Fifteenth special session
Agenda items 9, 10, 11, 12, 13, 14 and 15

REVIEW AND APPRAISAL OF THE PRESENT INTERNATIONAL SITUATION,
especially in the light of the vital objective of
terminating the arms race and the pressing need to achieve
substantial progress in the field of disarmament

ASSESSMENT OF THE IMPLEMENTATION OF THE DECISIONS AND
RECOMMENDATIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS
TENTH AND TWELFTH SPECIAL SESSIONS

CONSIDERATION AND ADOPTION OF THE COMPREHENSIVE
PROGRAMME OF DISARMAMENT

ASSESSMENT OF DEVELOPMENTS AND TRENDS, INCLUDING QUALITATIVE AND
QUANTITATIVE ASPECTS, RELEVANT TO THE DISARMAMENT PROCESS, WITH
A VIEW TO THE ELABORATION OF APPROPRIATE CONCRETE AND PRACTICAL
MEASURES AND, IF NECESSARY, ADDITIONAL PRINCIPLES, TAKING DULY
INTO ACCOUNT THE PRINCIPLES AND PRIORITIES ESTABLISHED IN THE
FINAL DOCUMENT OF THE TENTH SPECIAL SESSION OF THE GENERAL
ASSEMBLY, THE FIRST SPECIAL SESSION DEVOTED TO DISARMAMENT

CONSIDERATION OF THE ROLE OF THE UNITED NATIONS IN THE FIELD
OF DISARMAMENT AND OF THE EFFECTIVENESS OF THE DISARMAMENT
MACHINERY

UNITED NATIONS INFORMATION AND EDUCATIONAL ACTIVITIES IN THE FIELD
OF DISARMAMENT, INCLUDING MEASURES TO MOBILIZE WORLD PUBLIC OPINION
IN FAVOUR OF DISARMAMENT

RELATIONSHIP BETWEEN DISARMAMENT AND DEVELOPMENT, IN THE LIGHT OF
THE ACTION PROGRAMME ADOPTED AT THE INTERNATIONAL CONFERENCE
Note verbale dated 7 June 1988 from the Permanent Mission of France to the United Nations addressed to the Secretariat

The Permanent Mission of France to the United Nations presents its compliments to the Secretariat and has the honour to request it to arrange for the text of the attached document, entitled "The role of the United Nations in contractual verification, investigation procedures and collection of space data: proposals of France for the third special session of the United Nations General Assembly devoted to disarmament" (see annex), to be distributed as a document of the fifteenth special session of the General Assembly, the third special session devoted to disarmament, under agenda items 9, 10, 11, 12, 13, 14 and 15.
ANNEX

The role of the United Nations in contractual verification, investigation procedures and collection of space data: proposals of France for the third special session of the United Nations General Assembly devoted to disarmament

1. Verification is now considered an integral and even essential part of any arms control or disarmament agreement. This consensus has been reached very quickly in the course of recent years. However, it in no way constitutes a final result; on the contrary, it reflects the necessity of intensifying the international community's work in this field. In fact, it is the role of the third special session of the General Assembly devoted to disarmament to propose a framework for work and guidelines for the years to come.

2. Thus far, the bilateral or multilateral work on verification has not been based on a concerted approach. It is true that the various negotiations and their results have led to notable convergence. But if what has been achieved is to be consolidated and developed, it seems necessary to seek a methodical approach, particularly within the framework of the United Nations.

3. Thus, at the opening of the third special session devoted to disarmament, a debate seems to be developing between two approaches, both based on current experience and reflection but resulting in contrary conclusions:

   (a) One approach advocates the centralization of the means of verification within the United Nations, so as to give the Organization the primary responsibility for the implementation of disarmament; in fact, it tends to give greater importance to political and symbolic considerations and to underestimate the legal consequences (dilution of responsibilities), practical consequences (cumbersome nature of mechanisms) and financial consequences (cost of a polyvalent mechanism);

   (b) The other considers that the developments of the past decade militate in favour of specificity of verification for each disarmament agreement; but although based on incontestable factual considerations, it runs the risk of rigidly separating negotiations and agreements, thus limiting the opportunities that are currently available with regard to verification.

4. This debate involves very real issues, but it should not lead to a dialogue of the deaf. In fact, the current session offers an opportunity to define a pragmatic approach that would make it possible to reconcile these proposals, which are not necessarily incompatible:

   (a) It is a fact that the developments that have occurred since the first special session devoted to disarmament confirmed the necessity of verification proper to each agreement; all the documents adopted or prepared in recent years have taken this approach;

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(b) It must be acknowledged, however, that during the same time it has become increasingly clear that there is a need for information on the part of the international community as regards questions relating to security in all its aspects.

5. The rapid progress made with regard to contractual verification proper thus forms part of a broader trend leading to the development on an international scale of the dissemination of data and more generally of transparency. The search for disarmament leading to greater security cannot ignore the essential requirements with regard to information which dominate the contemporary world. There is therefore a pressing need to promote the best possible deployment of means. Without being in a position to aspire to comprehensive control, which would in any event not be feasible, the United Nations can today play a very useful role at several levels.

I. CONTRACTUAL VERIFICATION

A. General considerations

6. In order to dissipate the risks inherent in excessively broad definitions and preclude any untimely intervention in a delicate process, it seems essential to respect fully the contractual character of verification proper.

7. Far from being an end in itself, a verification mechanism is necessarily based on a network of undertakings between parties which have chosen to renounce part of their sovereignty in order to attain greater security. This basic exchange is, however, not established once and for all, but should in principle be progressively strengthened: the aim is first, to avoid the worst by dissuading all other parties from cheating, then to make continually sure that the provisions of the agreement are being fully respected, and lastly to establish confidence, all these elements remaining constantly intertwined in the practice of verification.

8. Although the contractual dimension of verification is of primary importance, it is nevertheless not exclusive. Thus, the United Nations is called upon to play a supporting role; it can also respond to requests from States; and it should contribute very actively to the intensification of the work on verification.

B. Proposal: United Nations group of experts on verification

9. France proposes that by the end of the forty-third session of the General Assembly a group of experts should be established to study, on the basis of the document adopted by the Disarmament Commission in May 1988, various specific aspects of verification, with the following agenda:

   (a) The relationship between verification and the objective it is supposed to serve, namely the achievement of greater security. The group should consider this complex relationship carefully: the effect of verification on security is, in fact, neither automatic nor identical in all fields. Some weapons are more
difficult to monitor than others. Although it is tempting to begin with what seems to be the easiest to verify, priority should, in our view, be given to the measures that contribute most effectively to security and stability, even if they are difficult to verify;

(b) Inventoring of the methods, techniques and procedures already identified in connection with agreements that have already been concluded or are currently being negotiated, and in the available research work;

(c) Establishment of a roster of experts, inspectors and verifiers concerned, and of competent institutions;

(d) Proposals concerning an international status of verification expert;

(e) Lastly, and in the light of the foregoing, reflections concerning the future role of the United Nations with regard to verification.

10. This would therefore be a group with very limited competence. It may, indeed, be considered that after two productive sessions of the Disarmament Commission, and in the light of the progress made or being made in bilateral and multilateral negotiations, it is important to begin a process of systematic reflection on the methods and means of verification, aimed at producing practical results. The group should submit a report to the forty-fourth session of the General Assembly, in 1989.

11. In making this proposal, France wishes to emphasize that it is willing to combine it with that made jointly by Canada and the Netherlands, entitled "Verification and the United Nations" (A/S-15/25), in order to produce a joint document acceptable to all.

II. INVESTIGATION PROCEDURE

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12. The investigation procedure must be distinguished from contractual verification proper, since it is not included within the specific framework of a treaty. It has acquired new importance since the adoption, on the proposal of France, of General Assembly resolution 37/98 D, on the powers of investigation of the Secretary-General in the event of the alleged use of chemical weapons.

13. The experience gained in recent years following serious, criminal violations of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods in Warfare, signed at Geneva in 1925, has shown the usefulness of the Protocol and taught us some lessons. Since the beginning of the session, several States have moreover proposed various changes concerning, inter alia, free access in the countries concerned.

14. As both the depositary of the 1925 Protocol and the author of the original draft resolution adopted at the thirty-seventh session, France welcomes these proposals with particular interest and believes that they warrant serious
consideration. At the same time, however, it must draw attention to the need to maintain an appropriate relationship between the Geneva Protocol, which predates the United Nations system, the special role of the Secretary-General and the future convention on the prohibition of chemical weapons. This review of investigation procedures may prove useful but in no circumstances should it call into question the priority negotiation of the convention or lead to the establishment of parallel systems.

15. France proposes therefore that the group of experts which is to meet next summer to review the procedures for investigations by the United Nations Secretariat should also make a preliminary assessment of the implications of the proposed changes, on the understanding that it will be for the General Assembly to take a position on the issue at its next session.

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16. It is precisely because of their originality that the procedures for investigating the alleged use of chemical weapons cannot be developed without taking special precautions. This must also be the case with regard to the alleged use of biological weapons.

17. Of course, we cannot envisage simply transposing provisions, since the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction is very different from the 1925 Protocol:

(a) The Convention is a legal instrument which postdates the establishment of the United Nations. Unlike the Geneva Protocol, it envisages a total ban on production, refers to the Charter of the United Nations (Article V) and provides for the possibility of recourse to the Security Council (Article VI);

(b) None the less, it seems desirable to envisage a procedure which can be followed in the event of the alleged use of biological weapons. Such an exercise would make it possible to make the necessary specific preparations for the 1991 Review Conference;

(c) To this end, France proposes that the group of experts on the procedures established by General Assembly resolution 37/198 D should add to its agenda a preliminary consideration of the issue, and report to the Assembly next autumn.

III. COLLECTION OF SPACE DATA

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18. This too is a separate activity from contractual verification proper, even though it may assist such verification. It concerns all States and may be carried out independently of any arms control or disarmament agreement or treaty.

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19. For the past 30 years, the two super-Powers have been the only countries in a position to use the space data provided by their satellites ("national technical means") to monitor each other's military activities and programmes, as well as crisis situations in the world and, where necessary, the application of their arms control agreements.

20. In the years to come, these two countries will continue to play a preponderant role in the area of military observation satellites. However, the collection of civilian space data has already grown considerably and this growth is going to continue. The two super-Powers have also begun to change their attitude to the dissemination of the space images in their possession. States will soon be able to have access, on the market, to a new class of information of relevance to their security. Such information will add a new dimension to States' assessment of their own security and of the possibilities for disarmament monitoring and verification.

21. It was with this in mind that France proposed as early as 10 years ago the establishment of an international satellite monitoring agency, a proposal considered in depth in the report of the Group of Governmental Experts on the Question of the Establishment of an International Satellite Monitoring Agency submitted to the General Assembly (A/AC.206/14). The report was subsequently issued with the title *The Implications of Establishing an International Satellite Monitoring Agency* (United Nations publication, Sales No. E.83.IX.3) and very favourably received by all Member States except two.

22. France continues to view the 1981 report as an essential work of reference and as reflecting an ambition of the international community which remains as valid as ever today. At the same time, it intends to take into consideration, with the same concern for accuracy and efficiency, the developments that have occurred since 1978 and which today prompt it to envisage an *even more progressive and selective approach* which, without sacrificing an overall perspective, would be less cumbersome and costly:

(a) We cannot today ignore the specific nature of the verification system for each treaty; the international community does not have to be directly responsible for implementing a verification system, except in the case of universal agreements;

(b) If actual progress is to be made in giving the international community access to space data, we should confine ourselves strictly to collecting commercial space images and thus to the civilian satellites which supply this rapidly expanding market;

(c) This restriction does not prevent us from placing such an approach within the political context of the role which the United Nations might play in verification. The Organization must be involved in activities leading up to agreements themselves and also in their follow-up, and also help to prevent all military and non-military threats to the security of States (situations evaluations, crisis management, prevention and handling of disasters and major risks);

(d) When the time comes, the international community will be in a position to give all States information on the implementation of and compliance with future...
disarmament agreements. While each State cannot expect to verify disarmament agreements to which it is not a party, there is no reason why it should not be informed. A disarmament agreement is not binding on all States but it concerns them all.

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23. That is why France is proposing, as a first stage, the establishment within the United Nations of an agency for the processing and interpretation of space images. The most appropriate approach to considering this proposal and any other comparable one would be to follow the procedure adopted 10 years ago for the proposal on the international satellite monitoring agency, which led to the establishment of a group of experts, the adoption of the group's report in 1981 and the submission of that report to the General Assembly. There is no need to repeat all the substantive work done on that occasion, which remains fully valid today. What is needed is to draw on the developments that have occurred in the area of civilian remote sensing in order to extend and adapt for a very specific purpose the work begun on that occasion. Consideration of the French proposal by a group of experts should, inter alia, demonstrate that the proposal can be implemented effectively with very limited means, since such an agency would be primarily a service agency.