

STATEMENT BY AMBASSADOR J. ALAN BEESLEY, C.C., Q.C.

Before the

Conference on Disarmament

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Having already complimented you on conducting our deliberations I would embarrass you if I were to reiterate our continuing approval of the high standards you are setting for us, so I will not do so.

I intend to try and bring us down from the stars for a moment, and in so doing I mean no criticism of any statements by anyone else. But I am concerned more and more about our lack of progress on a comprehensive chemical weapons convention, and that is the subject of my statement today.

We all agree that a major objective of our deliberations are negotiations - I am afraid deliberations may be the more appropriate term, although that is supposed to be the term applied to the UN Disarmament Commission, - that is the deliberative body - this is supposed to be a negotiating body. A major objective of our negotiations, we all agree, is to make significant progress in negotiating a comprehensive verifiable ban on chemical weapons, including in particular their use. During the last two years, I think we would all agree, some considerable progress towards this objective has been

achieved. The basic structural framework of a treaty as set out in CD/539 has been largely agreed. Moreover, much useful work has been done in exploring and defining the specific provisions to be included in a treaty. Our thinking about the various treaty elements has obviously been steadily acquiring greater precision, and that is particularly true in the case of Canada as I propose to indicate today in the case of one example. A little later I hope to be able to introduce a working paper to give further indications of the direction of our thinking. I have to say also that if it were left to our Chairman, Ambassador Turbanski, we would be making much more progress than we are, and this applies to the friends of the Chair also, as they do try to urge us on. The failure seems to be a collective one, because the Ad Hoc Committee and its working groups are continuing in their work but the results are not very great.

Our efforts to conclude a chemical weapons ban are not, in our view, being pursued with the universality and the urgency which they deserve. While some conscientious and useful work is being done, important areas of divergence or disagreement remain to be addressed. Indeed, at a time of growing concern, and many would say, growing dangers of an alarming proliferation of chemical weapons capability, our sense of urgency seems to be dying away rather than

find that they can accept this particular text. Let me make myself quite clear. We do not see this issue as a bilateral negotiation. We are not therefore addressing ourselves, for example, to the USSR or to the Socialist group. It is not enough for us to leave it to the USA and the USSR, for reasons I have already mentioned, namely, the danger of proliferation. Are we all here addressing that issue because of fears arising out of the present position and the situation pertaining between the USA and the USSR? I do not think so. Again and again we preach to each other, although I do not know if the world notices, about the importance of multilateral negotiations on these issues, and on others, but when the opportunity presents itself to us we do not seem to be quite able to deliver. Let me make clear again that this is self-criticism as much as criticism of anyone else. I am saying that we really do need to come to grips with these problems a little better than we are doing.

I have said again and again that we regard this comprehensive chemical weapons convention as an attempt to develop a non-proliferation treaty. Now whether that term has an unfortunate connotation for some or not, I use it as a term of art. We want something more than a bilateral treaty. We want a genuine non-proliferation treaty that would head off the spread of these horrible weapons. Thus to my mind, and to the

mind of my delegation and government, every one of us has the duty to make our contributions as concrete and as specific as we can make them in attempting to move these negotiations ahead. I have seen such contributions, and I have witnessed them personally, and seen evolutions of thinking indicating it can happen and does happen, but it is too uneven and it happens too infrequently. It seems to us that it really is the duty of all of us - not only to our governments, but to each other and to the countries not represented in this forum - to do a little better than we are doing. In fact a lot better. Some delegations have gone to the trouble and the expense - and it entails devoting resources to this, - to table various kinds of working papers to push our work along. I think I should compliment the Yugoslav delegation for having just done that. This is an example of what we think more of us should be doing.

There is little doubt as far as we are concerned that the key elements of a treaty, a comprehensive treaty, are reflected in the US proposal, for example, since it is undoubtedly the most comprehensive and far-reaching. Now, in so saying, I am endorsing it but I am not asking that anyone else endorse it as is. Indeed, as I understand the US position, they themselves say that they do not consider that every line of every text is set in concrete. But it does seem

to us that we have to address the elements, the issues reflected in that comprehensive draft.

It is no news to anyone here that to Canada verification and compliance are considered to be the most difficult and contentious but most important issues, and that's the point we will come to a little later when, if we manage to finish our homework, we will submit a working paper. However, we consider that the confidence of the parties that the treaty is being universally and effectively observed will depend on the efficacy of just such a provision. It is too easy in this case for something to be occurring without any obvious means of detecting it. That does not necessarily assume that we must all agree on the most intrusive types of inspection available, but it means that if we settle for less than that, there is going to have to be an element of good faith. It does not seem to be very much in evidence thus far, and perhaps we could work on that problem a little too.

We accept that delicate and legitimate issues arise touching on sovereignty and national security concerns for all states here represented and for all of those we represent collectively who are not in this Conference. These questions are involved. We accept also that patience, imagination and a very strong political commitment is required if we are going to avoid having this particular issue go the same route as others,

on which we seem to have established a kind of track record for seven years of a lot of talk but not much action.

The Canadian government attaches great priority to these chemical weapons negotiations, and is particularly mindful of the need to ensure that any verification provisions are both effective - that is to say capable of providing reasonable assurances of compliance - and realistic in the sense of being operationally viable. Now I said I would give an example, I am going to do so, and I am well aware that it is a sensitive one. In reflecting these concerns, the Canadian government recently commissioned a private study by two Canadian jurists versed in international law, and perhaps as important for us, in Canadian constitutional law, to examine the implications for the Canadian government and for Canadian industry - for Canada, in other words, - of a hypothetical requirement to implement a chemical weapons treaty incorporating verification provisions of the type set out in CD/500.

Now others may have made this kind of statement to accept such provisions, but I must have been sleeping when such statements were made. When we made this study, special attention was given to the potential implications of the open invitation verification provision as given in that text. If there is any importance to my statement it is in our effort to

make clear that the central conclusion of our study - and I confess that we were somewhat surprised - is that the existing Canadian legislation would, in fact, allow for verification which includes on-site inspection on short notice. Such inspections are seen, for example, as no more stringent than existing domestic law, to which the Canadian chemical industry is already subject.

I recognise the distinction between internal process and something that involves representatives of other countries. Nonetheless, there is not a constitutional difficulty for us, and maybe for others, including perhaps some Western states, some non-aligned, perhaps some socialist states. We consulted representatives of the Canadian chemical producers, and we still came to the same conclusion.

We recognize that this conclusion in relation to the constitutional, legal and regulatory processes of Canada, may not have application to the situations in other states. Further, we recognise that the commissioning of this study and its conclusions, about which I have informed the Conference today, and I would like to emphasise this, should not be interpreted as signifying that the government of Canada advocates agreement by this Conference on the precise verification provisions set out in CD/500. The purpose of my intervention is a more modest one, but one at least as concrete

as that. It is to illustrate, as we see it, the desirability of each member state in the Conference on Disarmament, which is after all a representative body, giving close examination to the practical and operational implications of all proposals put before this body, from all sides, and I have spoken before of the USSR proposal on destruction of stocks, which we take quite seriously, in order to arrive at a considered evaluation of their acceptability. If we can not find them acceptable then we continue to say that we should be trying to produce counter-proposals, even if they do not necessarily reflect the final word of the state or of the delegation putting them forward.

I would like to reiterate and make abundantly clear that we are certainly not addressing these comments to any one delegation, to any one group whether the Western group, the Socialist group or the G21 and China. It is all of these groups outside of this Conference as well as those represented in it who have to address these problems. The onus, as we see it, is on all of us, and I do not think we are discharging this onus. It is very easy, as every lawyer knows, to reject a proposal and to pick holes in it. It is a little harder to propose solutions. My definition of a second-rate lawyer is one who can tell you all the reasons why you can not do something. My definition of a good lawyer and a good diplomat is to tell you how to find your way through the difficulties.



I do not want to say how we are qualifying, but I do not know how we would get through law school the way we are working lately. Its easy, of course, just to remain silent, and that is happening, but I suggest that it is open to us to utilise the tremendous wealth of talent in this room, backed up by expertise, and share it and pool it with one another, and give the support to the Chairman that he is entitled to, and to you Mr. President, and to the others in working groups, to try and push this process a little further and a little faster than it is going. I weep for Ambassador Turbanski trying to get us to move the way he asks us to. I think it is time we gave him a little better result than we have been doing. I am directing this at my own delegation as well as at anyone else. I do not often go into the working groups and one of the reasons I did not want to get involved in being a friend of the Chair again is because I knew just how much work was involved so I am as guilty as anyone else.

I think the time has come to fish or cut bait. It is hard to conceive of solutions. We accept that, and having said so, we think that we may be forced to consider other approaches, and especially important in the case of proposals which appear to depart boldly from established international practice, the kind that raise initial doubts about their operational viability.

Please look at just one issue, one of the most difficult and the most sensitive. We found that it did not present us with the kind of difficulties we thought we would find. I am talking, of course, about some form of verification which would not be merely internal, but which would include other countries, and not just neighbours, unless we think of neighbours as being North and South in the case of Canada. It is only by adopting such a pragmatic approach, in our view, that we are likely to succeed in concluding an effective and verifiable ban on chemical weapons, before the capability for production and use of such weapons begins to proliferate uncontrollably.

This is our concern, proliferation. We do not see it as an East-West or North-South or any combination or variations on those kind of groupings. It is a problem which involves all of us, and we think that we have to indicate our good faith by hard work and by submitting proposals designed to focus on those areas of common ground that do exist - and some good work has been done here - but also to develop new areas of common ground, something I think I might have mentioned once or twice before. So perhaps I could conclude as I often do, by citing Grotius without repeating his exact words, and urge that we all follow his advice and attempt a little faster and little harder to develop common ground in this vital area of work.