, the Group might undertake a substantive discussion of the most difficult, outstanding issues. It was suggested that these issues were:

- A definition of radiological weapons;
- The inclusion of a satisfactory article regarding peaceful uses of radioactive materials;
- The relationship of the radiological weapons treaty to other international treaties and agreements; and
- The compliance and verification procedures to be included in the treaty.

The Group has proceeded to work along the lines suggested by the Co-ordinator. It has held three meetings and has held preliminary discussions of the first three issues outlined above. Unfortunately, due to time limitations, a substantive discussion on the questions of compliance and verification procedures was not possible.

During the Group's deliberations, a number of useful suggestions were put forward and the positions of various delegations brought into sharper focus. Based on these discussions, the Co-ordinator undertook, with the agreement of the Group, to put forward informal suggestions as to how these issues might be handled in the treaty. These suggestions are contained in a conference room paper (CD/RW/CRP.19) which has been circulated to all delegations. The Co-ordinator has expressed the hope that these suggestions will prove useful to the work of the Group when it resumes its deliberations this summer. It has been emphasized that the conference room paper is a purely personal effort by the Co-ordinator to move the work of the Group along and is intended only as a basis of discussion. Mr. Chairman, I would like to express on behalf of Mr. Busby his appreciation for help he has received from the secretariat and interpreters and for the constructive attitude which has been shown by all delegations in helping the work of this Group to proceed.

ANNEX II

Statement made by the representative of the  
Union of Soviet Socialist Republics at the  
second meeting of the Working Group on  
Radiological Weapons held on 29 April 1983

Three meetings were held. The discussions were constructive and useful. They contributed to a more detailed appreciation of the issues before the Group and to a clearer definition of the main points and provided a good basis for reflection during the break on the best means of moving forward.

The main and key issue was recognized as being the definition of the scope of the ban or, in other words, of the extent of what should be subject to prohibition. It is obvious that the solution of many other important questions, principally the issue of verification will depend on the way in which this issue is resolved.

Four main points of view were expressed concerning the scope of the ban. The prohibition should apply to:

1. All nuclear facilities;
2. Nuclear facilities above a specified power threshold;
3. Civil facilities alone;
4. All nuclear facilities subject to IAEA safeguards.

In connection with the definition of the scope of the ban, some delegations drew attention to the fact that there were also the problem of dual-purpose nuclear facilities, that is, facilities which can be used both for peaceful and for military purposes, and the problem of distinguishing between military and civil facilities.

Again in connection with the definition of the scope of the ban, the question arose of the precise nature of the objective to be pursued in that respect: should it be the securing of the safe development of nuclear power generation, the prevention of attacks on nuclear facilities for the purpose of releasing dangerous forces in the form of radioactive materials, or the prevention of attacks on nuclear facilities as a form of radiological weapon or, more precisely, as a means of radiological warfare? In connection with the definition of the objective, some delegations also raised the question of the competence of the Committee on Disarmament with respect to the elaboration of the relevant measures.

A number of delegations raised the question of the relationship with Additional Protocol I of 1977 to the 1949 Geneva Conventions and with the existing rules of international law, bearing in mind that provision already existed for a ban, at least with respect to some nuclear facilities.

The Group commenced discussion of the issue of zones around defended facilities. It was observed that the main difficulty as far as this issue was concerned was to secure the necessary balance between the defence of the facility and the preclusion of the use of a zone for military purposes (the reference being to the possibility of the location in the zone of various military facilities).

A number of delegations expressed their views concerning verification. It was emphasized in this connection that solution of this problem would be possible only after the scope of the ban had been defined. In the course of the discussion on this issue, descriptions were given of possible approaches to the solution of the problem of verification in relation to bans of varying scope. This helped to build up an over-all picture of the way in which the various delegations see the implementation of measures to defend nuclear facilities in general.

Consideration was also given at the Group's meeting to procedural matters connected, in particular, with the organization of work during the summer part of the session.



## COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

## WORKING PAPER: SWEDEN

Compliance and Verification

1. The following two alternative texts are proposed on "Compliance and Verification" in a Radiological Weapons treaty. The first text, called Text A, is intended for a treaty covering only "traditional radiological weapons" and the second, called Text B, for an Agreement covering both "traditional radiological weapons" and prohibition of attacks against nuclear facilities. Text B could also serve in a treaty which is only dealing with the prohibition of attacks against nuclear facilities.

2. "Compliance and Verification": Text AArticle W

1. The States Parties to this Treaty undertake to consult one another and to co-operate in solving any problem which may arise in relation to the objectives of, or in the application of the provisions of, the Treaty.

2. Consultation and co-operation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures include the services of appropriate international organizations, as well as of a Consultative Committee of Experts, as provided for in article X.

Article X

1. For the purpose of effective fulfilment of article W, a Consultative Committee of Experts shall be established after the entry into force of this Treaty. The Committee's functions and rules of procedure are set out in the Annex, which constitutes an integral part of the Treaty.

2. Any State Party to the Treaty which has made unsuccessful efforts of consultation and co-operation pursuant to paragraph 1 of article W and which has reason to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may refer the issue to, or lodge a complaint with, the Consultative Committee of Experts. Such complaints should include all relevant information as well as all possible evidence supporting its validity.

3. All States Parties to the Treaty undertake to co-operate fully with the Consultative Committee of Experts with a view to facilitating the execution of its task.

ANNEX TO THE TREATY

CONSULTATIVE COMMITTEE OF EXPERTS

1. For the Consultative Committee of Experts, referred to in article X of the Treaty, the following shall apply.

2. Each State Party shall at the time of ratifying or acceding to the Treaty communicate to the Depositary the name of one expert and one alternate expert of the Committee. Each expert may be assisted at meetings by advisers.

3. The Depositary or his representative shall serve as a chairman of the Committee.

4. The Committee shall be convened by its President immediately upon receipt of a request to do so from any State Party to the Treaty.

5. The Committee shall be competent to make findings of fact such as on-site investigations when necessary, and provide expert views relevant to any matter raised pursuant to paragraph 1 of Article W of this treaty.

6. The work of the Committee shall be organized in such a way as to permit it to perform the functions set out in paragraph 5 of this Annex. The Committee shall make decisions where possible by consensus but otherwise by a majority of those present and voting. The President shall have no vote.

7. The Committee, or any of the experts shall have the right, through the President, to request from States, and from international organizations such information and assistance as are considered desirable for the accomplishment of the Committee's work.

3. "Compliance and Verification": Text B

Article Y

1. The States Parties to the Treaty undertake to consult one another and to co-operate in solving any problem which may arise in relation to the objectives of, or in the application of the provisions of, the Treaty.

2. Consultation and co-operation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures include the services of appropriate international organizations, as well as of a Consultative Committee of Experts, as provided for in article Z.

Article Z

1. For the purpose of effective fulfilment of article Y, a Consultative Committee of Experts shall be established after the entry into force of the Treaty. The Committee's functions and rules of procedure are set out in the Annex, which constitutes an integral part of the Treaty.
2. Any State Party to the Treaty which has made unsuccessful efforts of consultation and co-operation pursuant to paragraph 1 of article Y and which has reason to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty or its Annexed Protocols may refer the issue to, or lodge a complaint with, the Consultative Committee of Experts. Such complaints should include all relevant information as well as all possible evidence supporting its validity.
3. All States Parties to the Treaty undertake to co-operate fully with the Consultative Committee of Experts with a view to facilitating the execution of its task.

ANNEX TO THE TREATY

CONSULTATIVE COMMITTEE OF EXPERTS

1. For the Consultative Committee of Experts, referred to in article Z of the Treaty, the following shall apply.
2. Each State Party shall at the time of ratifying or acceding to the Treaty communicate to the Depositary the name of one expert and one alternate expert of the Committee. Each expert may be assisted at meetings by advisers.
3. The Secretary-General of the United Nations or his representative shall serve as President of the Committee and of any sub-committee that may be established. The Secretary-General of the United Nations shall ensure that the functions of the President are exercised at all times and that, in case of a dispute, they are exercised by a person who is not a national of a Party to the dispute.
4. The Committee shall be convened by its President immediately upon receipt of a request to do so from any State Party to the Treaty.
5. The Committee shall be competent to:
  - (i) make findings of facts and provide expert views relevant to any technical or other matter raised pursuant to the Protocols annexed to the Treaty.
  - (ii) enquire into facts alleged to be a violation of the Treaty or its annexed Protocols and, if appropriate, prepare for investigation of a situation on site.
  - (iii) facilitate through its good offices compliance with the Treaty.

6. The Committee, or any of the experts shall have the right, through the President to request from States, and from international organizations such information and assistance as are considered desirable for the accomplishment of the Committee's work.
7. Each State Party to the Treaty undertakes to co-operate in carrying out any activity which the Committee may initiate, including on-site investigations.
8. The Committee, or any sub-committee established by it, shall make decisions where possible by consensus but otherwise by a majority of those present and voting. The President shall have no vote.
9. In order to facilitate its proceedings, the Committee may establish sub-committees for specific enquiries on the basis of equitable geographical representation.
10. In case of a dispute or alleged violation of the Treaty, a Fact-Finding Sub-Committee shall be established. It shall be composed of eight members, six members of the Committee not nationals of any Party to the dispute, to be appointed by the President of the Committee on the basis of equitable geographical representation, after consultation with the Parties to the dispute, and two Ad Hoc members, not nationals of any Party to the dispute, one to be appointed by each side.
11. Upon receipt of a request for an enquiry from a State Party, the President of the Committee shall appoint members to the Fact-Finding Sub-Committee without delay, and specify an appropriate time limit for setting up the Sub-Committee. If any Ad Hoc member has not been appointed within the limit, the President shall immediately appoint such additional member or members of the Sub-Committee as may be necessary to complete its membership.
12. The Fact-Finding Sub-Committee shall invite the Parties to the dispute to assist it and to present evidence. The Sub-Committee may also seek such other evidence as it deems appropriate and may, on its own initiative, carry out on-site investigations.
13. The Fact-Finding Sub-Committee shall, without delay, submit to all States Parties a summary of its findings of facts, incorporating all views and information presented to the Sub-Committee during its proceedings, together with such recommendations as it may deem appropriate. If the Sub-Committee is unable to secure sufficient data for factual findings, it shall state the reasons for that inability.
14. If the Committee, or its Fact-Finding Sub-Committee, is unable to provide for a common report on its findings of fact, it shall present the different views of experts.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

WORKING PAPER: SWEDEN  
Compliance and Verification

Corrigendum

Page 3, Article Z, para 1, line 2:

After the words "entry into force of" the word "the" should read "this".

Page 3, Article Z, para. 2, line 4:

Delete the words "or its Annexed Protocols".

CD/RW/WP.46  
16 June 1985

Original: ENGLISH

COMMITTEE ON DISARMAMENT  
Ad Hoc Working Group on  
Radiological Weapons

Proposal by the delegation of the  
United States of America

1. For the past three years the United States delegation has participated in the negotiations in the Committee on Disarmament to conclude a treaty prohibiting radiological weapons, including those directed to the important matter of the provisions regarding consultation and compliance. The delegation has carefully studied the various proposals which have been put forward for these provisions, including those contributions referred to or contained in CD/104--(sections I.5 and II.4); CD/RW/WP.3; CD/RW/WP.5; CD/RW/WP.8; ~~CD/RW/WP.14~~; ~~CD/RW/WP.15/Add.2~~; CD/RW/WP.15/Add.2/Supp.1; CD/RW/WP.16/Add.2; CD/RW/WP.18/Add.2; CD/RW/WP.18/Add.2/Supp.1; CD/RW/WP.20; CD/RW/WP.20/Add.3; CD/RW/WP.20/Add.4; CD/RW/WP.20/Add.6; CD/RW/WP.24/Rev.1; CD/RW/WP.25; CD/RW/WP.32; CD/284\*/Rev.1; CD/RW/WP.39; CD/RW/CRP.6; and CD/RW/CRP.6/Add.1.
2. The United States has given further consideration to whether it would be useful to make certain suggestions for modification of its original proposal regarding consultation and compliance (CD/32: "Agreed Joint US-USSR Proposal on Major Elements of a Treaty Prohibiting the Development, Production, Stockpiling and Use of Radiological Weapons").
3. Taking into account the valuable contributions noted above, the United States has reached the conclusion that it would at this point be useful to modify CD/32. The United States believes that a more practical and efficient mechanism for the resolution of questions concerning compliance with the terms of the treaty should be envisaged.
4. The United States modification provides for a two-part structure. The first part constitutes the establishment of a standing fact-finding panel of limited membership. In a case that the concerns of a State party regarding compliance had not been resolved through initial efforts of consultation and co-operation, this panel would be available immediately to undertake an inquiry to establish the facts.
5. A smaller fact-finding body would clearly be simpler in its operation than a body with a membership comprising potentially all the States parties to the radiological weapons treaty. It would be more effective by operating more rapidly

and at the lowest possible level than the larger, more public body. A further consideration is that the radiological weapons treaty also deals with use, which is often a time-urgent matter, so that a standing body would be more quickly responsive than a meeting of all States parties.

6. The second part constitutes a provision for recourse to a consultative meeting of all States parties. The depositary would be empowered to convene such a meeting if the possibilities for fact finding using the fact-finding panel have been exhausted, upon the request of five or more States parties. This second step is consequently a more serious one. The combination of the two steps results, in the view of the United States, in a more effective over-all set of provisions for consultation and compliance.

7. A number of other modifications, reflecting the course of negotiations on the specific issues involved, have also been introduced.

8. For Element VIII, substitute the following:

- Consultation and Co-operation

1. The States parties to the Treaty undertake to consult one another and to co-operate in solving any problems which may be raised in relation to the objectives of, or in the application of the provisions of, the Treaty.

2. The States parties shall exchange to the fullest possible extent, bilaterally or multilaterally, information deemed necessary to provide assurance of fulfilment of the obligations under the Treaty.

3. Consultation and co-operation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a fact-finding panel or consultative meeting of Parties as provided for in article ( ) of the Treaty.

- Complaints Procedure

1. Any State party which has reasons to believe that any other State party may not be in compliance with the provisions of the Treaty, or which has concerns about a related situation which may be considered ambiguous, and is not satisfied with the results of the consultations provided for under article ( ) of the Treaty, may request the Depositary to initiate an inquiry to ascertain the facts. Such a request should include all relevant information, as well as all possible evidence supporting its validity.

2. For the purposes set forth in paragraph 1, the Depositary shall convene, as soon as possible and in any case within ten days of the receipt of a request from any State party, the standing fact-finding panel established pursuant to Annex I of the Treaty. The panel shall transmit to the Depositary a report on its work, including its findings of fact and incorporating all views and information presented to the panel during its proceedings. The Depositary shall distribute the report to all States parties.
3. All States parties undertake to co-operate to the fullest possible extent with the fact-finding panel with a view to facilitating its work.
4. If the possibilities for fact-finding pursuant to paragraphs 1 and 2 have been exhausted without resolution of the problem, five or more States parties may request the Depositary to convene a consultative meeting of States parties to consider the matter. The Depositary shall convene such a meeting as soon as possible and in any case within one month of the receipt of the request. Any State party may participate in such a meeting, whose functions and rules of procedure are established in Annex II of the Treaty.
5. Each State party to the Treaty undertakes to provide assistance, in accordance with the provisions of the Charter of the United Nations, to any State party to the Treaty which has been harmed or is likely to be harmed as a result of violation of the Treaty.
6. The provisions of this article shall not be interpreted as affecting the rights and duties of States parties under the Charter of the United Nations, particularly as regards bringing to the attention of the Security Council concerns about compliance with the Treaty.
7. Annexes I and II shall constitute integral parts of the Treaty.
9. For the Annex, substitute the following:
  - Annex I
  1. Within thirty days after entry into force of the Treaty the Depositary shall establish a fact-finding panel. The panel shall undertake to make appropriate findings of fact and provide expert views relevant to any problem referred to it by the Depositary pursuant to article ( ), paragraph ( ), of the Treaty.
  2. The fact-finding panel shall be composed of not more than fifteen members representing States parties.



A. Ten members shall be appointed by the Depositary, after consultation with States parties. In selecting these members due regard shall be given to ensuring an appropriate geographic balance. Members shall be named for a two-year period, with five members being replaced each year.

B. In addition, those permanent members of the Security Council who are parties to the Treaty shall also be represented on the fact-finding panel.

3. Each member may be assisted at meetings by one or more advisers.

4. The Depositary or his representative shall serve as chairman of the panel, unless the panel decides otherwise under the procedures established in paragraph 5.

5. The work of the fact-finding panel shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this Annex. At the first meeting of the panel, to be held not later than sixty days after entry into force of the Treaty, the Depositary shall submit recommendations, based on consultations with States parties and signatories, as to the organization of the work of the panel, including any necessary resources. The panel shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.

6. Each member shall have the right, through the chairman, to request from States and from international organizations such information and assistance as the member considers desirable for the accomplishment of the work of the panel.

#### Annex II

1. The consultative meeting of parties, convened pursuant to article ( ) of the Treaty, shall undertake to solve any problem which may be raised by the States parties requesting the meeting. For this purpose, the assembled parties shall be entitled to request and receive any information which a State party is in a position to communicate.

2. The work of the consultative meeting shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this Annex. The assembled parties shall decide procedural questions relative to the organization of their work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.

3. Any State party may participate in the meeting. The meeting shall be chaired by the Depositary or his representative.
4. Each State party shall have the right, through the chairman, to request from States and from international organizations such information and assistance as the Party considers desirable for the accomplishment of the work of the meeting.
5. A summary of the meeting, incorporating all views and information presented during the meeting, shall be prepared. The Depositary shall distribute the summary to all States parties.

## WORKING PAPER: UNITED KINGDOM

The Prohibition of Attacks on Nuclear Facilities

1. This working paper considers some of the conceptual approaches which have been suggested as a basis for the discussion of a possible extension of prohibition of attacks on nuclear facilities.
2. One approach has been to describe an attack on a nuclear facility as equivalent to the use of a radiological weapon. This causes some difficulty since the mental picture most of us might have of a weapon probably corresponds to one dictionary definition of a weapon as "material designed for use, or usable as, an instrument for inflicting bodily harm e.g. gun, rifle, sword, etc.". But a weapon can also be defined as "a means used to get the better in a conflict" or as "an instrument of any kind used in warfare or combat to attack and overcome an enemy". Using these wider definitions we can perhaps embrace the idea of an attack on a nuclear facility being a weapon or equivalent to the use of a weapon. But to conclude from this that the use of a radiological weapon (as conceived in the "traditional" draft treaty) and an attack on a nuclear facility can be treated in the same instrument simply because both are in the broadest sense weapons, leads us down an unhelpful path. As has been explained in CD/RW/WP41 there are real differences between the use of some form of munition loaded with radioactive material and an attack on a nuclear facility which, in the view of the United Kingdom delegation, make it necessary to adopt different approaches to deal with the two situations.
3. It has also been suggested that we should base ourselves on the criterion of "mass destruction". Our use of the term weapon of mass destruction derives from a resolution adopted by the Commission for Conventional Armaments on 12 August 1948 which stated, inter alia, that "weapons of mass destruction should be defined to include atomic explosive weapons, radioactive material weapons, lethal chemical and biological weapons and any weapons developed in the future which have characteristics comparable in destructive effects to those of the atomic bomb or other weapons mentioned above". The effects and modes of action of these different types of weapons is not of course identical and the Commission, while stating that it intended to apply the term weapons of mass destruction to certain categories of weapon, did not attempt a precise description of the characteristics which make these weapons ones of mass destruction. The idea of radiological weapons as weapons of mass destruction would seem however to depend on the assumption that large numbers of

indiscriminate casualties would be caused by the use of such weapons. But while even a single nuclear weapon would be highly destructive it is possible that in the future a radiological munition could be developed which would only have a very local effect. According to the 1948 Commission's definition a single weapon of this type would still be classified as a "weapon of mass destruction" even though its individual effect would be small and not, in a literal sense, very destructive. Thus we have a conflict between the terminology applied to a particular class of weapon and the common sense meaning of the words used in that terminology.

4. Another approach might be to argue that even if the effects produced by a single chemical munition would be small, we do not propose that single weapons should be exempt from a chemical weapons treaty. Nor do we argue that the use of a single radiological weapon should be permitted under a radiological weapons treaty. By analogy therefore, it should follow an attack on a nuclear facility, however small, which produced an effect on a scale comparable to that produced by a single existing chemical or theoretical radiological weapon, should also not be exempted from a ban. But this conclusion depends on an acceptance by all delegations that the analogy can justifiably be drawn, which is not the case. Further, a wide extension in the range of facilities to be protected which such a ban would entail would lead to a prohibition that was so wide in scope that it would be impossible to put it into practice because of the difficulties involved in identifying sites and verifying the type of activity which was being carried out at them.

5. From these considerations, the United Kingdom delegation concludes that arguments based on concepts of what constitutes a "weapon" or a "weapon of mass destruction" leads us down certain logical paths which are based on doubtful premises and which lead to impractical and unworkable conclusions. An alternative would be to set these rather theoretical approaches to one side and to try to ascertain what it is we wish to prevent and what are the practical means by which this might be achieved.

6. What is it we wish to prevent? The original proposal was prompted by a perceived need to prevent the dissemination in wartime of radioactive material in such quantity as would cause indiscriminate and lasting damage to man and to the environment. In accordance with this, one delegation has suggested that the principal dangers are likely to arise from attacks on nuclear electrical generating plants, reprocessing plants and from waste storage facilities because the main dangers arise from fission products rather than from unirradiated materials (which can of course also be radioactive). Of these facilities, nuclear electrical generating plants are the most important in numerical terms. If these are the

types of facility which we are concerned to protect, then an approach which identified identified protected facilities with those under IAEA safeguards, as has been suggested by some delegations, offers the merit of great simplicity. However it leaves out those nuclear facilities which are not under IAEA safeguards and this has made it unacceptable to some delegations. Clearly, if the primary purpose of the ban is to prevent the release of radioactive materials it can be argued that all facilities of a similar type should be treated equally whatever their status with the IAEA. But there would be a problem in identifying facilities not under full scope safeguards and a problem equally in being certain that such facilities were genuinely peaceful.

7. If IAEA safeguards are adopted as the criterion for giving protection from attack, and even if such safeguards were implemented in all civil nuclear facilities, there would still remain the problem of military facilities. The current definition of what constitutes a possible target is set out in the Additional Protocols to the Geneva Conventions. The Protocols provide (Article 56) that a nuclear electrical generating station may be attacked "if it provides electric power, in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support". However this is essentially a differentiation between the various uses of civil nuclear facilities and is concerned with the utilization of their product, electrical power, rather than their basically peaceful nature and purpose.

8. The main purpose of a military nuclear facility is the production or refinement of nuclear material for use in weapons systems. Any electrical power generated is a by-product, and whether it is used for civil or military purposes is largely incidental. As many delegations have pointed out it would be absurd to offer protection to specifically military targets simply because they contained nuclear materials. However apart from such targets it may be difficult to define precisely what constitutes a facility being used for military purposes. A considerable amount of work needs to be done, using as a starting point the current definitions set out in the Additional Protocols to the Geneva Conventions, aimed at reaching a set of criteria for prohibiting attacks on peaceful facilities which would be acceptable to all delegations, and which could form the basis of a treaty.

9. If the primary purpose of prohibiting attacks on radiological facilities is the prevention of the spread of radioactive material, then the prohibition cannot logically cover attacks on nuclear facilities which contain no radioactive material. But some delegations have suggested that just such a prohibition should be considered. Other delegations have suggested that we should consider the

"safe development of nuclear energy". This, however, would lead us away from the idea of prevention of "mass destruction" to a field which is the responsibility of the International Atomic Energy Agency and which it would be inappropriate for the Committee on Disarmament to enter.

Conclusions

10. The United Kingdom delegation suggests that further debate based on approaches which rely on the concept of an attack on a nuclear facility being equivalent to the use of a weapon or on concepts of "mass destruction" is unlikely to be fruitful.

A more practical approach would be preferable which would:

(a) try to establish what delegations consider is the primary purpose of any further ban on attacks on nuclear facilities

(b) determine practical limits to the scope of any new ban

(c) from these considerations determine how far the existing instruments are already adequate in this respect.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

WORKING PAPER: GROUP OF 21

Proposal for an Article on "Peaceful Uses"

1. Nothing in this Treaty shall be interpreted as to limit, restrict, or affect in any way the full exercise of the inalienable rights of all States Parties to apply and develop their programmes for the peaceful uses of all radioactive materials and sources of radiation and of their programmes in the field of nuclear energy including the right to have access to and be free to acquire technology, equipment, materials, scientific and technological information for this purpose.
2. Each State Party to this Treaty undertakes to contribute fully to the strengthening of international cooperation for the promotion of the transfer and utilization of nuclear technology, radioactive materials and sources of radiation for peaceful uses including exchange of equipment, material, scientific and technological information and know-how, taking into account the particular needs of developing countries for their economic and social development.
3. Each State Party to the Treaty undertakes to promote international cooperation and assistance to ensure the development of adequate measures of protection of all States, especially the developing countries against harmful effects of radiation.

Working Paper: JAPAN

PROPOSAL FOR ARTICLE I ("DEFINITION"), ARTICLE II  
("SCOPE OF PROHIBITION") AND THE RELATED ARTICLE

1. Article I (Definition)

For the purpose of this Treaty the term "radiological weapons" means devices ..... (to be elaborated) .....

2. Article II (Scope of prohibition)

1. Each State Party to this Treaty undertakes never under any circumstances to develop, produce, stockpile, otherwise acquire, possess, use or to transfer to any recipient whatsoever directly or indirectly radiological weapons.

2. Each State Party to this Treaty undertakes never under any circumstances to employ (or use) radioactive material as a means of hostilities.<sup>\*/</sup>

3. Each State Party to this Treaty undertakes not in any way to assist, encourage or induce any person, State, group of States, or international organization to engage in any of the activities which the Parties to this Treaty have undertaken not to engage in under the provisions of paragraphs 1 and 2 of this Article.

3. Article III (Domestic measures)

Each State Party to this Treaty undertakes in accordance with its constitutional procedures and with other international agreements to which it is a Party, to take any measures which it deems necessary to prevent loss of radioactive material and to prohibit and prevent any activities contrary to the provisions of Article II within its territory or at any place under its jurisdiction or under its control.

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<sup>\*/</sup> This paragraph may be further elaborated so as to include the specific undertaking of a State Party not to adapt radioactive material for a purpose of weaponry use only.



COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

A compilation of types or categories of nuclear  
facilities to be considered

(Prepared by the Secretariat on the basis of suggestions  
and proposals made by delegations)

1. During the course of deliberations in Group B regarding the scope of prohibition of attacks against nuclear facilities, different views were expressed. Some delegations insisted that the scope should be limited to only civilian nuclear facilities, but others held that it should cover all nuclear facilities. However, it has been generally understood that naval vessels, submarines, space vehicles or any other devices equipped with nuclear reactors and designed as weapon systems for warfare purposes would not be considered within the context of "nuclear facilities" as referred to under the subject of prohibition of attacks against nuclear facilities.

2. Regarding the specific nuclear facilities to be considered, various proposals have been submitted by delegations to the Ad Hoc Working Group on Radiological Weapons on the basis of different criteria, inter alia:

- All nuclear facilities;
- Nuclear facilities above a specified power threshold;
- Civil nuclear facilities only;
- All nuclear facilities subject to IAEA safeguards system;
- All nuclear facilities in non-nuclear-weapon developing States;
- Generic danger;
- Effects of mass destruction.

Accordingly, the following list of categories of nuclear facilities is compiled for consideration:

- Nuclear power-generating plants;
- Nuclear research reactors;
- Intermediate spent fuel storages;
- Nuclear reprocessing and enrichment facilities;
- Plants for producing mixed oxide fuel elements;
- Nuclear waste storage facilities;
- Fissionable materials storage facilities;

- Nuclear fuel fabrication facilities;
- Nuclear reactors used for propulsion of large vessels;
- Containers or other facilities used for transporting radio-active material or fuel;
- Irradiation facilities using radio-active sources for the purposes of sterilization, such as food products;
- Irradiation facilities using radio-active sources at hospitals or medical research centres;
- Various types of nuclear physics and radio-chemistry laboratories, accelerator laboratories, nuclear medicine laboratories, etc.;
- Uranium mining;
- Uranium and plutonium storage facilities.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

A compilation of alternative mechanisms for the linkage  
between "traditional radiological weapons subject matter"  
and "prohibition of attacks against nuclear facilities"

(Prepared by the secretariat)

1. It is generally recognized that there are two major issues before the Ad Hoc Working Group on Radiological Weapons, namely: (1) "traditional radiological weapons subject matter"; (2) "prohibition of attacks against nuclear facilities".
2. Taking into account various suggestions and proposals made by delegations, the following alternative mechanisms for the linkage between the two issues as referred to in paragraph 1 are compiled for consideration:
  - (1) One single treaty on radiological weapons covering both issues, in light of the fact that attacks against nuclear facilities could be tantamount to the use of radiological weapons;
  - (2) One general treaty on radiological weapons containing two protocols, namely: Protocol I dealing with "traditional radiological weapons subject matter" and Protocol II dealing with "prohibition of attacks against nuclear facilities";
  - (3) One treaty with one protocol, either integral or optional, namely: the treaty itself dealing with "traditional radiological weapons subject matter" and the protocol dealing with "prohibition of attacks against nuclear facilities";
  - (4) Two separate treaties dealing with the two issues with clauses of understanding that the conclusion of one treaty will be pending the conclusion of the other treaty;
  - (5) One treaty dealing with "traditional radiological weapons subject matter, with clauses of understanding that the relevant provisions contained in the existing legal instruments, in particular, the Additional Protocol I of 1977 to the Geneva Conventions of 1949 should be amended in such a manner that the question of "prohibition of attacks against nuclear facilities" be fully covered;
  - (6) Two separate treaties dealing with the two issues independently without any linkage.

1984

# CONFERENCE ON DISARMAMENT

CD/RW/WP.53  
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## Ad Hoc Committee on Radiological Weapons

WORKING PAPER: UNITED KINGDOM

### A definition relevant to the prohibition of attacks on nuclear facilities

1. The report of the Ad Hoc Working Group on Radiological Weapons for 1983 (Annex II, paragraphs 6 - 9) shows much divergence of view between delegations as to the nature of the facilities which might be included in negotiations on a prohibition of attacks on nuclear facilities. At one extreme some delegations have proposed that "all nuclear facilities" should be covered (without defining further the precise nature of those facilities). Another delegation has proposed that only specific types of nuclear facility above a specified power threshold or level of radioactive content should be considered. This latter approach has been proposed again this year in a working paper submitted by the delegation of Sweden (CD/RW/WP.52).
2. The delegation of the United Kingdom in working paper CD/RW/WP/47 considered the conceptual basis for a possible prohibition and suggested that it would be preferable to adopt a practical approach which would in the first stage try to establish what delegations considered as the primary purpose of any further ban of attacks on nuclear facilities and secondly would try to determine the practical limits to the scope of any new ban. In determining such practical limits a key role would be played by the definition given to nuclear facility or installation. In this working paper the United Kingdom delegation wishes to draw attention to the definition of "nuclear installations" which already exists in one international instrument to which the United Kingdom and a large number of other European States are signatories. The Protocol to amend the Convention on Third Party Liability in the Field of Nuclear Energy of 29 July 1960 as amended by the Additional Protocol of 28 January 1964, in paragraph a(ii) of Article 1, defines "nuclear installations" as follows:-  
" 'Nuclear installation' means reactors other than those comprised in any means of transport; factories for the manufacture or processing of nuclear substances; factories for the separation of isotopes of nuclear fuel; factories for the reprocessing of irradiated nuclear fuel; facilities for the storage of nuclear substances other than storage incidental to the carriage of such substances; and such other installations in which there are nuclear fuel or radioactive products or waste as the Steering Committee for Nuclear Energy of the Organisation (hereinafter referred to as the 'Steering Committee') shall from

time to time determine; any Contracting Party may determine that two or more nuclear installations of one operator which are located on the same site shall, together with any other premises on that site where radioactive material is held, be treated as a single nuclear installation".

3. It is not the intention of the United Kingdom delegation to suggest that the definition given above should be adopted as it stands for any new instrument prohibiting attacks on nuclear facilities. Some sections (e.g. the reference to the Steering Committee) are clearly inappropriate. It is our intention merely to suggest that it might be considered as a model on which a definition might be based. It has the merit of describing in plain language the types of facility which many delegations would consider are those which, if attacked, might give rise to a release of substantial quantities of radioactivity. The categories of facilities included coincide to a considerable extent with those suggested in the working paper by the delegation of Sweden. The United Kingdom suggests that this text should be taken into consideration in any further work on this subject.

4. The United Kingdom delegation makes this suggestion without prejudice to the views they have already expressed on the question of a linkage between the banning of radiological weapons and the prohibition of attacks on nuclear facilities. The delegation continues to retain an open mind whether, if existing differences can be resolved, and there can be some agreement on the principles on which a treaty can be based upon, negotiations should be completed within the Conference on Disarmament or in some other body (CD/374; CD/RW/WP/31).

SWEDEN

Notes from the intervention by Ambassador Ekéus on 21 June 1984  
concerning criteria and definitions used in CD/RW/WP.52

1. The overriding criterion used when establishing which nuclear facilities should qualify for protection under the proposed treaty has been their potential to cause mass destruction through the release or dissemination of radioactive material, if attacked. Since radioactive material can occur in very small quantities it has been necessary to make an assumption as to what should be considered as mass destruction in this case.
2. Thus for the purpose of the RW-treaty the amount of radioactive material, uniformly spread out over a specific area and sufficient to cause serious injuries to anyone staying there for more than a short time is assumed to be equivalent to mass destruction. The initial dose rate with this effect is suggested to be one Gray (Gy) per hour, and the size of the area to be one square kilometre.
3. It has been calculated that the amount of radioactive material with an initial disintegration rate in the order of  $10^{18}$  Bq could cause the dose rate mentioned above to unprotected human beings, and that enough radioactive material to cause the same dose rate could over time be produced in a nuclear reactor operating with a thermal effect in the order of 10 Megawatt.

In summary, from the basic assumption that the initial dose rate of one Gray (Gy) per hour over one square kilometre would be equivalent to mass destruction there is a direct link in rough numerical terms to the definitions of the nuclear facilities to be covered by the provisions of the RW-treaty.

Gray (Gy) is the unit of the dose of radiation measured in terms of the energy of the ionizing radiation absorbed in human tissue. (A former unit of dose still used in some publications is the rad, 1 Gy = 100 rad. One Gy also corresponds to the absorption of 1 joule per kilogram of tissue).

Unprotected human beings, exposed to the dose rate of one Gray per hour during four hours, i.e. to a dose of 4 Gray, will be subject to a mortality rate of approximately 50 per cent. At 10 Gray the mortality rate would be close to 100 per cent.

Becquerel (Bq) is the unit for the disintegration rate of atomic-nuclides in which process radiation is produced. One Bq signifies the disintegration of one nuclide per second. (Bq is a relatively new term replacing the formerly used curie (Ci) which is the measure of the disintegration rate of one gramme radium.  $1 \text{ Ci} = 3.7 \times 10^{10}$  disintegrations/second.  $10^{18}$  Bq is approximately equivalent to 25 megacurie.)



## SWEDEN

Answers to questions raised by the Federal Republic of Germany  
concerning the Swedish proposal for draft provisions prohibiting  
attacks on nuclear facilities contained in CD/RW/WP.52

In document CD/RW/CRP.26 the Delegation of the Federal Republic of Germany has posed some questions pertaining to the Swedish proposal for draft provisions prohibiting attacks on nuclear facilities as presented in document CD/RW/WP.52. The following is an attempt to answer those questions. The numbers below correspond to those of the questions raised in CD/RW/CRP.26.

1. In past deliberations in the Committee on Radiological Weapons on the possibility of prohibiting attacks on nuclear facilities various criteria have been suggested concerning which types of facilities should be covered by such a prohibition. One such criterion has been the distinction between military and non-military facilities. However, discussions in the Committee has shown that such a distinction would be difficult to uphold and furthermore not very useful. Instead Sweden has chosen as the main criterion the facilities' potential to cause mass destruction to man if attacked in such a way that release or dissemination of radioactive material could occur. This has been the guiding principle when formulating Article II:b in the Swedish proposal. (More detailed explanations on how the calculations in this respect have been made is given in document CD/RW/CRP.27).
2. In order for the facilities (as specified in Article II:b) not to be attacked in accordance with the proposed provisions, however, some further and more detailed requirements have been deemed necessary. Thus, in Article III and in Annex III provisions are made for States Parties to provide detailed information on the facilities in question as well as for international on-site inspection. With these provisions an attempt has been made to meet the need for information and international control while at the same time facilitating the procedures by keeping them as simple as possible. Sweden is of the opinion that if a State Party is prepared to comply with these regulations the possible military or non-military nature of a nuclear reactor, spent fuel storage, reprocessing plant or waste deposit is not a question of major concern.

3. By the term attack Sweden understands all attacks on the facilities in question which cause release or dissemination of radioactive material. The question if the facility itself has been the intended target or if the damage is incidental is, in the Swedish opinion, of less significance since the necessity to prevent mass destruction should at any given time have priority over other military interests.
4. Concerning the question of establishing particular safety zones around the facilities, Sweden has, from the past deliberations in the Committee, come to the conclusion that the problems they give rise to outweigh their possible advantages. From what has been stated above, under point 3, it follows that any attack on military targets in the vicinity of nuclear facilities must be planned and performed so as to exclude any possibility of radioactive material being released. Given the high precision in today's weapons this is no overwhelming task. Furthermore, the existence of protective zones might give rise to the temptation to use them as military sanctuaries thereby enhancing the risk of military targets being placed close to nuclear facilities and consequently also the risk of accidental damage being caused to the facilities. Actually, the protective zones could in some instances diminish the very safety it was intended to enhance.
5. Military activities which cause release or dissemination of radioactive material are covered by the Swedish draft provisions. Other military activities are not addressed.
6. The possible release of radioactive material from civilian vessels would most probably take place into the sea even if they are docked in ports. Thus, only under very exceptional circumstances would an attack on vessels be likely to cause mass destruction. As very few civilian vessels propelled by reactors actually exist or are planned, Sweden has not considered it necessary to propose any special provisions for this, in our opinion, highly marginal case. Furthermore, in last year's report of Group B of the Ad Hoc Working Group on Radiological Weapons (CD/421) a general understanding was expressed that such vessels would not be considered within the context of nuclear facilities.
7. Transports of irradiated material e.g. from a reactor to reprocessing plant or a waste deposit which in each passage significantly exceeds  $10^{18}$  Bq would be rare. Sweden has therefore concluded that introducing special provisions for such cases could add little more than rather unnecessary complications to the general prohibition.
8. Physical identification (marking) of nuclear facilities poses great problems for some governments fearing that such markings could cause worry to the population to such an extent that the development of nuclear energy for peaceful purposes could be made difficult. However, Sweden has no objection to such markings, should States Parties wish to make them. However, we consider that such identification should be voluntary, and that

absence of such markings in no way should relieve any Party of its obligations according to other provisions of the treaty. A norm for physical identification is provided in the 1977 Additional Protocol I to the Geneva Conventions of 1949, Annex I, Article 16.

9. As has been pointed out during the discussions in the Committee as well as in CD/RW/WP.52, Sweden has only endeavoured to elaborate new text proposals concerning some of the major still outstanding problems. Verifying post factum an attack on a nuclear facility was not thought to be such a major problem, neither was possible alterations in the verification procedures pertaining to radiological weapons in the traditional sense as proposed by the Co-ordinator of Group A in CD/421. Sweden would be open to various proposals in these respects.

## SWEDEN

Notes from the intervention by the Swedish delegation on 1 August  
in the Ad Hoc Committee on Radiological Weapons concerning some  
definitions of nuclear facilities in document CD/530, CD/RW/WP.52

Some questions have been addressed to the Swedish delegation concerning definitions of nuclear facilities covered by the provisions proposed in document CD/530, CD/RW/WP.52.

1. One question is why enrichment plants and various kinds of fuel fabrication plants have not been included among the categories of nuclear facilities in Article II:b of the above-mentioned document.

Sweden has endeavoured to prohibit radiologically caused mass destruction. Consequently, in Article II:b only facilities with such a potential have been included. An attack on enrichment or fuel fabrication facilities would cause damage and give rise to a number of problems. Nevertheless, Sweden cannot seriously demonstrate that such a damage would be radiologically caused mass destruction.

The radioactivity produced in enrichment facilities and fuel fabrication plant is of a virtually different character than that in a nuclear reactor where radioactive substances are produced by means of fission.

The relevant isotopes of uranium and plutonium have a very slow disintegration rate and thus much longer half-life and much less activity per unit weight than is the case with almost all fission products. Consequently much less radiation is produced. (The half-life is the time in which half the number of nuclides disintegrate, in which process radiation is produced.) Take uranium for example. Among the two uranium isotopes relevant to the nuclear industry are Uranium 235 which has a half-life of 700 (710) million years and Uranium 238 with a half-life of 4,5 (4,51) billion years. The two main plutonium isotopes relevant to fuel fabrication are Plutonium 239 and Plutonium 240 and they have half-lives of more than 24,000 (24,400) and 6,000 (6,580) years respectively. With such low levels of activity it would take enormous quantities of material to reach a radioactivity in the order of  $10^{19}$  Bq. If using plutonium something like 30-50 tons would be needed. A uranium enrichment facility would have to contain hundreds of thousands of tons of uranium. Obviously this would

imply truly gigantic plants and the Swedish delegation is not aware of such plants actually existing or being planned. Furthermore, even if such plants actually would exist, and even if they would be opened up in an attack the uranium would not, as would fission products, be disseminated over any significant area, but would most likely keep lying on the ground and would from a radiological point of view pose a danger similar in kind to that in uranium mining.

It is against this background that the Swedish delegation for its part has not found it possible to seriously argue that it would be consistent with the purpose of the proposed provisions to include enrichment and fuel fabrication plants in the scope of the prohibition.

2. Another question raised is why, in Article II:b, no quantitative limits have been set as regards the reprocessing plants.

There are mainly two reasons. Firstly, from the very nature of a reprocessing plant follows, that the amount of radioactive material it contains varies continuously, and its radioactivity can be anything from zero to well above  $10^{18}$  Bq. A potential attacker cannot possibly know how much radioactive material a reprocessing plant contains at any given moment, and must therefore always assume that the radioactivity could be more than  $10^{18}$  Bq. Secondly, as far as the Swedish delegation is informed reprocessing on an industrial scale takes place in facilities capable of containing material with a radioactivity of more than  $10^{18}$  Bq. It would, in the Swedish opinion therefore serve no purpose to try to elaborate any particular quantitative limits in the case of reprocessing plants. Nevertheless, should other delegations feel that such a limit would be necessary from a substantial point of view, the Swedish delegation would study any proposal to this effect in a positive spirit.

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CHAIRMAN'S WORKING PAPER

Criteria and categories of nuclear facilities regarding the scope  
of prohibition of attacks against nuclear facilities

A. Criteria

I. Universality - no distinction amongst nuclear facilities as to type, size or other factor

II. Selectivity - selection according to one or more of the following criteria:

1. Effect criteria

Depending on the degree and nature of effect on man and environment through the release and dissemination of radioactive material caused by an attack on a nuclear facility

- (a) mass destruction such as mass early fatalities and mass delayed effects
- (b) environmental contamination without early fatalities.

2. Other criteria

- (a) non-nuclear-weapon status of a State
- (b) IAEA safeguards
- (c) purpose
- (d) ensuring safe development of nuclear energy.

B. Categories

(according to above-mentioned criteria)

I. All nuclear facilities regardless of type, character, designation, purpose, size and thus regardless of degree and extent of effects on population through release and dissemination of radioactive material caused by an attack.

- II. 1. (a) - nuclear reactors above a defined threshold of thermal output  
- other nuclear installations above a defined level of radioactive content to cause mass destruction
- (b) - nuclear installations not included in 1 (a) above a certain level of radioactive content to cause environmental contamination without early fatalities.
2. (a) - nuclear facilities in non-nuclear-weapon States  
(b) - nuclear facilities subject to IAEA safeguard system  
(c) - civilian nuclear facilities only  
- civilian and military facilities.

## FEDERAL REPUBLIC OF GERMANY

Questions addressed to the Swedish Delegation with  
respect to the draft provisions regulating the  
prohibition of attacks in Document CD/RW/WP.52

In the view of the delegation of the Federal Republic of Germany the successful conclusion of the negotiations on a Treaty prohibiting Radiological Weapons remains an urgent and important task on the agenda of the Conference on Disarmament. The delegation shares the position that both a ban on radiological weapons proper, and the question of prohibition of attacks on civilian nuclear facilities are in need of an adequate solution within the framework of the Committee's work.

While the technical and legal problems involved in working out a treaty text on the prohibition of "traditional" radiological weapons have been largely solved, a number of intricate problems remain open with respect to the protection of nuclear facilities. Their clarification may require considerable additional negotiating time. The existing differences in the degree of progress, and in the degree of complexity of the two related subject matters - more than any other consideration - give rise to a number of procedural queries. It should be decided whether the legal format to be chosen should consist of one or several legal instruments and how, in the latter eventuality, these might be linked. Practical considerations may argue for a "separation plus linkage" solution, and the delegation of the Federal Republic of Germany has made several proposals as to the form such solution might take. The delegation remains, however, open to any of the other suggested options.

Desirous to advance substantive work on both major issues, the delegation of the Federal Republic of Germany welcomes the draft amendments to the Chairman's Draft of the 1983 session as submitted by the delegation of Sweden in Working Paper CD/RW/WP.52 which attempts to formulate compromise solutions on a number of outstanding issues. Working Paper 52 indeed presents several promising new approaches. In particular, the Federal Republic of Germany endorses the criterion of mass destruction which is proposed by the delegation of Sweden as a principal criterion for the selection of the civilian nuclear facilities to be protected.

The delegation of the Federal Republic of Germany had strongly supported this basic approach in a number of earlier contributions to the work of the Committee. In this connection, reference is made to document CD/RW/WP/53.

Yet, the draft formulations suggested in article 2 of the Swedish proposal do not appear to do justice in all respects to the complexity of the issues involved. In this respect, the delegation of the Federal Republic of Germany recalls the consideration of these complex issues contained in Working Paper CD/RW/WP.40 of 13 September 1982. It is with the intention of further clarifying these difficulties and of increasing the conceptual clarity of the approach which should govern a more advanced drafting process relating to a regulation of the protection of civilian nuclear facilities that the Federal Republic of Germany addresses the following questions to the delegation of Sweden:

1. Are all nuclear facilities which fulfil the criteria spelled out in draft article II, b to be protected, irrespective of their military or non-military nature?
2. Is it true that the draft text would enable States to protect their military nuclear facilities from attack merely by requesting inclusion in the register under draft article III?
3. How is the term "attack" defined? Does "attack" refer exclusively to military actions that are directly and expressly targeted against a nuclear facility, or does it also embrace attacks on nearby (military) targets, that cause relevant incidental damage to the nuclear facility?
4. Why has the notion of perimeters of protection been dropped? Would an adequate protection of nuclear facilities not require the establishment of designated zones around a nuclear facility in accordance with national safety regulations, stipulating safe distances between potential military targets and nuclear facilities, in order to avoid accidental strikes and collateral damage? How can differences in plant layout and plant safety be accommodated in the establishment of such zones?
5. How can the draft provisions prevent that military activities be carried out within, or in the vicinity of protected nuclear facilities, so as to exempt these activities from enemy impact?
6. Why are there no provisions for the protection of civilian reactor propelled vessels as long as they are docked in ports, or otherwise close to populated areas or in territorial waters?



7. Should transports of irradiated material, e.g. from a power plant to a waste deposit or to an intermediary storage place, not be included in a listing of objects to be protected?
8. Why do the draft provisions not provide for physical identification (Marking) of the protected facilities, as called for in Working Paper CD/RW/WP.34 submitted by the Swedish Delegation?
9. How can it be maintained that verification for track A and B is the same when the attack on a nuclear facility can only be verified post factum (since targeting is not verifiable) whereas the existence or non-existence of radiological weapons can be verified ex ante (production, storage, transfer)?

**AD HOC WORKING GROUP ON  
RADIOLOGICAL WEAPONS**

**CONFERENCE ROOM PAPERS 1980-1984**

**1980**

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DEFINITION

CD/31-CD/32

USSR-USA

For the purpose of the Treaty, the term "radiological weapon" means:

1. Any device, including any weapon or equipment, other than a nuclear explosive device, specifically designed to employ radioactive material by disseminating it to cause destruction, damage or injury by means of the radiation produced by the decay of such material.
2. Any radioactive material, other than that produced, by a nuclear explosive device, specifically designed for employment, by its dissemination, to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

NETHERLANDS

CD/PV.76

New subparagraph 2 of paragraph II of the joint USSR-USA proposal:

2. "Any radioactive material specifically designed for employment, by its dissemination independently of nuclear explosions, to cause destruction, damage or injury by means of the radiation produced by the decay of such material";

FRANCE

4th MEETING OF WG

Amendment of paragraph II of the joint USSR-USA proposal:

For the purpose of the Treaty, the term "radiological weapon" means:

1. Any device including any weapon or equipment other than a nuclear explosive device, specifically designed to disseminate radioactive material to cause damage or injury by means of the radiation produced by the decay of such material.
2. Any radioactive material, other than that produced, by a nuclear explosive device, specifically designed for dissemination to cause damage or injury by means of the radiation produced by the decay of such material.

SWEDEN

CD/EW/WP.6

New paragraph II:

"For the purpose of this Treaty,

1. the term radiological warfare means dissemination of radioactive material, other than through the explosion of a nuclear explosive device, in order to cause destruction, damage or injury by means of the radiation produced by the decay of such material,

2. the term radiological weapon means any device including any weapon or equipment other than a nuclear explosive device, specifically designed to employ radioactive material by disseminating it to cause destruction, damage or injury by means of the radiation produced by the decay of such material".

EGYPT - CD/PV.77

MEXICO - CD/PV.74

PAKISTAN - CD/PV.77

SWEDEN - CD/PV.63

"To include weapons using radioactive particle-beams among the prohibited radiological weapons", or "to explore if they should be outlawed in another context".

CANADA

CD/EW/WP.3

"Criteria regarding the level or quantity of radioactivity considered to be permissible or prohibited".

ITALY

4th MEETING OF WG

"Clearer delimitation should be given for the categories of radioactive material".

PAKISTAN

CD/PV.77

"Whether the prohibition should be limited only to radiation effects produced by non-explosive means".

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DEFINITION

FRANCE

4th MEETING OF WG

Amendment of paragraph II of the joint USSR-USA proposal:

For the purpose of the Treaty, the term "radiological weapon" means:

1. Any device, including any weapon or equipment other than a nuclear explosive device, specifically designed to disseminate radioactive material to cause damage or injury to persons or goods by means of the radiation produced by the decay of such material.
2. Any radioactive material, other than that produced by a nuclear explosive device, specifically designed for dissemination to cause damage or injury to persons or goods by means of the radiation produced by the decay of such material.

DEFINITION

EGYPT

6th MEETING OF WG

New subparagraph 1 of paragraph II of the joint proposal:

"For the purpose of the treaty, the term "Radiological Weapon" means:

Any device, including any weapon or equipment specifically designed to cause damage, injury or contamination by means of radiation produced by any method other than explosive nuclear fission or fusion".

PAKISTAN

6th MEETING OF WG

Add a new subparagraph under draft Article II:

"3. The definition of radiological (weapons)(warfare) contained in paragraphs 1 and 2 of this Article does not imply any legitimacy to the use of nuclear explosive devices, including their radiation effects for the purpose of causing destruction, damage or injury".

ITALY

CD/EW/WP.7

Suggested the deletion of paragraph 2 of Article II of the joint USSR-USA proposal.

AUSTRALIA

Article II

1. Any device, including any weapon or equipment, other than a nuclear explosive device, specifically designed or manufactured to employ for military or other hostile purposes radioactive material by dissemination to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

2. Any radioactive material except when the material is produced by a nuclear explosive device, specifically designed or manufactured for employment for military or other hostile purposes, by its dissemination, to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

CD/RW/CRP.1/Add.1/Corr.1  
7 July 1980

FRENCH ONLY

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DEFINITION

Australia

In Paragraph II, Sub-paragraph 2, Line 4, to  
replace the word "utiles" with "hostiles".



DEFINITION

INDIA  
6th MEETING OF WG

Recommended that the co-sponsors of the draft clarify the practical possibilities of using radiation produced by decay of radioactive substances as weapons. The definition and scope of radiological weapons should be in terms of these possibilities and the nature of the potential weapons rather than by excluding radiation produced by nuclear explosive devices.

It was recommended that the language used in the treaty should not be one to give rise to the impression that the use of nuclear weapons is considered legal or legitimate.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

CD/RW/CRP.1/Add.3  
7 July 1950

Original: ENGLISH

DEFINITION

Yugoslavia

New Article:

"For the purposes of this Treaty, the term  
'radiological weapon' includes:

1. Any material which is by its nature radioactive, or in the process of treatment before used as a weapon artificially made radioactive, and specifically designed for employment to cause destruction, damage or injury by its dissemination and by means of ionizing radiation in the process of natural decay of such material.

2. Any device, weapon or equipment specifically designed to employ radioactive material by its dissemination to cause destruction, damage or injury by means of ionizing radiation in the process of the natural decay of such material."

DEFINITION

Venezuela  
CD/RW/WP.12

1. Proposed new title of the treaty: "Treaty (or Convention) on the prohibition of the use of radioactive materials for hostile purposes".

2. To replace articles I, II and III of the joint USSR-USA proposal by a new article I:

"Each State Party to this Treaty undertakes not to employ any radioactive material deliberately, by disseminating it, for hostile purposes or during an armed conflict, for the purpose of causing damage or injury to persons or property by means of the radiation produced by the decay of such materials".

The other articles of the joint proposal should be renumbered correspondingly.

Argentina  
CD/RW/WP.11

1. Suggested to maintain a reference to the two aspects mentioned in the definition that of radioactive material and that of the devices capable of being used for its dissemination.

2. Endorsed the use of the notion "dissemination independently of nuclear explosions" as proposed by the Netherlands.

3. Suggested the deletion of the word "specifically" from both parts of the definition.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

CD/RW/CRP.1/Add.5  
15 July 1980

ENGLISH  
Original: FRENCH

DEFINITION

Morocco

New paragraph II

For the purpose of this Treaty, the term "radiological weapon" means:

Any weapon system, including any weapon, munition or equipment, other than a nuclear device, specifically designed to produce or emit radioactive radiations when substances, matters or any other radioactive sources which it contains or with which it is loaded are instantaneously or gradually released by manipulation of the weapon or equipment or by rupture of the munition's container.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on Radiological Weapons

CD/RW/CRP.2

1 July 1980

Original: ENGLISH

SCOPE OF PROHIBITION

I

CD/31-CD/32  
USSR-USA

Each State Party to the Treaty undertakes not to develop, produce, stockpile, otherwise acquire or possess, or use radiological weapons.

III

Each State Party to the Treaty also undertakes not to employ deliberately, by its dissemination, any radioactive material not defined as a radiological weapon in paragraph II, subparagraph 2, and not produced by a nuclear explosive device, to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

BEIGIUM:  
CD/PV.76

Amendment of paragraph I of the joint USSR-USA proposal:

"Each State party to the Treaty undertakes never, under any circumstances, to develop, produce, stockpile, otherwise acquire or possess, or use radiological weapons".

I

SWEDEN  
CD/RW/WP.6

Each State Party to the Treaty undertakes not for any purpose to develop, produce, stockpile, otherwise acquire or possess, or use radiological weapons, or otherwise to engage in radiological warfare.

III

Each State Party to the Treaty undertakes not for any purpose to attack or deliberately damage any nuclear electrical generating station, other nuclear facility or nuclear deposit on the territory of States Parties to the treaty.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

CD/RW/CRP.2/Add.1

7 July 1980

Original: FRANCE

SCOPE OF PROHIBITION

France  
CE/RW/WP.8

New Article III:

"Each State Party to the Treaty undertakes not to employ deliberately, by its dissemination, any radioactive material not defined as a radiological weapon in Paragraph II, Sub-paragraph 2, and not produced by a nuclear explosive, to cause injury or damage to persons or ~~lands~~ by means of the radiation produced by the decay of such material."

NETHERLAND

CD/PV.76

Amendment of Article III of the joint USSR-USA proposal:

"Each State Party to the Treaty also undertakes not to employ deliberately, by its dissemination independently of nuclear explosions, any radioactive material not defined as a radiological weapon in paragraph II, subparagraph 2, to cause destruction, damage or injury by means of the radiation produced by the decay of such material".

Proposed also to include "a clear prohibition of the use of radioactive barriers, even on one's own territory".

SWEDEN

CD/PV.63

"The prohibition of the dissemination of radioactive material in articles II and III also cover actions for defensive purposes".

AUSTRALIA

Article III

Each State Party to the Treaty also undertakes not to employ for military or other hostile purposes, by its dissemination, any radioactive material not defined as a radiological weapon in Paragraph II, sub paragraph 2 (but excluding radioactive material when it is produced by a nuclear explosive device), to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

7 July 1980

Original: ENGLISH

ACTIVITIES AND OBLIGATIONS

CD/31-CD/32

USSR-USA

## IV.

Each State Party to the Treaty undertakes not to assist, encourage, or induce any person, State, group of States or international organization to engage in any of the activities which the Parties to the Treaty have undertaken not to engage in under the provisions of paragraphs I and III.

## VI.

Each State Party to the Treaty undertakes, in accordance with its constitutional procedures, to take any measure which it deems necessary to prevent loss of and to prohibit and prevent diversion of radioactive materials that might be used in radiological weapons and any activities contrary to the provisions of the Treaty in its territory or at any place under its jurisdiction or under its control.

Italy

CD/RW/WP.7

## New Article IV.

"Each State Party to the Treaty undertakes not to take any deliberate action intended to assist, encourage or induce any person, State, group of States or international organization to engage in any of the activities which the Parties to the Treaty have undertaken not to engage in under the provisions of paragraph I and III".

## New Article VI.

"Each State Party to the Treaty undertakes, in accordance with its constitutional procedures, to take effective measures to prevent loss of and to prohibit and prevent diversion of radioactive materials that might be used in radiological weapons and any activities contrary to the provisions of Treaty in its territory or at any place under its jurisdiction or under its control".

Canada

CD/RW/WP.3

The Treaty on radiological weapons should be consistent with the Convention on the Physical Protection of Nuclear Material.



Sweden - CD/PV.63  
Italy - CD/PV.74  
Netherlands - CD/PV.76

A reference to the Convention on the Physical Protection of Radioactive Material should be considered.

Sweden - CD/PV.63

The application of IAEA safeguard could be explored.

Pakistan - CD/PV.77

The Treaty should provide guarantees against the diversion of radioactive material from unsafeguarded facilities in non-nuclear weapon States, as well as in nuclear weapon States.

India  
5th Meeting of WG

The extension of IAEA type safeguards to radioactive waste would be another way of imposing discriminatory unequal obligations on States which have already declined to accept similar obligations under the NPT.

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ACTIVITIES AND OBLIGATIONS

Australia

New Article VI:

Each State Party to the Treaty undertakes, in accordance with its constitutional procedures, to take any measures in its territory at any place under its jurisdiction or under its control which it deems necessary to prevent loss of and to prohibit and prevent diversion to radiological weapons of radioactive materials that might be used for such weapons and any activities contrary to the provisions of the Treaty.

France  
CD/RW/CRP.3

New Article VI:

"Each State Party to the Treaty undertakes, in accordance with its constitutional procedures and the existent international arrangements, to take any measures which it deems necessary to prevent loss of and to prohibit and prevent diversion of radioactive materials that might be used in radiological weapons and any activity contrary to the provisions of the Treaty in its territory or at any place under its jurisdiction or under its control."

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P E A C E F U L   U S E S

V

CD/31-CD/32

USSR-USA

Provisions of the Treaty shall not hinder the use of sources of radiation from radioactive decay for peaceful purposes and shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

FEDERAL REPUBLIC  
OF GERMANY

CD/RW/CRP.4

New Article V:

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes.

2. Provisions of the Treaty shall not hinder the use of sources of radiation from radioactive decay for peaceful purposes and shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

ITALY

CD/RW/CRP.7

To add a new paragraph to the Article V proposed by FRG:

"Nothing in this Treaty shall be interpreted as limiting the right to the international co-operation aimed at the exchange of equipment, materials and scientific and technological information for the peaceful uses of radioactive materials."

PAKISTAN

CD/31.77

The provision should ensure explicitly the development and operation of peaceful nuclear programmes, especially of the developing countries.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on Radiological Weapons

CD/RW/CFP.4/Add.1 \*

7 July 1980

English only

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PEACEFUL USES

France  
CD/RW/CFP.8

New Article V:

"Provisions of the Treaty shall not hinder the use of sources of radiation from radioactive decay for peaceful purposes and shall be without prejudice to any generally recognized principles and applicable rules of international law concerning such use.

In particular, they shall not hinder the use of radioactive materials, by dissemination, with the view to study the materials and the methods of protection against radiation.

PEACEFUL USES

Pakistan  
CD/RW/WP.9

New Article V:

1. Nothing in the present Treaty will be construed in such a way as to limit or restrict in any way the full exercise of the inalienable rights of all States to apply and develop their programmes for the peaceful uses of radioactive materials and of their programmes in the field of nuclear energy including the right to have access to and be free to acquire technology, equipment and materials for this purpose.
2. Each State party to the Treaty undertakes to contribute fully to strengthening international cooperation for the promotion of the transfer and utilization of nuclear technology, including the peaceful uses of radioactive materials, for economic and social development especially in the developing countries.

To add a new article after Article V:

Each State Party to the Treaty undertakes to promote international cooperation and assistance, as appropriate, to ensure the development of adequate measures of protection against radiation by all countries, especially the developing countries.

COMMITTEE ON DISARMAMENT

CD/RW/CRP.4/ADD.3

Ad Hoc Working Group on Radiological Weapons

11 July 1980

Original: English

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PEACEFUL USES

ROMANIA

8th Meeting of  
Working Group

Amendment to paragraph 2, Article V (Pakistan).

In paragraph 2, second line, the words  
".....to strengthening international....." to  
be replaced with ".....alone or together with  
other States or international organizations  
to the strengthening of international....."

7 July 1980

Ad Hoc Working Group on Radiological Weapons

Original: ENGLISH

RELATIONSHIP WITH OTHER DISARMAMENT  
MEASURES AND AGREEMENTS

CD/31-CD/32

VII

USSR-USA

Nothing in the Treaty shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Treaty on the Non-Proliferation of Nuclear Weapons, the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva, on June 17, 1925, or any existing rules of international law governing armed conflict.

PAKISTAN  
CD/PV.77

The mention of the Treaty on Non-Proliferation of Nuclear Weapons would create difficulties for certain delegations.

EGYPT  
3rd MEETING OF WG

For this provision a special formula should be devised.

CANADA, FRANCE  
3rd MEETING OF WG

The usual formula in other treaties could be used.

COMMITTEE ON DISARMAMENT  
Ad Hoc Working Group on  
Radiological Weapons

CD/RW/CRP.5/Add.1  
7 July 1980

Original: ENGLISH

RELATIONSHIP WITH OTHER DISARMAMENT MEASURES  
AND AGREEMENTS

Australia

Proposed deletion of Article VII of the  
joint USSR-USA proposal.

France  
CD/RW/WP.8

New Article VII:

"Nothing in the Treaty shall be interpreted  
as in any way limiting or detracting from the  
obligations assumed by the States signatories  
of the Treaty on the Non-Proliferation of  
Nuclear Weapons, the Protocol for the  
Prohibition of the use in War of Asphyxiating,  
Poisonous or Other Gases, and of Bacteriological  
Methods of Warfare, signed in Geneva on  
June 17, 1925, or any existing rules of  
International Law governing armed conflict."



COMMITTEE ON DISARMAMENT

CD/RW/CRP.5/Add.2

14 July 1980

Ad Hoc Working Group on  
Radiological Weapons

Original: English

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RELATIONSHIP WITH OTHER DISARMAMENT MEASURES  
AND AGREEMENTS

New Article after Article VII

Pakistan

The States Parties to the Treaty solemnly undertake to pursue urgent negotiations to achieve a halt to the qualitative development of nuclear weapons; a cessation of the production of such weapons and to implement a phased programme for their reduction leading to their ultimate elimination, as well as to conclude effective measures to prevent the use or threat of use of nuclear weapons.

COMPLIANCE AND VERIFICATIONCD/31-CD/32  
USSR-USA

1. The States Parties to the Treaty undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of or in the application of the provisions of the Treaty. Consultation and co-operation pursuant to this Paragraph may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a Consultative Committee of Experts as provided for in Subparagraph 2 of this Paragraph.
2. For the purposes set forth in Subparagraph 1 of this Paragraph, the Depositary shall, within one month of the receipt of a request from any State Party, convene a Consultative Committee of Experts. Any State Party may appoint an expert to this Committee, whose functions and rules of procedure are set out in the Annex, which constitutes an integral part of the Treaty. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.
3. Any State Party to the Treaty which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.
4. Each State Party to the Treaty undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Treaty of the results of the investigation.
5. Each State Party to the Treaty undertakes to provide or support assistance, in accordance with the provisions of the Charter of the United Nations, to any Party to the Treaty which so requests, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of violation of the Treaty.

BELGIUM  
CD/PV.76

To amend the first sentence of Subparagraph 2, Paragraph VIII, as follows:

"For the purposes set forth in Subparagraph 1 of this Paragraph, the Depositary shall, if possible immediately and in any case within one month of the receipt of a request...".

FRANCE  
CD/RW/WP. 8

Subparagraph 3 of Paragraph VIII, as amended:

3. Any State Party to the Treaty which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may lodge a complaint with the Security Council of the United Nations in accordance with the provisions of the Charter. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.

SWEDEN  
5th MEETING OF WG

Suggested that IAEA could be requested to prepare a study on possibilities to apply IAEA safeguards under the provisions of articles VI and VIII.

Ad Hoc Working Group on  
Radiological Weapons

Original: ENGLISH

COMPLIANCE AND VERIFICATIONNew Article VIIIPakistan

1. The States Parties to the Treaty undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of or in the application of the provisions of the Treaty. Consultation and co-operation pursuant to this Paragraph shall be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter including the services of appropriate international organizations, as well as of a Consultative Committee of Experts as provided for in Subparagraphs 2 and 4 of this Paragraph.
2. Any state party may appoint an expert on the Consultative Committee, whose functions and rules of procedure are set out in the annex which constitutes an integral part of the Treaty. The Consultative Committee will meet periodically to exchange information pertaining to compliance by States Parties with their obligations under the Treaty and technological and other developments relating to the implementation of the Treaty.
3. Any State Party to the Treaty which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty may lodge a complaint with the General Assembly of the United Nations (a Governing Board consisting all the States Parties to the Treaty). Such a complaint should include all relevant information as well as all possible evidence supporting its validity.
4. Upon the receipt of such a complaint by the General Assembly (Governing Board) the Depository shall immediately inform all States Parties and urgently convene the Consultative Committee of Experts. The Committee shall, on the basis of the information provided to it, make a preliminary determination on the complaint, or request further information from the parties concerned. The Consultative Committee shall transmit to the General Assembly (Governing Board) a summary of its findings, incorporating all views and information presented to the Committee during its proceedings. The Depository shall distribute this Summary to all States Parties.

5. Each State Party to the Treaty undertakes to co-operate in carrying out any investigation which the General Assembly (Governing Board) may initiate, in accordance with the provisions of the Charter of the United Nations on the basis of the complaint received by the Assembly (Board). The General Assembly (Governing Board) shall inform the States Parties to the Treaty of the results of the investigation.

6. Each State Party to the Treaty undertakes to provide or support assistance, in accordance with the provisions of the Charter of the United Nations, to any Party to the Treaty which so requests, if the General Assembly (Governing Board) decides that such Party has been harmed or is likely to be harmed as a result of violation of the Treaty.

A N N E X

CD/31 - CD/32  
USSR-USA

Annex to the Treaty - Consultative Committee of Experts.

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide experts views relevant to any problem raised pursuant to Paragraph VIII, Subparagraph 1, of the Treaty by the State Party requesting the convening of the Committee.
2. The work of the Consultative Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in Paragraph 1 of this Annex. The Committee shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.
3. The Depositary or his representative shall serve as the Chairman of the Committee.
4. Each expert may be assisted at meetings by one or more advisers.
5. Each expert shall have the right, through the Chairman to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work.

FRANCE  
CD/RW/WP.5

New Paragraph 1 of the Annex:

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to Paragraph VIII, Subparagraph 1, of the Treaty. The Consultative Committee of Experts shall be entitled to receive any information which a State Party to the Treaty deems it useful to communicate with a view to strengthening the confidence of States Parties in the observance of the purpose and provisions of the Treaty.

To add a new Paragraph to the Annex:

6. The Consultative Committee and each of the governmental experts shall, where necessary, preserve the confidential character of any information they receive, in accordance with the provisions of the Treaty, from a State Party or international organization.

AMENDMENTS

CD/31-CD/32  
USSR-USA

IX

1. A State Party may propose amendments to the Treaty. Each proposed amendment shall be submitted to the Depository, which shall promptly transmit it to all States Parties.

2. An amendment shall enter into force for each State Party accepting the amendment after the deposit with the Depository of documents of acceptance by a majority of the States Parties. Thereafter, the amendment shall enter into force for each remaining State Party on the date of the deposit by it of the acceptance document.

FRANCE  
CD/RW/WP.8

New Paragraph IX

1. Any State Party may propose amendments to the Treaty. Each proposed amendment shall be submitted to the Depository, which shall promptly transmit it to the other States Parties and to the Committee on Disarmament.

2. The Committee on Disarmament may decide to study the proposal and refer it to a meeting of governmental experts open, in accordance with the Committee's procedure, to all States which express their intention to participate in it.

3. The proposed amendment shall enter into force for each State Party accepting the amendment after the deposit with the Depository of documents of acceptance by a majority of the States Parties. Thereafter, the amendment shall enter into force for each remaining State Party on the date of the deposit by it of the acceptance document.

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DURATION AND WITHDRAWAL

CD/31 - CD/32  
USSR - USA

1. The Treaty shall be of unlimited duration.
2. Each State Party to the Treaty shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardized the supreme interest of its country. It shall give notice of such withdrawal to all other States Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

France  
CD/RW/CRP.8

Paragraph X, new subparagraph 1:

1. The Treaty shall be for a period of twenty-five years.



9 July 1980

Ad Hoc Working Group on  
Radiological Weapons

Original: ENGLISH

REVIEW CONFERENCES

CD/31-CD/32  
USSR-USA

Paragraph XI

1. Ten years after entry into force of the Treaty, or earlier if requested by a majority of States Parties, a conference of States Parties should be convened to review the operation of the Treaty, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such review should take into account any new scientific and technological developments relevant to the Treaty.
2. Thereafter, a majority of the States Parties could obtain the convening of a conference with the same objectives.
3. If no review conference has been convened within (blank) years following the conclusion of a previous review conference, the Depositary should solicit the views of all States Parties on the holding of such a conference. If (blank fraction) or (blank number) of the States Parties, whichever number is less, respond affirmatively, the Depositary should take immediate steps to convene the conference.

CD/42

German Democratic RepublicParagraph XI, new sub-paragraph 3

3. If no review conference has been convened within ten years following the conclusion of a previous review conference, the Depositary should solicit the views of all States Parties on the holding of such a conference. If one-third or ten of the States Parties, whichever number is less, respond affirmatively, the Depositary should take immediate steps to convene the conference.

AustraliaArticle XI as amended

1. Ten years after entry into force of the Treaty, or earlier if requested by the majority of States Parties, a Conference of States Parties shall be convened to review the operation of the Treaty with a view to assuring that the purposes of the preamble of the provisions of the Treaty are being realised. Such review should take into account any new scientific and technical developments relevant to the Treaty.

2. Subsequent Conferences to review the operation of the Treaty, with a view to assuring the purposes of the preamble and the provisions of the Treaty are being realised, could be convened by a majority of the States Parties.

3. Australia has no objection to the proposal made by the German Democratic Republic in CD/42.

Paragraph XI, new sub-paragraphs 1 and 3

France  
CD/EW/WP.8

1. Five years after entry into force of the Treaty, or earlier if requested by a majority of States Parties, a conference of States Parties shall be convened at Geneva (Switzerland) to review the operation of the Treaty, and with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being respected. Such review shall take into account any new scientific and technological developments likely to affect the purpose of the Treaty or the possibility of verifying observance of the obligations assumed by the Parties in this regard.

3. If no review conference has been convened within five years following the conclusion of a previous review conference, the Depositary should solicit the views of all States Parties on the holding of such a conference. If two thirds of the States Parties respond affirmatively, the Depositary shall take immediate steps to convene the conference as soon as possible.

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ADHERENCE, ENTRY INTO FORCE, DEPOSITARY

CD/31-CD/32  
USSR-USA

Paragraph XII

1. The Treaty shall be open to all States for signature. A State which does not sign the Treaty before its entry into force in accordance with sub-paragraph 3 of this paragraph may accede to it at any time.
2. The Treaty shall be subject to ratification by signatory States. Instruments of ratification and accession shall be deposited with the Secretary-General of the United Nations.
3. The Treaty shall enter into force upon the deposit of the instruments of ratification by (blank) Governments in accordance with sub-paragraph 2 of this paragraph.
4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of the Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
5. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of entry into force of the Treaty, as well as of any amendment to it and of the receipt of other notices.
6. The Treaty shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

German Democratic Republic  
CD/42

Paragraph XII, new sub-paragraph 3

3. The Treaty shall enter into force upon the deposit of the instruments of ratification by 25 Governments (including the nuclear-weapon States) in accordance with sub-paragraph 2 of this paragraph.

Australia

Article XII, paragraph 3

3. Australia has no objection to the proposal made by the German Democratic Republic in CD/42

France  
CD/RW/WP.8

Paragraph XII. sub-paragraph 3

3. The Treaty shall enter into force upon the deposit of the instruments of ratification by ten Governments in accordance with sub-paragraph 2 of this paragraph.

Pakistan  
5th Meeting of Working Group

Suggested that the words "including the nuclear-weapon States" be deleted (CD/42, subpara.3).

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P R E A M B L E

HUNGARY  
22/41

The States Parties to this Treaty,  
Determined to further enhance international peace and security and to save mankind from the danger of the use of new means of warfare and to contribute to the cause of the cessation of the arms race with the final goal of achieving general and complete disarmament under strict and effective international control and to continue negotiations to achieve further progress in the disarmament field,

Convinced of the importance of adopting effective measures to prevent the use of scientific and technological achievements for developing new types and systems of weapons of mass destruction, including radiological weapons,

Realizing the threatening possibility of the development and deployment of radiological weapons in the arsenal of armed forces of States

Recalling that the General Assembly of the United Nations called for the prohibition of development, production, stockpiling and use of radiological weapons,

Conscious that the use of radiological weapons would have devastating consequences for mankind,

Convinced that the prohibition of radiological weapons will contribute to the preservation of the natural environment for the present and future generations,

Recognizing the need for peaceful uses of sources of radiation from radioactive decay in different fields of human activities,

Desiring to further confidence and peaceful relations among States and to improve international atmosphere in accordance with the purposes and principles of the Charter of the United Nations

Have agreed on the following:

Sweden  
CD/FV.63

Specific reference in the Preamble should reaffirm the importance and priority of nuclear disarmament and its basic objectives.

Egypt  
CD/FV.77

Belgium  
CD/FV.76

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

CD/RW/CRP.12/Add.1  
14 July 1980

Original: ENGLISH

PREAMBLE

Bulgaria

Insert after the first paragraph of the  
preambular part a new paragraph:

"Declaring that nothing in this Convention  
should prejudice the determination of the  
international community to achieve effective  
measures relating to the cessation of the  
nuclear arms race at an early date and nuclear  
disarmament as the highest priority in the  
disarmament negotiations."

COMMITTEE ON DISARMAMENT

CD/RW/CRP.12/Add.2\*

Ad Hoc Working Group on

17 July 1980

Radiological Weapons

Original: ENGLISH

PREAMBLE

Sweden

New paragraph 3 (doc. CD/40)

"Realizing the growing potential risks of radiological warfare connected with the increasing amount of radioactive waste"

Federal Republic  
of Germany

In paragraph 2 (doc. CD/40), second line, to replace the words:

"to prevent the use of scientific and technological achievements for developing new types and systems of weapons of mass destruction including radiological weapons" with

"to prevent the emergence of new types of weapons of mass destruction based on new scientific principles and achievements."

\* reissued for technical reasons



**1981**

CD/RW/CRP.13

9 July 1981

Original ENGLISH

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

PROPOSAL BY THE DELEGATION OF THE NETHERLANDS

The Netherlands proposes that the Ad Hoc Working Group on Radiological Weapons of the Committee on Disarmament, through the good offices of the Chairman of the Working Group, invite the Director-General of the International Atomic Energy Agency (I.A.E.A.) to present his views on Article IV of the consolidated text based on proposals for a convention prohibiting the development, production, stockpiling and use of Radiological Weapons (Doc. CD/RW/WP.20), in particular as regards the possible relationship between draft-Article IV of said convention and the Vienna Convention on the Physical Protection of Nuclear Material, as well as the guidelines for physical protection of nuclear material (Doc. Inf.Circ./225/rev.1).

CD/RW/CRP.14  
17 July 1981

Original: ENGLISH

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

PROPOSAL BY THE DELEGATION OF THE NETHERLANDS

The following text, to be incorporated in the set of articles dealing with the scope of a Convention prohibiting the development, production, stockpiling and use of Radiological Weapons, was suggested by the Netherlands Delegation in the 137th formal meeting of the Committee on Disarmament, on 14 July 1981:

"Each State Party to the Treaty undertakes never, under any circumstances, to attack any civilian nuclear energy generating reactor, reprocessing plant or spent fuel storage facility on the territory of a State Party to the Treaty, if such attack may lead to the effective release of radioactive material causing, by its dissemination, destruction, damage or injury by means of the radiation produced by the decay of such material."

**1982**

CD/RM/CIP.16  
30 March 1982

Original: ENGLISH

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

DEFINITION OF FACILITIES TO BE PROTECTED

Proposal by Delegation of Pakistan

Article I

Each State party to the (Convention) (Protocol) agrees that the release or threat to release radionuclides or other highly irradiated materials contained in nuclear facilities is prohibited under international law.

Article II

For the purpose of this (Convention) (Protocol), nuclear facilities containing radionuclides or other highly irradiated materials include but are not limited to nuclear fuel fabrication facilities, nuclear power plants, nuclear spent fuel facilities, nuclear reprocessing and enrichment facilities, nuclear research facilities and nuclear waste storage facilities.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on Radiological Weapons

DRAFT CONSOLIDATED RADIOLOGICAL WEAPONS TREATY PROVISIONS

Submitted by the Chairman

1. The subsequent compilation of Treaty provisions is a negotiated text. It would form a complete Radiological Weapons Treaty should the Committee on Disarmament decide to act formally upon a Treaty limited to the "traditional" RW subject matter. The wording of the provisions reflects the current positions of participating delegations.
2. However, in accordance with the procedural hypotheses adopted by the Working Group on 15 March (CD/RW/WP.25/Add.1/Rev.1) the Committee on Disarmament would seem to be precluded from formally adopting this — or any other — draft text until decisions are taken on the number and form of international legal instruments in this field, taking into account the views of some delegations in relation to the special problems of attacks on nuclear facilities.

THE STATES PARTIES TO THIS TREATY

- Determined to further enhance international peace and security and to save mankind from the danger of new means of warfare
- Desirous to contribute to the cause of halting the arms race and of bringing about general and complete disarmament under strict and effective international control
- Reaffirming in this connection the urgency of the pursuit and early conclusion of negotiations on effective measures relating to the cessation of the nuclear arms race, including a phased programme for the reduction of nuclear weapons, leading to their ultimate elimination,
- Convinced of the importance of adopting effective measures to prevent the emergence of new types of weapons of mass destruction based on new scientific principles and achievements,
- Affirming the principle that the benefits of peaceful applications of nuclear technology should be available for peaceful purposes to all Parties to the Treaty, and recognizing the need for peaceful uses of sources of radiation from radioactive decay in different fields of human activities
- Conscious that the use of radioactive materials for hostile purposes would have devastating consequences for mankind
- Stressing therefore the particular importance of accession to this Treaty by nuclear weapons States as well as the greatest possible number of States most advanced in nuclear technology

HAVE AGREED AS FOLLOWS:

DEFINITION

Article I

For the purposes of this Treaty, the term 'radiological weapons' means:

1. Any device or equipment which employs radioactive material for hostile purposes by a process which, while not creating new radioactivity, disseminates radioactive material to cause destruction, damage or injury by means of the radiation produced by the decay of the material disseminated.
2. Any radioactive material specifically prepared for use in such a device or equipment, or for dissemination for hostile purposes by such a process.<sup>1/</sup>

SCOPE OF PROHIBITION

Article II

1. Each State Party to the Treaty undertakes never, under any circumstances to develop, produce, stockpile, otherwise acquire or possess, transfer or use radiological weapons.
2. Each State Party to the Treaty undertakes not to assist, encourage or induce any person, State, group of States, or international organization to engage in any of the activities which the Parties to the Treaty have undertaken not to engage in under the provisions of paragraph 1.

Article III

Each State Party to the Treaty, in accordance with its constitutional procedures and international arrangements in force to which it is a Party, shall take effective measures to prevent loss of, and to prohibit and prevent diversion to radiological weapons of radioactive materials that might be used for such weapons and any activities contrary to the provisions of the Treaty within the territory of such State, under its jurisdiction or under its control anywhere.

PEACEFUL USES

Article IV

1. All States Parties to the Treaty undertake to contribute fully to the strengthening of international co-operation in the peaceful uses of radioactive materials and sources of radiation, and to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information in this field, taking into account the particular needs of the developing countries.

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<sup>1/</sup> It was agreed that the wording of this Article, while generally acceptable, should be further examined as to its technical tenability.

2. Nothing in this Treaty shall be interpreted as affecting the inalienable right of the Parties to the Treaty to develop and apply their programmes for the peaceful uses of nuclear energy, and to international co-operation in this field; and no provisions of the Treaty shall hinder the use of radioactive materials and sources of radiation for peaceful purposes, including the study of methods of protection against radiation, in accordance with generally recognized principles and applicable rules of international law concerning such use.

#### RELATIONSHIP WITH OTHER DISARMAMENT MEASURES AND AGREEMENTS

##### Article V

Nothing in this Treaty shall be interpreted as in any way limiting or detracting from the obligations assumed by the States signatories under any other relevant international Treaty or any existing rules of international law applicable in armed conflict.

#### COMPLIANCE AND VERIFICATION

##### Article VI

1. The States Parties to the Treaty undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of the Treaty.
2. For the purposes set forth in paragraph 1, the Depositary shall, if possible immediately and in any case within one month of the receipt of a request from any State Party, convene a Consultative Committee of Experts. Any State Party may appoint an expert to this Committee whose functions and rules of procedure are set out in the Annex, which constitutes an integral part of the Treaty. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.
3. Any State Party which has reasons to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Treaty, may refer the issue to, or lodge a complaint with, the Consultative Committee of Experts. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.
4. All States Parties undertake to co-operate fully with the Consultative Committee of Experts with a view to facilitating the execution of its task.
5. Each State Party to the Treaty undertakes to provide assistance if so requested to any Party to the Treaty which has been harmed or is likely to be harmed as a result of violation of this Treaty.



6. The rights and duties of States Parties under this Article do not affect their rights and duties under the Charter of the United Nations, particularly as regards procedures to be initiated by the Secretary-General of the United Nations, or before the Security Council or the General Assembly. The provisions of this Article shall not be interpreted as affecting bilateral co-operation and consultation procedures and other international procedures including the services of appropriate international organizations.

#### AMENDMENTS

##### Article VII

1. Any State Party may propose amendments to the Treaty. Each proposed amendment shall be submitted to the Depositary, which shall promptly transmit it to all other States Parties and which shall inform the Committee on Disarmament.
2. The Depositary shall seek the views of the States Parties on whether a conference should be convened to consider the proposal. Thereupon, if requested to do so by a majority of the States Parties, the Depositary shall convene a conference to which he shall invite all States Parties to consider such a proposal. States not parties to the Treaty shall be invited to the Conference as observers.
3. An amendment shall enter into force for each State Party accepting the amendment after the deposit with the Depositary of documents of acceptance by a majority of the States Parties. Thereafter, the amendment shall enter into force for each remaining State Party on the date of the deposit by it of the acceptance document.

#### REVIEW CONFERENCES

##### Article VIII

1. Five years after entry into force of the Treaty, a conference of States Parties should be convened by the Depositary to review the scope and operation of the Treaty, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being respected, and to consider any proposals for amendments then pending. Such review should in any case take into account any new scientific and technological developments likely to affect the provisions of the Treaty. States not Parties to the Treaty shall be invited to the Conference as observers.
2. At intervals of five years thereafter, a majority of States Parties may obtain, by submitting a proposal to this effect to the Depositary, the convening of further conferences with the same objective.
3. If no Review Conference has been convened within 10 years following the conclusion of a previous Review Conference, the Depositary should solicit the views of all States Parties on the holding of such a Conference. If one-third or 10 of the States Parties, whichever number is less, respond affirmatively, the Depositary should take immediate steps to convene the conference as soon as possible.

DURATION AND WITHDRAWAL

Article IX

1. The Treaty shall be of unlimited duration.
2. Each State Party to the Treaty shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardized the supreme interest of its country. It shall give notice of such withdrawal to all other States Parties and to the Depositary three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

ACCESSION, ENTRY INTO FORCE, DEPOSITARY

Article X

1. The Treaty shall be open to all States for signature. A State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.
2. The Treaty shall be subject to ratification for signatory States. Instruments of ratification and accession shall be deposited with the Secretary-General of the United Nations.
3. The Treaty shall enter into force upon the deposit of the instruments of ratification by 15 governments in accordance with paragraph 2 of this Article.
4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of the Treaty, it shall enter into force on the date of the deposit of their instrument of ratification or accession.
5. The Depositary shall promptly inform all signatory and acceding States of the dates of each signature, the date of deposit of each instrument of ratification or accession and the date of entry into force of the Treaty, as well as of any amendment to it and of the receipt of other notices.
6. The Treaty shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

ANNEX

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact, including on-site inspections when necessary, and provide views relevant to any problem raised pursuant to Article VI, paragraphs 1 and 3, of the Treaty by the State Party requesting the convening of the Committee. The Consultative Committee of Experts shall be entitled to request and receive any information which a State Party to the Treaty is in a position to communicate with a view to strengthening the confidence of States Parties in the observance of the purpose and provisions of the Treaty.
2. The work of the Consultative Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this Annex. The Committee shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.
3. The Depositary or his representative shall serve as the Chairman of the Committee, unless the Committee decides otherwise under the procedures laid down in paragraph 2.
4. Each expert may be assisted at meetings by one or more advisers.
5. Each expert shall have the right, through the Chairman, to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work.

**1983**

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons  
Group A

Suggestions by the Coordinator on the  
Issues of Definition, Peaceful Uses,  
and Relationship to Other Agreements

As suggested at the third meeting of Group A of the Ad Hoc Working Group on Radiological Weapons on April 24, 1983, delegations may wish to consider a somewhat different procedural approach to the issues of definition, peaceful uses, and relationship to other agreements. Taking into account the discussions in the Group and the concerns expressed by several delegations, the following suggestions are offered in the hope that they may facilitate further progress in the development of consensus when Group A resumes its work in the summer part of the 1983 session of the Committee.

1. A number of delegations pointed out that there must be a clear definition of the type of weapon which is to be prohibited. It is clearly understood that the definition should not encompass nuclear explosive devices. Delegations have differed, however, on the precise manner in which this understanding should be recorded. In order to resolve this matter delegations might wish to reconsider the merits of the original definition contained in the US-USSR joint draft, without the original exclusionary language, which could be inserted elsewhere in the treaty. The definition of radiological weapons would then read as follows:

For the purposes of this Treaty, the term "radiological weapon" means:

- (a) Any device, including any weapon or equipment, specifically designed to employ radioactive material by disseminating it to cause destruction, damage or injury by means of the radiation produced by the decay of such material.
- (b) Any radioactive material specifically designed for employment, by its dissemination, to cause destruction, damage or injury by means of the radiation produced by the decay of such material.

2. In addition to the need to state expressly the exclusion of nuclear explosive devices, a number of delegations have stated a need to provide expressly that nothing in the treaty will in any way limit or detract from obligations assumed

by parties to existing agreements, or the rights of States to develop and apply programmes for the peaceful uses of nuclear energy. Taking these several concerns into account, delegations may also wish to consider an article of the treaty which would be formulated along the following lines:

- (a) "The provisions of this Treaty shall not apply to nuclear explosive devices or to radioactive material produced by them."
- (b) "Nothing in this Treaty shall be interpreted as in any way limiting or detracting from the obligations assumed by the States signatories under any other relevant international Treaty or any existing rules of international law applicable in armed conflict."
- (c) "Nothing in this Treaty shall be interpreted as affecting the inalienable right of the Parties to the Treaty to develop and apply their programmes for the peaceful uses of nuclear energy, and to international co-operation in this field; and no provisions of the Treaty shall hinder the use of sources of radiation from radioactive decay for peaceful purposes, including the study of methods of protection against radiation, in accordance with generally recognized principles and applicable rules of international law concerning such use."

(Various modifications have been proposed to the texts in paragraphs (b) and (c), which are contained in CD/RM/WP.39. The citation of the texts here is illustrative, and without prejudice to the inclusion of proposed modifications.)

As a consequence of the above suggested changes, Article V and paragraph 2 of Article IV of document CD/RM/WP.39 would be deleted.

3. Concerns have also been expressed by a number of delegations that certain other important treaty obligations are relevant to the context within which the prohibitions on radiological weapons should be viewed, and that these obligations should be expressly set forth in the Treaty. Delegations have differed as to how these obligations should be acknowledged. Bearing in mind the relationship to the provisions of paragraph 2 (b) above, which would be contained in an operative treaty article, a more specific preambular clause relating to these obligations might be included along the following lines:

Affirming the obligation of all States, including specific obligations contained in other treaties, to undertake to pursue negotiations in good faith on effective measures relating to the prohibition of recognized weapons of mass destruction, to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

COMMITTEE ON DISARMAMENT  
Ad Hoc Working Group on  
Radiological Weapons  
Group A

CD/RW/GRP. 20  
23 June 1983

Original: ENGLISH

Suggestions by the Coordinator for the  
Structure of a Treaty Prohibiting Radiological Weapons

1. The Coordinator for Group A, on a personal basis, proposes for the consideration of delegations the attached document. The document is in the form of a draft treaty, but, as agreed at the meeting of Group A held on June 20, 1983, does not contain provisions regarding verification and consultation/compliance procedures.
2. The Coordinator wishes to stress the personal basis of his suggestions, which do not imply commitment by any particular delegation. The document draws on previous work in the RW field and is intended to elaborate a structure within which negotiation of the Radiological Weapons Treaty may proceed.
3. Delegations will note that primary sources for the present text are indicated as appropriate. Some changes have been introduced to render the text internally consistent and in treaty language. In addition, at certain points texts are enclosed within square brackets, either to illustrate various possibilities or to indicate areas where the Coordinator anticipates further negotiations on substance. However, there is no intention to suggest that these are the only unresolved matters: undoubtedly other alternatives will be introduced as negotiations proceed, for example, on the issues of definition or peaceful uses.
4. Finally, these suggestions are without prejudice to the resolution of the question of linkage with the proposal to negotiate additional measures of protection of nuclear facilities against military attack.

Attachment: As stated.

GE.83-61854

TREATY PROHIBITING RADIOLOGICAL

WEAPONS [Chairman's Suggestion]

The States Parties to this Treaty,

Determined to strengthen international peace and security and to preserve mankind from the danger of new means of warfare, [WP.39]

[Desiring to contribute to the cause of halting the arms race and to bring about general and complete disarmament under strict and effective international control,

Reaffirming in this regard the urgency of the pursuit and early conclusion of negotiations on effective measures aimed at the cessation of the nuclear arms race and nuclear disarmament,] [WP.39]

[Affirming the obligation of all States, including specific obligations contained in other treaties [agreements], to undertake to pursue negotiations in good faith on effective measures relating to the prohibition of recognized weapons of mass destruction, to cessation of the nuclear arms race at an early date, and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control,][CRP.19]

Recognizing that an agreement on the prohibition of radiological weapons represents another step towards the prohibition of all weapons of mass destruction, [WP.39, footnote 2]



Conscious that the use of any form of radiological weapons could have devastating consequences for mankind, [WP.39]

Stressing therefore the particular importance of accession to this Treaty by the greatest possible number of States advanced in nuclear technology, including the nuclear weapon states, [WP.39]

Affirming the principle that the benefits of peaceful applications of [nuclear technology] [radioactive materials] should be available to all Parties to this Treaty, and recognizing the need for peaceful uses of sources of radiation from radioactive decay in different fields of human activities, [WP.39]

Recalling that the General Assembly of the United Nations has urged the prohibition of the development, production, stockpiling, and use of radiological weapons, [CD/40]

Have agreed as follows:

#### Article I

1. Each State Party to this Treaty undertakes never under any circumstances to develop, produce, stockpile, otherwise acquire or possess, transfer, or use radiological weapons. [WP.39]

2. Each State Party to this Treaty also undertakes never under any circumstances to employ deliberately, by its dissemination, any radioactive material not defined as a radiological weapon in article II of this Treaty to cause destruction, damage or injury by means of the radiation produced by the decay of such material. [CD/31, CD/32]

3. Each State Party to this Treaty [also] undertakes not in any way to assist, encourage, or induce any person, State, group of States, or international organization to engage in any of the activities which the Parties to this Treaty have undertaken not to engage in under the provisions of paragraphs 1 and 2 of this article. [WP.39]

#### Article II [CRP.19]

For the purposes of this Treaty, the term "radiological weapon" means:

(a) Any device, including any weapon or equipment, specifically designed to employ radioactive material by disseminating it to cause destruction, damage, or injury by means of the radiation produced by the decay of such material;

(b) Any radioactive material specifically designed for employment, by its dissemination, to cause destruction, damage, or injury by means of the radiation produced by the decay of such material.

Article III

1. Each State Party to this Treaty undertakes to contribute fully to the strengthening of international cooperation in the peaceful uses of [radioactive materials and of sources of radiation] [sources of radiation from radioactive decay]. [WP.39]
2. Each State Party to this Treaty undertakes to facilitate, and has the right to participate in, the fullest possible exchange of equipment, materials, and scientific and technological information regarding the peaceful uses referred to in paragraph 1 of this article, taking into account the particular needs of developing countries. [WP.39]

Article IV [WP.39, CD/31, CD/32]

Each State Party to this Treaty undertakes, in accordance with its constitutional procedures and with other international [arrangements] [agreements] to which it is a party, to take [effective] [any] measures [which it deems necessary] to prevent loss of and to prohibit and prevent diversion [to radiological weapons] of radioactive materials that might be used [for such weapons] [in radiological weapons] and any activities contrary to the provisions of this Treaty [within the territory of such State, under its jurisdiction or under its control anywhere] [in its territory or at any place under its jurisdiction or under its control].

Article V [CRP.19]

1. The provisions of this Treaty shall not apply to nuclear explosive devices or to radioactive material produced by them.
2. Nothing in this Treaty shall be interpreted as in any way limiting or detracting from the obligations assumed by the States Parties under any other relevant international Treaty or [from] any existing rules of international law applicable in armed conflict.
3. Nothing in this Treaty shall be interpreted as affecting the inalienable right of the [States] Parties to this Treaty to develop and apply their programs for the peaceful uses of nuclear energy, and to international cooperation in this field; and no provisions of this Treaty shall hinder the use of sources of radiation from radioactive decay for peaceful purposes, including the study of methods of protection against radiation, in accordance with generally recognized principles and applicable rules of international law concerning such use.

[Article VI and, as appropriate, VI bis:  
verification and consultation/compliance procedures]

Article VII [WP.39]

1. Any State Party may propose amendments to this Treaty. Each proposed amendment shall be submitted to the Depositary, which shall promptly transmit it to all other States Parties and which shall inform the Committee on Disarmament.

2. The Depositary shall seek the views of the States Parties on whether a conference should be convened to consider the proposal. Thereupon, if requested to do so by a majority of the States Parties, the Depositary shall convene a conference to which he shall invite all States Parties to consider such a proposal. States not parties to the Treaty shall be invited to the Conference as observers.

3. An amendment shall enter into force for each State Party accepting the amendment after the deposit with the Depositary of documents of acceptance by a majority of the States Parties. Thereafter, the amendment shall enter into force for each remaining State Party on the date of the deposit by it of the acceptance document.

Article VIII [WP.39]

1. This Treaty shall be of unlimited duration.

2. Each State Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties and to the Depositary three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article IX [WP.39]

1. Five years after entry into force of this Treaty, a conference of States Parties shall be convened by the Depositary to review the scope and operation of this Treaty, with a view to assuring that the purposes of the preamble and the provisions of this Treaty are being respected and to consider any proposals for amendments then pending. Such review shall in any case take into account any new scientific and technological developments likely to affect the provisions of this Treaty. States not Parties to this Treaty shall be invited to the conference as observers.

2. At intervals of five years thereafter, a majority of States Parties may obtain, by submitting a proposal to this effect to the Depositary, the convening of further conferences with the same objective.

3. If no review conference has been convened within ten years following the conclusion of the previous review conference, the Depositary shall solicit the views of all States Parties on the holding of such a conference. If one-third or 10 of the States Parties, whichever number is less, respond affirmatively, the Depositary shall take immediate steps to convene the conference as soon as possible.

Article X [WP.39]

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.
3. This Treaty shall enter into force upon the deposit of instruments of ratification by fifteen Governments in accordance with paragraph 2 of this article.
4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, and the date of entry into force of this Treaty and of any amendments thereto, as well as of the receipt of other notices.

6. This Treaty shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

Article XI [CD/31, CD/32]

This Treaty, of which the English, Arabic, Chinese, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to the governments of the signatory and acceding States.

[Annex or Annexes]



COMMITTEE ON DISARMAMENT  
Ad Hoc Working Group on  
Radiological Weapons  
Group A

CD/RW/CRP.20/Rev.1  
3 August 1983

Original: ENGLISH

Submission by the Coordinator

Attached, for consideration of Group A, is a draft Treaty Prohibiting Radiological Weapons, which has been prepared following consultations with delegations, as agreed at the meeting of Group A on July 8, 1983. The draft includes provisions regarding verification and consultation/compliance procedures which it had not been possible to include in CD/RW/CRP.20.

Attachment: As stated.

GE.83-63530

TREATY PROHIBITING RADIOLOGICAL WEAPONS

The States Parties to this Treaty,

Determined to strengthen international peace and security and to preserve mankind from the danger of new means of warfare,

Desiring to contribute to the cause of halting the arms race and recognizing that an agreement on the prohibition of radiological weapons would contribute to this end,

[Affirming the obligation of all States] [Determined] to pursue negotiations in good faith on effective measures relating to the prohibition of recognized weapons of mass destruction and to bring about general and complete disarmament under strict and effective international control,

Reaffirming in this regard the urgency of the pursuit and early conclusion of negotiations on effective measures aimed at the cessation of the nuclear arms race and nuclear disarmament,

Noting the provisions contained in other agreements relating to this objective,

Conscious that the use of [any form of] radiological weapons could have devastating consequences for mankind,

Stressing therefore the particular importance of accession to this Treaty by the greatest possible number of States,

[Affirming the principle that the benefits of peaceful applications of radioactive materials should be available to all States Parties to this Treaty, with due consideration for the needs of the developing countries, and recognizing the need for peaceful uses of sources of radiation from radioactive decay in different fields of human activities,]

Recalling that the General Assembly of the United Nations has urged the prohibition of the development, production, stockpiling, and use of radiological weapons,

Have agreed as follows:

#### Article I

1. Each State Party to this Treaty undertakes never under any circumstances to develop, produce, stockpile, otherwise acquire or possess, transfer, or use radiological weapons. For the purposes of this Treaty, the term "radiological weapon" means:

(a) Any device, including any weapon or equipment, specifically designed to employ radioactive material by disseminating it to cause destruction, damage, or injury by means of the radiation produced by the decay of such material;

(b) Any radioactive material specifically [designed] for employment, by its dissemination, to cause destruction, damage, or injury by means of the radiation produced by the decay of such material.

2. Each State Party to this Treaty also undertakes never under any circumstances to employ deliberately, by its dissemination, any radioactive material to cause destruction, damage, or injury by means of the radiation produced by the decay of such material, whether or not such material is specifically defined as a radiological weapon in paragraph 1 of this article.

3. Each State Party to this Treaty also undertakes not in any way to assist, encourage, or induce any person, State, group of States, or international organization to engage in any of the activities which the States Parties to the Treaty have undertaken not to engage in under the provisions of paragraphs 1 and 2 of this article.

[Article II

1. Each State Party to this Treaty undertakes to contribute [to the fullest possible extent] [fully] to the strengthening of international cooperation in the peaceful uses of radioactive materials and of sources of radiation from radioactive decay[, and to the development of adequate measures of protection for all States against harmful effects of radiation].

2. Each State Party to this Treaty undertakes to facilitate, and has the right to participate in, the [fullest possible] [full] exchange of equipment, materials, and scientific and technological information regarding the peaceful uses referred to in paragraph 1 of this article, taking into account the needs of the developing countries.

3. Nothing in this Treaty shall be interpreted as affecting the inalienable right of the States Parties to this Treaty to develop and apply their programs for the peaceful uses of nuclear energy and to international cooperation in this field[, consistent with the need to prevent the proliferation of nuclear weapons]; and no provisions of this Treaty shall hinder the use of sources of radiation from radioactive decay for peaceful purposes, in accordance with generally recognized principles and applicable rules of international law concerning such use.]

#### Article III

Each State Party to this Treaty undertakes to prevent loss of and to prohibit and prevent diversion to radiological weapons of radioactive materials that might be used for such weapons.

#### Article IV

Each State Party to this Treaty undertakes, in accordance with its constitutional procedures, to take any measures which it considers necessary to prohibit and prevent any activity in violation of the provisions of the Treaty anywhere under its jurisdiction or control.

#### Article V

[1. The provisions of this Treaty shall not apply to nuclear explosive devices or to radioactive material produced by them.]

2. Nothing in this Treaty shall be interpreted as in any way limiting or detracting from any existing rules of international law applicable in armed conflict or limiting or detracting from obligations assumed by the States Parties under any other relevant international agreement.

[Article V bis

The States Parties to this Treaty undertake to pursue urgently negotiations for the cessation of the nuclear arms race, the conclusion of effective measures to prevent the use or threat of use of nuclear weapons, and the achievement of nuclear disarmament.]

Article VI

1. The States Parties to this Treaty undertake to consult one another and to cooperate in solving any problems which may be raised in relation to the objectives of, or in the application of the provisions of, the Treaty.

2. Consultation and cooperation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a consultative committee and a fact-finding panel as provided for in article VII of this Treaty.

3. The States Parties to this Treaty shall exchange to the fullest possible extent, bilaterally or multilaterally, information deemed necessary to provide assurance of fulfillment of their obligations under the Treaty.

#### Article VII

1. For the purpose of effective fulfillment of paragraph 2 of article VI of this Treaty, a consultative committee and a standing fact-finding panel shall be established. Their functions and rules of procedure are established in Annexes I and II, respectively, which constitute integral parts of the Treaty.
2. Any State Party to this Treaty which has reasons to believe that any other State Party may not be in compliance with the provisions of the Treaty, or which has concerns about a related situation which may be considered ambiguous, and is not satisfied with the results of the consultations provided for under article VI of the Treaty, may request the Depositary to initiate an inquiry to ascertain the facts. Such a request should include all relevant information, as well as all possible evidence supporting its validity.
3. For the purposes set forth in paragraph 2 of this article, the Depositary shall convene as soon as possible, and in any case within ten days of the receipt of a request from any State Party, the standing fact-finding panel established pursuant to paragraph 1 of this article.

4. If the possibilities for fact-finding pursuant to paragraphs 2 and 3 of this article have been exhausted without resolution of the problem, [five or more States Parties] [any State Party] may request the Depositary to convene a meeting of the consultative committee of States Parties to consider the matter.

5. Each State Party to this Treaty undertakes to cooperate to the fullest possible extent with the consultative committee and with the fact-finding panel with a view to facilitating their work.

[6. Each State Party to this Treaty undertakes to provide assistance, in accordance with the provisions of the Charter of the United Nations, to any State Party to the Treaty which has been harmed or is likely to be harmed as a result of violation of the Treaty.]

[7. The provisions of this article shall not be interpreted as affecting the rights and duties of States Parties under the Charter of the United Nations, including bringing to the attention of the Security Council concerns about compliance with this Treaty.]

#### Article VIII

1. Any State Party to this Treaty may propose amendments to the Treaty. The text of any proposed amendment shall be submitted to the Depositary, who shall promptly circulate it to all States Parties.



[2. Any State Party proposing amendments to this Treaty may request the Depositary to seek the views of the States Parties on whether a conference should be convened to consider the proposal. Thereupon, if requested to do so by a majority of the States Parties, the Depositary shall convene a conference to which he shall invite all States Parties to consider such a proposal.]

3. An amendment shall enter into force for all States Parties to this Treaty which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of the States Parties. Thereafter, it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

#### Article IX

1. This Treaty shall be of unlimited duration.
2. Each State Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties[, ] [and] to the Depositary[, and to the United Nations Security Council] three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article X

1. [Five] [Ten] years after entry into force of this Treaty, a conference of States Parties shall be convened by the Depositary to review the [scope and] operation of the Treaty, with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized [and to consider any proposals for amendments then pending]. Such review shall take into account any new scientific and technological developments [likely to affect the provisions of] [relevant to] the Treaty. [States [not Parties] [signatories] to the Treaty shall be invited to the conference as observers.]

2. At intervals of five years thereafter, a majority of States Parties may obtain, by submitting a proposal to this effect to the Depositary, the convening of further conferences with the same objectives.

3. If no review conference has been convened within ten years following the conclusion of the previous review conference, the Depositary shall solicit the views of all States Parties on the holding of such a conference. If one-third or 10 of the States Parties, whichever number is less, respond affirmatively, the Depositary shall take immediate steps to convene the conference.

Article XI

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.
3. This Treaty shall enter into force upon the deposit of instruments of ratification by [fifteen] [twenty] governments in accordance with paragraph 2 of this article.
4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
5. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, and the date of entry into force of this Treaty and of any amendments thereto, as well as of the receipt of other notices.
6. This Treaty shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

Article XII

This Treaty, of which the English, Arabic, Chinese, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to the governments of the signatory and acceding States.

ANNEX I

[Consultative Committee]

1. The consultative committee of States Parties[, in addition to establishing the fact-finding panel as provided for in annex II,] shall undertake to resolve any problem which may be raised by the [States Parties] [State Party] requesting a meeting of the committee. For this purpose, the assembled States Parties shall be entitled to request and receive any information which a State Party is in a position to communicate.
2. The work of the consultative committee shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this annex. The committee shall [decide procedural questions relative to the organization of its work] [take decisions], where possible by consensus, but otherwise by a majority of those present and voting. [There shall be no voting on matters of substance.] The chairman shall have no vote.
3. Any State Party may participate in the work of the consultative committee. Each representative on the committee may be assisted at meetings by advisers.
4. The Depositary or his representative shall serve as chairman of the committee.
5. The consultative committee shall be convened by its chairman[:

(a) within thirty days after entry into force of this Treaty for the purpose of establishing the standing fact-finding panel;

(b)] as soon as possible and in any case within thirty days after a request for a meeting pursuant to paragraph 4 of article VII of the Treaty.

6. Each State Party shall have the right, through the chairman, to request from States and from international organizations such information and assistance as the State Party considers desirable for the accomplishment of the committee's work.

7. A summary of any [problem-solving] meeting, incorporating all views and information presented during the meeting, shall be prepared. The chairman shall distribute the summary to all States Parties.

ANNEX II

[Fact-Finding Panel]

1. The standing fact-finding panel shall undertake to make appropriate findings of fact and provide expert views relevant to any problem referred to it by the Depositary pursuant to paragraph 3 of article VII of this Treaty.

[Pursuant to paragraph 5 of article VII of the Treaty, the fact-finding panel may carry out on-site investigations when necessary.]

[2. The fact-finding panel shall be composed of not more than fifteen members representing State Parties:

(a) Ten members shall be appointed by the [chairman] [consultative committee] after consultation with States Parties. In selecting these members due regard shall be given to ensuring an appropriate geographic balance.

Members shall be named for a two-year period, with five members being replaced each year;

(b) In addition, those permanent members of the United Nations Security Council who are parties to the Treaty shall also be represented on the fact-finding panel.]

[2. The fact-finding panel shall be composed of not more than (blank) members representing States Parties. Members of the initial panel shall be appointed by the [chairman, after consultation with States Parties,] [consultative committee] at its first meeting, one-third being named for one year, one-third for two years, and one-third for three

years. Thereafter all members shall be named for a three-year period by the chairman [of the consultative committee, following principles decided by the committee during its first meeting and] after consultation with States Parties. In selecting the members, due regard shall be given to ensuring an appropriate geographical balance.]

3. Each member may be assisted by one or more advisers.

4. The Depositary or his representative shall serve as chairman of the panel[, unless the panel decides otherwise under the procedures established in paragraph 5 of this annex].

5. The work of the fact-finding panel shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this annex. [At the first meeting of the panel, to be held not later than sixty days after its establishment [by the consultative committee], the Depositary shall submit recommendations, based on consultations with States Parties and signatories, as to the organization of the work of the panel, including any necessary resources.] [The panel shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.] [The panel shall take decisions, where possible by consensus, but otherwise by a majority of those present and voting.] The chairman shall have no vote.



6. Each member shall have the right, through the chairman, to request from States and from international organizations such information and assistance as the member considers desirable for the accomplishment of the work of the panel.

7. The State Party requesting the inquiry and any State Party against which the inquiry is directed shall have the right to [participate in the work of the panel] [be represented at meetings but may not take part in decisions], whether or not they are members of the panel.

8. The fact-finding panel shall, without delay, transmit to [the Depositary] [all States Parties] a report on its work, including its findings of fact and incorporating all views and information presented to the panel during its proceedings[.] [, together with such recommendations as it may deem appropriate. If the panel is unable to secure sufficient data for factual findings, it shall state the reasons for that inability.] [The Depositary shall distribute the report to all States Parties.]

REPORT OF GROUP A

1. As requested by the Chairman of the Ad Hoc Working Group on Radiological Weapons on April 8, 1983, Group A has considered the subject of radiological weapons in the "traditional" sense. A separate group was requested to deal with the question of prohibition of military attacks on nuclear facilities. Group A held 12 meetings during the course of this session. The purpose of Group A, as defined by the Chairman, was to "...try to solve the still outstanding substantive issues and leave for the time being the question of the linkage between them."
  
2. At its initial meeting on April 11, 1983, Group A decided on a working method whereby there would be substantive discussion of four outstanding issues: the question of a definition of radiological weapons; the question of an appropriate article in the treaty regarding peaceful uses; the question of undertakings and obligations of states in the related field of nuclear disarmament; and the question of compliance provisions. The Coordinator proposed; and the Group agreed, that negotiations should be held on these issues, based on all existing proposals as well as suggested compromise texts which the Coordinator would prepare and present to the Group, in order to arrive at accommodations. Group A would attempt to find consensus and to forward to the full RW Working Group an overall treaty text.

3. Based on previously submitted consolidated texts and all relevant proposals, Group A considered each of the four outstanding issues. In this context, Group A took note of and expressed appreciation for the efforts of previous chairmen of the Radiological Weapons Working Group, Ambassador Komives of Hungary and Ambassador Wegener of the Federal Republic of Germany. During the course of these deliberations, the Coordinator submitted, on his own responsibility, several suggestions for compromise (CD/RW/CRP.20) which were in turn discussed by the Group.

4. Differences on matters of substance remain. On August 3, 1983, the Coordinator prepared a consolidated negotiating text of a radiological weapons treaty (CD/RW/CRP.20/Rev.1) and submitted it to the Group. The purpose of the Coordinator's text was to reflect in a single document the state of the negotiations, including areas of agreement and disagreement. The Coordinator pointed out that the text contained internal brackets and in some cases alternative language. This method had been employed not to indicate agreement on the unbracketed portion of the text but, rather, to highlight key issues upon which subsequent negotiations should focus.

5. The Group considered the Coordinator's text. There was no agreement on the text, but the Group agreed that the Coordinator forward it, along with this report, to the Radiological Weapons

← Working Group, it being understood that the text was prepared on his own responsibility.

COMMITTEE ON DISARMAMENT

Ad Hoc Working Group on  
Radiological Weapons

GROUP B

REPORT OF GROUP B ON THE QUESTION OF PROHIBITION  
OF ATTACKS AGAINST NUCLEAR FACILITIES

I. INTRODUCTION

1. In accordance with the decision adopted by the Ad Hoc Working Group on Radiological Weapons at its first meeting on 8 April 1983, Group B was established with the purpose of considering the question of prohibition of attacks against nuclear facilities with the understanding that the question of linkage between this issue and the "traditional radiological weapons subject matter" would be left aside for the time being.
2. In carrying out of its task, Group B took into account all relevant proposals submitted on the subject and held three meetings between 18 and 28 April, under the Co-ordinatorship of Mr. Yury K. Nazarkin, representative of the Union of Soviet Socialist Republics, during the first part of 1983 session. The Group devoted its efforts to the consideration of various issues involved in the subject such as scope, legal question, zones, as well as compliance and verification. At the conclusion of the first part of the 1983 session, the Co-ordinator submitted a progress report on the work of Group B of the Ad Hoc Working Group on Radiological Weapons at its second meeting held on 29 April 1983, as contained in Annex II of document CD/RW/WP.44.
3. During the second part of 1983 session, Group B held 14 meetings between 21 June and 12 August under the Co-ordinatorship of Mr. Boris P. Prokofiev, representative of the Union of Soviet Socialist Republics. At the initial meeting of this period, the Group decided, upon the suggestion of the Co-ordinator to continue to concentrate its efforts on those issues which have been considered during the first part of the session.
4. In the course of its deliberations the Group also considered the various proposals, suggestions and commentaries contained in the documents and

working papers submitted to the Committee and its subsidiary bodies before and during the 1983 session. The list of these documents is contained in document CD/RW/CRP.24, as annexed to the report of the Ad Hoc Working Group. In addition to these documents, the Group took into consideration the proposals made and the views expressed by delegations on the question of prohibition of attacks against nuclear facilities in the Committee on Disarmament and the regular and special sessions of the United Nations General Assembly. In this connection a number of delegations stressed the importance of the question of ensuring the safe development of nuclear energy as proposed at the thirty-seventh session of the United Nations General Assembly, which was the other side of the problem of prohibition of attacks against nuclear facilities.

## II. SUBSTANTIVE DISCUSSIONS ON THE SUBJECT

### Objectives

5. The view was widely held that there was a need for effective international legal measures prohibiting attacks against nuclear facilities because such attacks could result in mass destruction. In this connection, a view was expressed that attacks on certain nuclear facilities might lead to such a destructive effect as that of a nuclear explosion. There was also an exchange of views concerning the precise nature of the objective to be pursued, namely, whether the purpose should be:

- to prohibit attacks on such facilities as a form of radiological weapon or, more precisely, as a means of radiological warfare;
- to avoid effects of weapons of mass destruction;
- to strengthen the existing legal protection of such facilities;
- to ensure the safe development of nuclear power energy; or
- a combination of the objectives mentioned above.

While many delegations held that the objective, in keeping with the mandate of the Working Group, should be the avoidance of effects of mass destruction, no consensus could be reached on this issue. Some delegations argued that approaches which relied on the concept of an attack on a nuclear facility being equivalent to the use of a radiological weapon, or on concepts of "mass destruction" were unlikely to be fruitful. They suggested that a more practical approach should be adopted which would try to establish the primary purpose of any further ban of attacks on nuclear facilities, determine practical limits to the scope of

any new ban and from these considerations determine how far existing instruments were already adequate in this respect. Other delegations stated that attempts to thwart negotiations on a subject of such high importance to international community should also not be allowed to be fruitful. They pointed out that avoidance of possible mass destruction through radiological warfare by attacks on nuclear facilities was indeed the basis as well as the primary purpose of the Group's work. The existing instruments were entirely insufficient in this respect.

Scope of prohibition

6. There was general understanding among the delegations that the question of a definition of the scope of the ban, or the kind of nuclear facilities to be protected, constituted one of the key issues of a future international instrument. In this connection a number of specific proposals and suggestions were made regarding categories or types of nuclear facilities to be covered by a possible agreement. Several main points of views were expressed in that regard and it was suggested that the prohibition of attacks should apply to:

- All nuclear facilities;
- All nuclear facilities in non-nuclear-weapon developing States;
- Civilian nuclear facilities only;
- Civilian nuclear facilities above a specified power threshold for nuclear reactors and above a specified level of quality and quantity of radioactive materials for other facilities;
- All nuclear facilities subject to IAEA safeguards system.

It was generally understood, however, that naval vessels, submarines, space vehicles as well as other devices having nuclear installations and designed as weapons systems would not be considered within the context of "nuclear facilities" as referred to under the subject of prohibition of attacks against nuclear facilities.

7. In connection with the scope of the ban, some delegations drew attention to the fact that there was also a problem of dual-purpose nuclear facilities, that is, facilities which can be used both for peaceful and for military purposes, and a problem of distinguishing between military and civilian nuclear facilities. Other delegations stated that the difficulty in strictly distinguishing between military and civilian nuclear facilities was another important reason for all nuclear facilities to be protected. A view was expressed in this regard that an

effective existing criterion to identify nuclear facilities for peaceful purposes is the IAEA safeguards system and that therefore among nuclear facilities for peaceful purposes at least those facilities under the IAEA safeguards should be included in the scope of protection. Other delegations considered that this criterion was not sufficient.

8. Some delegations stated that all nuclear facilities in the non-nuclear-weapon States were civilian facilities, and at least, these should all enjoy protection from attacks. Other delegations held that the scope of any agreement should not automatically include all nuclear facilities whether located in non-nuclear-weapon States or nuclear-weapon States. Further, a view was also expressed that the concept of "generic danger" might be applied when identifying the types of facilities to be protected, and that that concept might also be used to determine the points in time when protection should begin and cease to operate.

9. It was suggested that the scope of a possible future treaty could very well be limited to nuclear power and research reactors, nuclear fuel production and reprocessing plants as well as fissionable materials, spent fuel and high level waste storage.

#### Legal aspects of the question

10. The Group examined some legal aspects of the problem of prohibition of attacks against nuclear facilities. The discussion centered on questions whether certain relevant provisions in the existing international instruments, in particular Additional Protocol I (1977) to the Geneva Conventions of 1949, are adequate, as well as possible types of an agreement to be elaborated. In this connection some delegations stated that the existing international law provided for a substantial protection of the nuclear facilities in question, and that they had not been convinced of the necessity for additional protection. Other delegations held that since the protection covered by the Additional Protocol I was inadequate in scope, contained a number of reservations and allowed a subjective interpretation of its relevant provisions by military commanders on a tactical level, there was a clear need for a new international agreement, for the necessary protection of nuclear facilities. In the course of discussion the question of the application of the ENMOD Convention to the issue of military attacks on civilian nuclear facilities was also raised.



### Zones

11. The Group also discussed the rationale of establishing protective zones around nuclear facilities to be protected. In this context zones based on circles with a definite radius were mentioned. However, substantial doubts were expressed as to the feasibility and usefulness of the concept of protective zones, especially in view of the existing differences in the design, typical inventory and location of the various facilities to be protected. Another view was held that there were difficulties with that concept in the case of nuclear power stations. It was suggested that, instead of protective zones, a provision should be included that an attacker should assume absolute liability if severe radiological consequences occur. The problem of clandestine use of protective zones for military purposes was also touched upon.

### Compliance and verification

12. With regard to matters concerning compliance and verification aspects of a possible agreement it was argued that consideration of those issues would depend to a great degree on the scope of prohibition. It was felt in this connection that solution of this problem would be possible only after the scope of the ban had been determined. Some delegations pointed out that the question of verification and compliance should be seen in its proper perspective and in seeking a ban on attacks on nuclear facilities it is the prohibited action, not the mechanism of control on the potential victim, which ought to be the subject of verification and compliance. Other delegations considered this view somewhat over-simplified. A view was also held that the issue of compliance and verification was irrelevant since it was sufficient to establish the fact of an attack. Some delegations were of the opinion that if the scope of the agreement would be limited to those facilities which were placed under the IAEA safeguards system the control procedure could be much simplified and made more efficient with respect to all such facilities, except those in the possession of nuclear-weapon States. Other delegations believed that such an approach was discriminatory and had no relevance to the question of compliance and verification.

### III. CONCLUSIONS

13. In spite of differences of opinion among delegations on specific matters, it was generally recognized that the question of prohibition of attacks against nuclear facilities was an important issue which needed solution and that it was also a complex problem. The exchange of views on the subject in the Group was considered as necessary and useful. It helped to clarify the various positions of delegations, in particular the scope of prohibition and the relevant legal questions. It also contributed substantially to the examination of possible common approaches and potential main avenues of the activities of the Group in the future.

1984

Proposals by the Chairman for the items to be discussed in the  
Ad Hoc Committee on Radiological weapons during the summer  
session.

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It is suggested that within the problem of the prohibition of radiological weapons in the "traditional" sense following questions be discussed:

- definition of radiological weapons
- appropriate article in the treaty regarding peaceful uses
- undertakings and obligations of States in the related field of nuclear disarmament
- compliance provisions

As far as the prohibition of attacks against nuclear facilities is concerned following items could be considered:

- scope of prohibition
- legal aspects of the question
- zones
- compliance and verification

It is suggested that the best way to deal with all the items mentioned above would be to consider them separately in two working groups to be established for that purpose.

# CONFERENCE ON DISARMAMENT

CD/RW/ORE.26  
6 July 1984

Original: ENGLISH

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## FEDERAL REPUBLIC OF GERMANY

### Questions addressed to the Swedish Delegation with respect to the draft provisions regulating the prohibition of attacks in Working Paper CD/RW/WP.52

In the view of the Delegation of the Federal Republic of Germany the draft provisions regulating the prohibition of attacks on nuclear facilities in Working Paper CD/RW/WP.52 raise a number of questions, in particular if the Working Paper is considered in the light of the previous negotiating history of the subject matter.

A first series of such questions is contained in the subsequent questionnaire.

1. Are all nuclear facilities which fulfil the criteria spelled out in draft article II, 2 to be protected, irrespective of their military or non-military nature?
2. Is it true that the draft text would enable States to protect their military nuclear facilities from attack merely by requesting inclusion in the register under draft article III?
3. How is the term "attack" defined? Does "attack" refer exclusively to military actions that are directly and expressly targeted against a nuclear facility, or does it also embrace attacks on nearby (military) targets, that cause relevant incidental damage to the nuclear facility?
4. Why has the notion of perimeters of protection been dropped? Would an adequate protection of nuclear facilities not require the establishment of designated zones around a nuclear facility in accordance with national safety regulations, stipulating safe distances between potential military targets and nuclear facilities, in order to avoid accidental strikes and collateral damage? How can differences in plant layout and plant safety be accommodated in the establishment of such zones?
5. How can the draft provisions prevent that military activities be carried out within, or in the vicinity of protected nuclear facilities, so as to exempt these activities from enemy impact?
6. Why are there no provisions for the protection of civilian reactor propelled vessels as long as they are docked in ports, or otherwise close to populated areas or in territorial waters?

7. Should transports of irradiated material, e.g. from a power plant to a waste deposit or to an intermediary storage place, not be included in a listing of objects to be protected?
8. Why do the draft provisions not provide for physical identification (Marking) of the protected facilities, as called for in Working Paper CD/RW/WP.34 submitted by the Swedish Delegation?
9. How can it be maintained that verification for track A and B is the same when the attack on a nuclear facility can only be verified post factum (since targeting is not verifiable) whereas the existence or non-existence of radiological weapons can be verified ex ante (production, storage, transfer)?

## SWEDEN

Notes from the intervention by Ambassador Ekéus on 21 June 1984  
concerning criteria and definitions used in CD/RW/WP.52

1. The overriding criterion used when establishing which nuclear facilities should qualify for protection under the proposed treaty has been their potential to cause mass destruction through the release or dissemination of radioactive material, if attacked. Since radioactive material can occur in very small quantities it has been necessary to make an assumption as to what should be considered as mass destruction in this case.
2. Thus for the purpose of the RW-treaty the amount of radioactive material, uniformly spread out over a specific area and sufficient to cause serious injuries to anyone staying there for more than a short time is assumed to be equivalent to mass destruction. The initial dose rate with this effect is suggested to be one Gray (Gy) per hour, and the size of the area to be one square kilometre.
3. It has been calculated that the amount of radioactive material with an initial disintegration rate in the order of  $10^{18}$  Bq could cause the dose rate mentioned above to unprotected human beings, and that enough radioactive material to cause the same dose rate could over time be produced in a nuclear reactor operating with a thermal effect in the order of 10 Megawatt.

In summary, from the basic assumption that the initial dose rate of one Gray (Gy) per hour over one square kilometre would be equivalent to mass destruction there is a direct link in rough numerical terms to the definitions of the nuclear facilities to be covered by the provisions of the RW-treaty.

Gray (Gy) is the unit of the dose of radiation measured in terms of the energy of the ionizing radiation absorbed in human tissue. (A former unit of dose still used in some publications is the rad, 1 Gy = 100 rad. One Gy also corresponds to the absorption of 1 joule per kilogram of tissue).

Unprotected human beings, exposed to the dose rate of one Gray per hour during four hours, i.e. to a dose of 4 Gray, will be subject to a mortality rate of approximately 50 per cent. At 10 Gray the mortality rate would be close to 100 per cent.

Becquerel (Bq) is the unit for the disintegration rate of atomic nuclides in which process radiation is produced. One Bq signifies the disintegration of one nuclide per second. (Bq is a relatively new term replacing the formerly used curie (Ci) which is the measure of the disintegration rate of one gramme radium.  $1 \text{ Ci} = 3.7 \times 10^{10}$  disintegrations/second.  $10^{18}$  Bq is approximately equivalent to 25 megacurie.)



# CONFERENCE ON DISARMAMENT

CD/EM/CPD.28  
12 July 1981

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## Ad Hoc Committee on Radiological Weapons

### Programme of work of the Ad Hoc Committee on Radiological Weapons

Within the questions of the prohibition of radiological weapons in the "traditional" sense and the prohibition of attacks against nuclear facilities, the following problems should be discussed without prejudging the final positions of delegations as regards the "link" between the two aspects of the issue:

- Definitions
- Scope
- Peaceful uses
- Cessation of the nuclear arms race and nuclear disarmament
- Compliance and verification

SWEDEN

Answers to questions raised by the Federal Republic of Germany concerning the Swedish proposal for draft provisions prohibiting attacks on nuclear facilities contained in CD/RW/WP.32

In document CD/RW/CRP.23 the Delegation of the Federal Republic of Germany has posed some questions pertaining to the Swedish proposal for draft provisions prohibiting attacks on nuclear facilities as presented in document CD/RW/WP.32. The following is an attempt to answer these questions. The numbers below correspond to those of the questions raised in CD/RW/CRP.23.

1. In past deliberations in the Committee on Radiological Weapons on the possibility of prohibiting attacks on nuclear facilities various criteria have been suggested concerning which types of facilities should be covered by such a prohibition. One such criterion has been the distinction between military and non-military facilities. However, discussions in the Committee has shown that such a distinction would be difficult to apply and furthermore not very useful. Instead Sweden has chosen as the main criterion the facilities' potential to cause mass destruction to man if attacked in such a way that release or dissemination of radioactive material could occur. This has been the guiding principle when formulating article II:b in the Swedish proposal. (More detailed explanations on how the calculations in this respect have been done is given in document CD/RW/CRP.27).

2. In order for the facilities (as specified in Article II:b) not to be attacked in accordance with the proposed provisions, however, some further and more detailed requirements have been deemed necessary. Thus, in Article III and in Annex III provisions are made for States Parties to provide detailed information on the facilities in question as well as for international on-site inspection. With these provisions an attempt has been made to meet the need for information and international control while at the same time facilitating the procedures by keeping them as simple as possible. Sweden is of the opinion that if a State Party is prepared to comply with these regulations the possible military or non-military nature of a nuclear reactor, spent fuel storage, reprocessing plant or waste deposit is not a question of major concern.

3. By the term attack Sweden understands all attacks on the facilities in question which cause release or dissemination of radioactive material. The question if the facility itself has been the intended target or if the damage is incidental is, in the Swedish opinion, of less significance since the necessity to prevent mass destruction should at any given time have priority over other military interests.
4. Concerning the question of establishing particular safety zones around the facilities, Sweden has, from the past deliberations in the Committee, come to the conclusion that the problems they give rise to outweigh their possible advantages. From what has been stated above, under point 3, it follows that any attack on military targets in the vicinity of nuclear facilities must be planned and performed so as to exclude any possibility of radioactive material being released. Given the high precision in today's weapons this is no overwhelming task. Furthermore, the existence of protective zones might give rise to the temptation to use them as military sanctuaries thereby enhancing the risk of military targets being placed close to nuclear facilities and consequently also the risk of accidental damage being caused to the facilities. Actually, the protective zones could in some instances diminish the very safety it was intended to enhance.
5. Military activities which cause release or dissemination of radioactive material are covered by the Swedish draft provisions. Other military activities are not addressed.
6. The possible release of radioactive material from civilian vessels would most probably take place into the sea even if they are locked in ports. Thus, only under very exceptional circumstances would an attack on vessels be likely to cause mass destruction. As very few civilian vessels propelled by reactors actually exist or are planned, Sweden has not considered it necessary to propose any special provisions for this, in our opinion, highly marginal case. Furthermore, in last year's report of Group B of the Ad Hoc Working Group on Radiological Weapons (CD/421) a general understanding was expressed that such vessels would not be considered within the context of nuclear facilities.
7. Transports of irradiated material e.g. from a reactor to reprocessing plant or a waste deposit which in each passage significantly exceeds  $10^{13}$  Bq would be rare. Sweden has therefore concluded that introducing special provisions for such cases could add little more than rather unnecessary complications to the general prohibition.
8. Physical identification (marking) of nuclear facilities poses great problems for some governments fearing that such markings could cause worry to the population to such an extent that the development of nuclear energy for peaceful purposes could be made difficult. However, Sweden has no objection to such markings, should States Parties wish to make them. However, we consider that such identification should be voluntary, and that

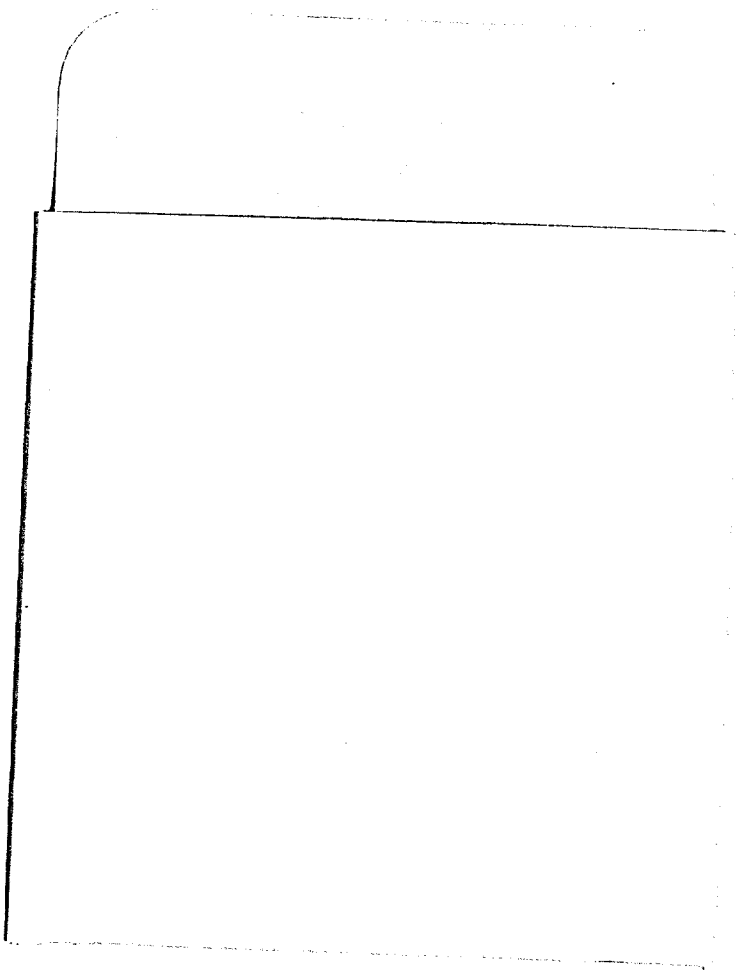
absence of such markings in no way should relieve any Party of its obligations according to other provisions of the treaty. A norm for physical identification is provided in the 1977 Additional Protocol I to the Geneva Conventions of 1949, Annex I, Article 16.

9. As has been pointed out during the discussions in the Committee as well as in CD/RM/CRP.52, Sweden has only endeavoured to elaborate new text proposals concerning some of the major still outstanding problems. Verifying post factum an attack on a nuclear facility was not thought to be such a major problem, neither was possible alterations in the verification procedures pertaining to radiological weapons in the traditional sense as proposed by the Co-terminator of Paragraph A in CD/111. Sweden would be open to various proposals in these respects.

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