

# CONFERENCE ON DISARMAMENT

CD/734  
29 January 1987

Original: ENGLISH

---

## Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament on its work during the period 12-30 January 1987

### I. INTRODUCTION

1. In accordance with the decision taken by the Conference on Disarmament at its 384th plenary meeting held on 29 August 1986, the Ad Hoc Committee on Chemical Weapons resumed its work on 12 January 1987 under the Chairmanship of Ambassador Ian Cromartie (United Kingdom). Mr. Abdelkader Bensmail, Deputy Chief of the Geneva Branch, Department for Disarmament Affairs, continued to serve as Secretary of the Committee, assisted by Mr. Michael Cassandra, Political Affairs Officer, Department for Disarmament Affairs.
2. The Ad Hoc Committee held four meetings from 12-30 January 1987. In accordance with the recommendations of the Ad Hoc Committee, as contained in its Report to the Conference on Disarmament (CD/727), open-ended consultations of the Ad Hoc Committee were held between 24 November and 17 December 1986 in preparation for the resumed session.
3. The representatives of the following States not members of the Conference participated in the work of the Ad Hoc Committee: Austria, Finland, Greece, New Zealand, Norway, Portugal, and Spain.

### II. SUBSTANTIVE WORK DURING THE RESUMED SESSION

4. In accordance with its mandate, the Ad Hoc Committee continued the consideration of Articles III, IV, V, VI and IX, and parts of Article II relevant to Articles V and VI of the Draft Convention, utilizing the Appendix to the Report on its work in 1986 (CD/727) as well as proposals made by delegations.
5. Working Group A, under the Chairmanship of Mr. Richard Rowe (Australia), continued to deal with Article VI and its corresponding Annexes. There was also discussion on the subject of supertoxic lethal chemicals other than those listed in Schedule [1] and on proposals for guidelines for considering whether a chemical should be included in Schedule [1]. The state of the discussion is reflected in the two papers of the Chairman of Working Group A, contained in Appendix II.
6. Working Group B, under the Chairmanship of Mr. Petar Poptchev (Bulgaria), continued to deal with Articles III, IV and V and their corresponding Annexes.

7. The Chairman of the Committee conducted consultations on Article IX. As a result of his consultations he reported to the Committee that at the present stage it was generally regarded as the most difficult problem to be solved before a Convention could be concluded. He had, however, in his view, detected a convergence of views in the Committee on four points:

Firstly, that confidence in the Convention should be built up and maintained by routine inspection of declared facilities.

Secondly, that provisions under Article IX are needed for any party to give voice to its suspicions that another party was not complying with its obligations and to have confidence that these suspicions would be promptly allayed by agreed procedures.

- Thirdly, that such procedures should be regarded as a fundamental source of confidence in the Convention and recourse to them should be a rare event.

Fourthly, that once these procedures have been invoked a very short time scale for resolution of the issue is essential both for reasons inherent in the nature of chemical weapons as well as for wider political reasons.

### III. CONCLUSIONS AND RECOMMENDATIONS

8. The results of the work undertaken during the resumed session are reflected in the updated version of the Appendix to CD/727, attached hereto. Appendix I to this report reflects the present stage of negotiations on a chemical weapons convention; however, the draft texts contained therein do not bind any delegation.

9. The Ad Hoc Committee recommends to the Conference on Disarmament:

(a) That Appendix I to this Report be used for further negotiation and drafting of the Convention.

(b) That other documents reflecting the state of work of the Ad Hoc Committee, as contained in Appendix II to this Report and in document CD/CW/WP.149, together with other relevant present and future documents of the Conference also be utilized in the further negotiation and elaboration of the Convention.

APPENDIX I

This Appendix is based on the Appendix contained in CD/727, and includes new material produced during the resumed session of the Ad Hoc Committee in respect of Article III and Annex III, Annex IV to Article IV, Annex V to Article V, and Article VI and Annex VI.

Preliminary structure of a Convention on chemical weapons \*/

Preamble

- I. General provisions on scope
  - II. Definitions and Criteria
  - III. Declarations
  - IV. Chemical weapons
  - V. Chemical weapons production facilities
  - VI. Activities not prohibited by the Convention
  - VII. National implementation measures
  - VIII. Consultative Committee
  - IX. Consultations, co-operation and fact finding
  - X. Assistance
  - XI. Economic and technological development
  - XII. Relation to other international agreements
  - XIII. Amendments
  - XIV. Duration, withdrawal
  - XV. Signature, ratification, entry into force
  - XVI. Languages
- Annexes and other documents

---

\*/ Discussions are still continuing on where different issues like verification measures are to be placed under this structure.

Preamble \*/

The States Parties to this Convention

Determined to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction,

Desiring to contribute to the realization of the purposes and principles of the Charter of the United Nations,

Recalling that the General Assembly of the United Nations Organization has repeatedly condemned all actions contrary to the principles and objectives of the Protocol for 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,

Recognizing that the Convention reaffirms principles and objectives of and obligations assumed under the Geneva Protocol of 17 June 1925, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction signed at London, Moscow and Washington on 10 April 1972,

Bearing in mind the objective contained in Article IX of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction,

Determined for the sake of all mankind, to completely exclude the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention, thereby complementing the obligations assumed under the Geneva Protocol of June 1925,

Considering that the achievements in the field of chemistry should be used exclusively for the benefit of mankind,

Convinced that the complete and effective prohibition of the development, production and stockpiling of chemical weapons, and their destruction, represents a necessary step towards the achievement of these common objectives.

Have agreed as follows:

---

\*/ Some delegations consider that the texts contained in the Preamble require further consideration.

I. GENERAL PROVISIONS ON SCOPE

1. Each State Party undertakes not to:

- develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone.

2. Each State Party undertakes not to:

- assist, encourage or induce, in any way, anyone to engage in activities prohibited to Parties under this Convention.

3. Each State Party undertakes not to use chemical weapons. \*/ \*\*/

4. [Each State Party undertakes not to [conduct other activities in preparation for use of chemical weapons] [engage in any military preparations for use of chemical weapons].]

5. Each State Party undertakes to [destroy] [destroy or divert for permitted purposes] chemical weapons which are in its possession or under its [jurisdiction or] control. \*\*\*/

6. Each State Party undertakes to [destroy] [destroy or dismantle] chemical weapons production facilities which are in its possession or under its [jurisdiction or] control. \*\*\*\*/

---

\*/ It is understood that this provision is closely linked to the definition of chemical weapons in another part of the Convention, the final formulation of which is yet to be agreed upon. It is also understood that this provision does not apply to the use of toxic chemicals and their precursors for permitted purposes still to be defined and to be provided for in the Convention. This provision is also closely linked to a provision in the Convention to be agreed upon relating to reservations.

\*\*/ The question of herbicides is subject to ongoing consultations. The Chairman of these open-ended consultations has suggested the following formulation for a provision on herbicides: "Each State Party undertakes not to use herbicides as a method of warfare; such a prohibition should not preclude any other use of herbicides".

\*\*\*/ An alternative formulation and placement of this undertaking is given under "Chemical weapons".

\*\*\*\*/ An alternative formulation and placement of this undertaking is given under "Chemical weapons production facilities".

## II. DEFINITIONS AND CRITERIA

For the purposes of this Convention:

1.\*/ The term "chemical weapons" shall apply to the following, together or separately: \*\*/

- (i) toxic chemicals, including super-toxic lethal chemicals, other lethal chemicals, other harmful chemicals and their precursors, including key precursors [and key components of binary and/or multicomponent chemical systems for chemical weapons], \*\*\*/ except such chemicals intended for permitted purposes as long as the types and quantities involved are consistent with such purposes; \*\*\*\*\*/
- (ii) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals, as referred to above, which would be released as a result of the employment of such munitions and devices;

---

\*/ The definitions of chemical weapons are presented on the understanding that problems related to irritants used for law enforcement and riot control, and also to chemicals intended to enhance the effect of the use of chemical weapons if their inclusion in the Convention is agreed could be handled outside the definitions of chemical weapons if this will result in a more clear and understandable definition. Preliminary suggestions to solve these problems are given below and consultations on them will be continued.

\*\*/ One delegation expressed its reservation on the present formulation of the definition of chemical weapons and on the terminology used in (i) that failed to reflect the general purpose criterion.

\*\*\*/ Some delegations consider that further deliberation is required in order to clarify at a later stage of the negotiations the implications of this definition for other parts of the Convention. This applies to other relevant parts of the Appendix. Other delegations consider that key component of binary and/or multicomponent chemical system for chemical weapons means: a component which poses a special risk to the objectives of the Convention as it can be an integral part in a chemical weapons munition or device and can form toxic chemicals at the moment of their employment and possesses the following characteristics: (a) reacts (interacts) rapidly with other component(s) of binary and/or multicomponent chemical system during the munition's flight to the target and gives a high yield of final toxic chemical; (b) plays an important role in determining the toxic properties of the final product; (c) may not be used, or be used only in minimal quantities, for permitted purposes; (d) possesses the stability necessary for long-term storage.

\*\*\*\*/ One delegation suggests that the term "permitted purposes" should be substituted, where it occurs throughout the Convention, with the term "purposes not prohibited by the Convention".

- (iii) any equipment specifically designed for use directly in connection with the employment of such munitions or devices;
- [The term "chemical weapons" shall not apply to those chemicals which are not super-toxic lethal, or other lethal chemicals and which are approved by the Consultative Committee for use by a Party for domestic law enforcement and domestic riot control purposes.]
- [States Parties agree not to [develop, produce, stockpile or] utilize for chemical weapons chemicals intended to enhance the effect of the use of such weapons.]

[2. "Toxic chemicals" means:

chemicals [however or wherever they are produced], [whether produced in plants, munitions or elsewhere] [regardless of the method and pattern of production] whose toxic properties can be utilized to cause death or temporary or permanent harm, to man or animals involving:]

[2. "Toxic chemicals" means:

any chemical, regardless of its origin or method of production which through its chemical action on life processes can cause death, temporary incapacitation, or permanent harm to man or animals

Toxic chemicals are divided into the following categories:]

(a) "super-toxic lethal chemicals", which have a median lethal dose which is less than or equal to 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m<sup>3</sup> (by inhalation) when measured by an agreed method \*/ set forth in

(b) "other lethal chemicals", which have a median lethal dose which is greater than 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m<sup>3</sup> (by inhalation) and less than or equal to 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m<sup>3</sup> (by inhalation) when measured by an agreed method set forth in ...

[(c) "other harmful chemicals", being any [toxic] chemicals not covered by (a) or (b) above, [including toxic chemicals which normally cause temporary incapacitation rather than death] [at similar doses to those at which super-toxic lethal chemicals cause death].]

[and "other harmful chemicals" has a median lethal dose which is greater than 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m<sup>3</sup> (by inhalation).]

---

\*/ It was noted that after such measurements had actually been performed, the figures mentioned in this and the following section might be subject to slight changes in order to cover sulphur mustard gas under the first category.



3. [Permitted purposes] [Purposes not prohibited by the Convention]

[Non-hostile purposes] means:

(a) industrial, agricultural, research, medical or other peaceful purposes, domestic law enforcement purposes; and military purposes not connected with the use of chemical weapons.

(b) protective purposes, namely those purposes directly related to protection against chemical weapons; \*/

4. "Precursor" means:

a chemical reagent which takes part in the production of a toxic chemical.

(a) "Key Precursor" means:

a precursor which poses a significant risk to the objectives of the Convention by virtue of its importance in the production of a toxic chemical.

It may possess [possesses] the following characteristics:

(i) It may play [plays] an important role in determining the toxic properties of a [toxic chemicals prohibited by the Convention] [super-toxic lethal chemical].

(ii) It may be used in one of the chemical reactions at the final stage of formation of the [toxic chemicals prohibited by the Convention] [super-toxic lethal chemical].

[(iii) it may [is] not be used, or [is] used only in minimal quantities, for permitted purposes.] \*\*/

Key precursors are listed in ...

For the purpose of the relevant provisions in a Chemical Weapons Convention key precursors should be listed and subject to revisions according to [characteristics] [guidelines].

Chemicals which are not key precursors but are deemed to pose a [threat] [particular risk] with regard to a Chemical Weapons Convention should be included in a list.

---

\*/ The suggestion that such permitted protective purposes should relate only to "an adversary's use of" chemical weapons was removed pending a decision on whether in the Convention the question of prohibiting other military preparations for use of chemical weapons than those mentioned under scope should be dealt with.

\*\*/ One delegation considers that this particular characteristic has primary importance and should be placed first.

[(b) Key component of binary and/or multicomponent chemical systems for chemical weapons means:]

[a key precursor which forms a toxic chemical in the binary or multicomponent weapons munition or device and which has the following additional characteristics (to be elaborated):]

5. "Chemical weapons production facility" means:

- Chemical weapons production facility means [any building or equipment designed, constructed or used [in any degree] for the production of chemical weapons] or for filling chemical weapons.
- Chemical weapons production facility means [any building or any equipment which in any degree was designed, constructed or used since 1 January 1946, for:

(a) the production for chemical weapons of any toxic chemical, except for those listed in (schedule B), or the production for chemical weapons of any key precursors;] or

(b) the filling of chemical weapons.

### III. DECLARATIONS

1. Each State Party shall submit to the Consultative Committee, not later than 30 days after the Convention enters into force for it, the following declarations:

- (a) Chemical Weapons
  - (i) whether it has any chemical weapons under its jurisdiction or control 1/ anywhere;
  - (ii) whether it has on its territory any chemical weapons under the jurisdiction or control of others, including a State not Party to the Convention;
  - (iii) whether it has transferred or received any chemical weapons [and/or relevant technical documentation] and whether it has transferred to or received from anyone the control over such weapons [and/or relevant technical documentation] since
- (b) Chemical Weapons Production Facilities
  - (i) whether it has [at the time of entry into force of the Convention for it] any chemical weapons production facilities under its jurisdiction or control anywhere or has had such facilities at any time since [1.1.1946];
  - (ii) whether it has [at the time of entry into force of the Convention for it] any chemical weapons production facilities on its territory under the jurisdiction or control of others, including a State not Party to this Convention, or has had such facilities at any time since [1.1.1946];
  - (iii) whether it has transferred or received any equipment for the production of chemical weapons [and documentation relevant to the production of chemical weapons] since [1.1.1946], and whether it has transferred to, or received from, anyone the control of such equipment [and documentation].
- (c) [Declarations relevant to Article VI]
  - (i) [civil production] facilities
  - (ii) chemicals
  - (iii) single small-scale production facility
  - (iv) other]

---

1/ It is agreed that the concept of "jurisdiction or control" requires additional discussion and elaboration.

(d) Other declarations

- (i) The precise location, nature and general scope of activities of any facility and establishment 1/ on its territory or under its jurisdiction or under its control anywhere 2/ designed, constructed or used since [1.1.46] for development of chemical weapons, inter alia, laboratories and test and evaluation sites.

(ii)

2. Each State Party making affirmative statements in regard to any of the provisions under 1a, 1b, ..., shall carry out all relevant measures envisaged in any or all of Articles IV, V, ....

---

1/ The scope of the phrase "any facility and establishment" is to be clarified and an appropriate formulation found.

2/ It is agreed that the concept of "on its territory or under its jurisdiction or under its control anywhere" requires additional discussion and elaboration.

ANNEX III

I. DECLARATIONS OF CHEMICAL WEAPONS

A. Possession or non-possession

1. Possession of chemical weapons on own territory

Yes .....

No .....

2. Possession, jurisdiction or control over chemical weapons elsewhere

Yes .....

No .....

B. Existence on the territory of any chemical weapons under the jurisdiction or control of anyone else

Yes .....

No .....

C. Past transfers <sup>1/</sup>

Yes .....

No .....

II. DECLARATIONS OF CHEMICAL WEAPONS PRODUCTION FACILITIES

A. Possession or non-possession

1. Possession of chemical weapons production facilities on own territory

Yes .....

No .....

2. Possession, jurisdiction or control over chemical weapons production facilities elsewhere

Yes .....

No .....

---

<sup>1/</sup> The view was expressed that past transfers should not be included in the Convention.

B. Existence on the territory of any chemical weapons production facilities under the jurisdiction or control of anyone else

Yes .....

No .....

C. Past transfers of equipment [or technical documentation] 1/ 2/

Yes .....

No .....

[III. DECLARATIONS RELEVANT TO ARTICLE VI]

-

-

-

[IV. OTHER DECLARATIONS]

-

-

-

---

1/ The view was expressed that past transfers should not be included in the Convention.

2/ The view was expressed that technical documentation should not be included.

IV. CHEMICAL WEAPONS

1. The provisions of this article shall apply to any and all chemical weapons under the jurisdiction or control of a State Party, regardless of location, including those on the territory of another State.
2. Each State Party, within 30 days after the Convention enters into force for it, shall submit a declaration which:
  - (a) specifies the [precise location,] aggregate quantity and detailed inventory of any chemical weapons under its jurisdiction or control;
  - (b) reports any chemical weapons on its territory under the jurisdiction or control of others, including a State not Party to this Convention; \*/
  - (c) specifies any transfer or receipt by the State Party of any chemical weapons since [...] or any transfer of control by that State Party of such weapons; and
  - (d) provides its general plan for destruction [or diversion] of its chemical weapons.
3. [Each State Party shall, immediately after the declaration under para. 2 of this Article has been submitted, provide access to its chemical weapons for the purpose of systematic international on-site verification of the declaration through on-site inspection. Thereafter, each State Party shall ensure, through access to its chemical weapons for the purpose of systematic international on-site verification and through on-site inspection and continuous monitoring with on-site instruments, that the chemical weapons are not removed except to a destruction facility.]
4. Each State Party shall submit detailed plans for the destruction of chemical weapons not later than ... months before each destruction [diversion] period begins. The detailed plans shall encompass all stocks to be eliminated during the next coming period, and shall include the precise location and the detailed composition of the chemical weapons which are subject to destruction during that period.
5. Each State Party shall:
  - (a) destroy [or divert] all chemical weapons pursuant to the Order specified in Annex IV, beginning not later than... months and finishing not later than 10 years after the Convention enters into force for it;
  - (b) provide information annually regarding the implementation of its plans for destruction [or diversion] of chemical weapons; and
  - (c) certify, not later than 30 days after the destruction [or diversion] process has been completed, that all chemical weapons have been destroyed [or diverted].

---

\*/ A question was raised as to the applicability of this subparagraph.

6. Each State Party shall provide access to any chemical weapons destruction facilities and the facilities' storage for the purpose of systematic international on-site verification of destruction through the continuous \*/ presence of inspectors and continuous monitoring with on-site instruments, in accordance with Annex IV. 1/

7. Any chemical weapons discovered by a State Party after the initial declaration of chemical weapons shall be reported, secured and destroyed, as provided in Annex IV. 2/

8. All locations where chemical weapons are [stored or] destroyed shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments in accordance with Annex IV. 1/

9. Any State Party which has on its territory chemical weapons which are under the control of a State that is not a Party to this Convention shall ensure that such weapons are removed from its territory not later than ... months after the date on which the Convention entered into force for it.

10. The declaration, plans and information submitted by each State Party under this article shall be made in accordance with Annex ... and Annex ...

---

\*/ The precise wording to express this concept satisfactorily in some of the languages requires further elaboration.

1/ The provisions of Annex IV, which address verification, require further elaboration.

2/ In view of the complex situations these chemical weapons involve, this issue needs to be further discussed and resolved.



ANNEX IV

I. DECLARATIONS OF CHEMICAL WEAPONS

A. Detailed declaration by a State Party on the aggregate quantity and detailed composition of chemical weapons under its jurisdiction or control

1. Chemicals

1.1 Toxic chemicals 1/

In cases involving mixtures of two or more toxic chemicals all such components should be specified as well as the percentage of the mixtures.

---

1/ In accordance with agreed definitions.

1.1.1 Super-toxic lethal chemicals 1/

Scientific chemical name/ <u>2/</u> Structural formula <u>3/</u> and Toxicity (of pure substance)	Bulk		Filled in munition Quantity (metric tons)	Total quantity (metric tons)
	Purity <u>4/</u> %	Quantity (metric tons) Number and size of containers		
Chemical A				
Chemical B				

etc.

1.1.2 Other lethal chemicals 1/

Scientific chemical name/ <u>2/</u> Structural formula <u>3/</u> and Toxicity (of pure substance)	Bulk		Filled in munition Quantity (metric tons)	Total quantity (metric tons)
	Purity <u>4/</u> %	Quantity (metric tons) Number and size of containers		

1.1.3 Other harmful chemicals 5/

Scientific chemical name/ <u>2/</u> Structural formula <u>3/</u> and Toxicity (of pure substance) if applicable	Bulk		Filled in munition Quantity (metric tons)	Total quantity (metric tons)
	Purity <u>4/</u> %	Quantity (metric tons) Number and size of containers		

1/ In accordance with agreed definition.

2/ In accordance with the IUPAC (International Union of Pure and Applied Chemistry) Nomenclature.

3/ Different views exist whether it is necessary to state both the scientific chemical name and the structural formula in order for the declarations to be unambiguous.

4/ Three different approaches were taken by delegations: (1) Initial purity; (2) Purity of the compound as stored with an approximation of some 10 per cent; (3) That declaration of purity was not necessary.

5/ In accordance with agreed definition, but pending such a definition it is unclear which chemicals to declare in this table.

1.2 1/

Scientific chemical name/ <u>2/</u> Structural formula <u>3/</u>	Quantity (metric tons)	Number and size of containers
<u>Key precursors for unitary systems.</u> <u>4/</u>		

Scientific chemical name/ <u>2/</u> Structural formula <u>3/</u>	Bulk		Filled in munition/ submunition (metric tons)	Total quantity (metric tons)
	Quantity (metric tons)	Number and size of containers		
<u>[Key components] [Key precursors] for multi-component systems</u> <u>4/</u> <u>5/</u> <u>6/</u>				

1/ The view was expressed that these two tables were not necessary and the key precursors and key components could be declared under points 1.1.1, 1.1.2 and 1.1.3 as applicable.

2/ In accordance with the IUPAC (International Union of Pure and Applied Chemistry) Nomenclature.

3/ Different views exist whether it is necessary to state both the scientific chemical name and the structural formula in order for the declarations to be unambiguous.

4/ To be declared separately for super-toxic lethal, other lethal and other harmful chemicals.

5/ Identified in accordance with approaches to be worked out in the context of Article II.

6/ Some delegations suggested that multicomponent chemical weapons should not be declared as a special category in a separate table.

1.3 Precursors 1/ in bulk 2/

Scientific chemical name/ <u>3/</u> Structural formula <u>4/</u>	Quantity (metric tons)	Number and size of containers
<u>Precursors for unitary systems</u>		
<u>Components for multicomponent systems 5/</u>		

---

1/ Identified in accordance with approaches to be worked out in the context of Article II.

2/ Some delegations did not consider this table necessary.

3/ In accordance with the IUPAC (International Union of Pure and Applied Chemistry) Nomenclature.

4/ Different views exist whether it is necessary to state both the scientific chemical name and the structural formula in order for the declarations to be unambiguous.

5/ Some delegations suggested that multicomponent chemical weapons should not be declared as a special category in a separate table.

2. Munitions

Type	Calibre (if applicable)	Quantity of unfilled munition/submunition (number of pieces) <sup>1/</sup>	Filled munition/submunition	
			Quantity (number of pieces)	Chemical fill (in kg per piece of munition/submunition)
<u>Unitary chemical type</u>				
<u>Examples:</u> Shell Cartridge Rocket warhead	155 mm 120 mm	22 000 500 warhead bodies 1 500 submunitions	13 000 8 000 1 000 warheads 100 submunitions	2.82 kg of chemical X 1.12 kg of chemical Y 50 kg of chemical Z (50 x 1 kg submunitions)
<u>Multicomponent chemical type</u>				
<u>Examples:</u> Binary shells for ... (= name of final reactive product)	155 mm	100 shell bodies 200 cannisters A 300 cannisters B	500 (completed shells, components stored separately) 100 cannisters A 150 cannisters B	3 kg chemical A + B 2 kg chemical A 1 kg chemical C

3. Other devices

Type	Quantity of unfilled devices (number of pieces)	Filled devices	
		Quantity (number of pieces)	Chemical fill (in kg/piece)
(Example: spraytanks)			

<sup>1/</sup> Some delegations did not consider this column necessary.

4. Equipment specifically designed for use directly in connection with the employment of munitions and other devices under points A:2 and 3. (Example: single purpose rocket launchers).

5. Chemicals specifically designed for use directly in connection with the employment of munitions and other devices under points A:2 and 3. (Example: thickeners). 1/

B. Locations and detailed inventories of chemical weapons stocks to be declared before the commencement of each elimination period 2/

For each stock the following shall be declared:

1. Location

Geographical location expressed by ...

2. Detailed inventory

Composition and quantities of the chemical weapons shall be declared in accordance with paragraph A of this Annex.

[C. Detailed information on any chemical weapons on the territory of a State Party which are under the jurisdiction or control of others (to be developed)]

D. Past transfers and receipts (to be developed) 3/

II. 4/ PRINCIPLES, METHODS AND ORGANIZATION OF THE ELIMINATION OF CHEMICAL WEAPONS

A. Destruction of chemical weapons

1. Destruction of chemical weapons means a process by which chemicals are converted in an essentially irreversible way to a form unsuitable for production of chemical weapons, and which in an irreversible manner renders munitions and other devices unusable as such.

---

1/ Different views exist concerning, if or to what extent such chemicals should be declared. Furthermore, it appears that this question will have to be decided in the light of the final definition of chemical weapons.

2/ Some delegations held the view that overall declarations should be made within 30 days after the Convention's entry into force for a State Party.

3/ The view was expressed that past transfers should not be included in the Convention.

4/ For some delegations, the question of the applicability of this section of the Annex to obsolete chemical weapons (ordnances) retrieved from the combat zones of World War I will have to be resolved later.

Elimination through destruction shall apply to all chemical weapons except those which may be diverted (to be elaborated). 1/

2. Each State party possessing chemical weapons shall determine how they shall be destroyed, except that the following procedures may not be used: dumping in any body of water, land burial or open-pit burning.

3. The destruction of chemical weapons shall take place at a specifically designated and appropriately designed and equipped facility(ies). [The facility(ies) shall be government property.]

4. The chemical weapons destruction facility shall be constructed and operated in a manner to ensure the destruction of the chemical weapons; and that the destruction process can be verified under the provisions of this Convention.

#### B. Diversion of chemical weapons

1. Diversion of chemical weapons means a process by which chemicals are converted in an essentially irreversible way into end-products that may only be used for purposes other than those related to chemical weapons. [Diversion also includes taking super-toxic lethal chemicals from the chemical weapons stocks for use for permitted purposes in quantities up to 1 metric tonne in accordance with Article VI.]

Elimination through diversion may apply to (to be elaborated).

### III. PRINCIPLES AND ORDER OF ELIMINATION

1. The elaboration of the Order of Elimination shall build on the undiminished security for all States during the entire elimination stage; confidence-building in the early part of the elimination stage; gradual acquisition of experience in the course of destroying chemical weapons stocks and applicability irrespective of the actual composition of the stockpiles and the methods chosen for the elimination of the chemical weapons.

2. The elimination of chemical weapons stocks shall start for all States Parties possessing chemical weapons simultaneously. The whole elimination stage shall be divided into nine annual periods.

---

1/ One delegation stated that it was unconvinced that diversion was either a practical or economic method for elimination. It may be prepared, however, to review its position in the event a practical system for diversion can be devised, preserving the requirement for effective verification.

3. Each State Party shall eliminate not less than one ninth of its stockpile [in measure of stockpile equivalent and/or equivalent mustard weight] during each elimination period. 1/ 2/ However, a State Party is not precluded from eliminating its stocks at a faster pace. Each State Party shall determine its detailed plans for each elimination period, as specified in part III of this Annex and shall report annually on the implementation of each elimination period. 3/

4. Order of Elimination (to be elaborated). 4/

#### IV. PLANS FOR ELIMINATION OF CHEMICAL WEAPONS

##### A. General plans for elimination of chemical weapons

##### 1. General plan for destruction of chemical weapons

The general plan for destruction of chemical weapons, submitted pursuant to article ... shall specify:

(a) a general schedule for destruction, giving types and quantities of chemical weapons to be destroyed in each period;

(b) for each existing or planned CW destruction facility:

- ["name" and address];
- [location];
- chemical weapons intended to be destroyed;
- method of destruction;

---

1/ It is considered necessary to elaborate a method for comparing different categories of chemical weapons stocks. The comparison of lethal and harmful chemicals remains unresolved and is subject to further consideration.

2/ Some delegations expressed the view that the question of the regulation of the elimination of stockpiles needs further and full discussion.

3/ It has been recognized that the elimination of chemical weapons stocks and the elimination of relevant production facilities should be considered together.

4/ Some delegations feel that it would be appropriate to introduce the idea of security stockpile levels to meet the security concerns of countries with small stockpiles of chemical weapons.



- capacity;
- expected period of operation;
- [products of the destruction process.]

[2. General plans for diversion of chemical weapons (to be elaborated)]

B. Detailed plans for elimination of chemical weapons

1. Detailed plans for destruction of chemical weapons

These plans shall be submitted to the Consultative Committee in accordance with article ... and shall specify:

(a) the number of chemical weapons destruction facilities and a detailed schedule for the destruction of chemical weapons at each of these facilities;

(b) the aggregate quantity of each individual type of chemical weapons plans to be destroyed at each facility;

(c) data about each facility:

- name, postal address, geographical location;
- method of destruction;
- end-products;
- layout plan of the facility;
- technological scheme;
- operation manuals;
- method of storage and volume of the facility's storage, estimated by types and quantities of chemical weapons;
- types and quantities of chemical weapons kept at the storage during each elimination period;
- the system of verification;
- safety measures in force at the facility;
- living and working conditions for the international inspectors.

[2. Detailed plans for diversion of chemical weapons (to be elaborated)]

V. PRINCIPLES AND METHODS FOR THE VERIFICATION OF THE ELIMINATION OF  
CHEMICAL WEAPONS

A. Destruction of chemical weapons

1. The aim of verification of destruction of chemical weapons stocks shall be:
  - to confirm the identity and quantity of the chemical weapons stocks to be destroyed, and
  - to confirm that these stocks for all practical purposes have been destroyed.
2. After a review of the detailed plans provided in Section III above, the Technical Secretariat, if the need arises, will enter into consultation with the State Party concerned in order to ensure the facility is designed to assure destruction, to allow advanced planning on how verification measures may be applied and that the application of verification measures is consistent with proper facility operation, and to ensure that the facility operation allows appropriate verification.
3. Each State Party should execute a detailed agreement with the Technical Secretariat covering detailed inspection procedures for each facility subject to inspection. (This concept remains to be further elaborated.)
4. The inspectors will be granted access to the chemical weapons destruction facility [...] prior to commencement of the active destruction phase, to carry out the engineering review of the facility, to include the facility's construction and layout, the equipment and instruments for measuring and controlling the destruction process, and the checking and testing of the accuracy of the verification equipment.
5. The inspectors will be granted access to conduct their activities at the facility and the facility storage during the entire active phase of destruction. They will conduct their activities in the presence and with the co-operation of representatives of the facility's management and the National Authority if they wish to be present.
6. The inspectors may monitor by either physical observation or devices:
  - (a) the facility storage and the chemical weapons present;
  - (b) the movement of chemical weapons from the storage to the facility;
  - (c) the process of destruction (assuring that no chemical weapons are diverted);
  - (d) the material balance (to be elaborated further); and
  - (e) the accuracy and calibration of the instruments.
7. To the extent consistent with verification needs, verification procedures should make use of information from routine facility operations.

8. If inspectors detect irregularities which may give rise to doubts they will report the irregularities to the representatives of the facility and the National Authority and request that the situation be resolved. Uncorrected irregularities will be reported to the Executive Council.

9. After the completion of each period of destruction the Technical Secretariat shall certify the declaration of the National Authority, reporting the completion of destruction of the designated quantity of chemical weapons.

[B. Diversion of chemical weapons (to be elaborated)]

VI. [VERIFICATION OF DECLARATIONS AND INTERIM MONITORING OF CHEMICAL WEAPONS STOCKPILES] \*/

---

\*/ Some delegations believe it is necessary to elaborate principles and methods for verifying chemical weapons declarations and for monitoring chemical weapons stockpiles from the time of their declaration until their elimination.

V. CHEMICAL WEAPONS PRODUCTION FACILITIES

1. The provisions of this article shall apply to any and all chemical weapons production facilities under the jurisdiction or control of a State Party, regardless of location. 1/
2. Each State Party with any chemical weapons production facility shall cease immediately all activity at each chemical weapons production facility except that required for closure.
3. No State Party shall construct any new facility or modify any existing facility for the purpose of chemical weapons production or for any other purpose prohibited by the Convention. 2/
4. Each State Party, within 30 days after the Convention enters into force for it, shall submit a declaration which:
  - (a) specifies any chemical weapons production facilities under its jurisdiction or control, or on its territory under the control of others, 3/ including a State not party to this Convention, at any time since [1 January 1946] [at the time of entry into force of the Convention];
  - (b) specifies any transfer or any receipt by the State Party of any equipment for the production of chemical weapons [and documentation relevant to the production of chemical weapons] since [1.1.1946] or any transfer of control by that Party of such equipment [and documentation];
  - (c) specifies actions to be taken for closure of each chemical weapons production facility;
  - (d) outlines its general plan for destruction [or reconstruction for peaceful purposes] for each chemical weapons production facility, and
  - (e) outlines its general plan for any temporary conversion of any chemical weapons production facility into a facility for destruction of chemical weapons.
5. Each State Party shall, immediately after the declaration, under para. 4, has been submitted, provide access to each chemical weapons production facility for the purpose of [systematic] international on-site verification of the declaration through on-site inspection.

---

1/ It is understood that the above provisions also apply to any facility on the territory of another State [regardless of ownership and form of contract, on the basis of which they have been set up and functioned for the purposes of production of chemical weapons].

2/ Some delegations consider this paragraph redundant.

3/ Some delegations expressed doubts as to the applicability of this phrase.

6. Each State Party shall:

(a) close within three months after the Convention enters into force for it, each chemical weapons production facility in a manner that will render each facility inoperable; and

(b) provide access to each chemical weapons production facility, subsequent to closure, for the purpose of systematic international on-site verification through periodic on-site inspection and continuous [monitoring by] [use of] on-site instruments in order to ensure that the facility remains closed and is subsequently [dismantled and] destroyed, or [dismantled] [and reconstructed for peaceful purposes].

7. Each State Party shall submit detailed plans for [destruction] [elimination] of each facility not later than [3 months] before the [destruction] [elimination] [conversion] of the facility begins. 1/

8. Each State Party shall:

(a) [destroy] [eliminate] all chemical weapons production facilities pursuant to [the [order] [schedule] specified in] Annex ..., beginning not later than 12 months, and finishing not later than 10 years, after the Convention enters into force for it; 2/

(b) provide information annually regarding the implementation of its plans for the [destruction] [elimination] of its chemical weapons production facilities, and

(c) certify, not later than 30 days after the destruction process has been completed, that its chemical weapons production facilities have been [destroyed] [eliminated].

9. A chemical weapons production facility may be temporarily converted for destruction of chemical weapons. Such a converted facility must be [destroyed] [eliminated] as soon as it is no longer in use for destruction of chemical weapons and, in any case, not later than 10 years after the Convention enters into force for the State Party.

10. [Each State Party shall submit all chemical weapons production facilities] [All chemical weapons production facilities] shall be subject to systematic international on-site verification through on-site inspection and [monitoring with] [use of] on-site instruments in accordance with Annex ...

11. The declaration, plans and information submitted by each State Party under this article shall be made in accordance with Annex ... and Annex ...

---

1/ One delegation held the view that the detailed plans in question should be submitted by each State Party within twelve months of the entry into force of the Convention for it.

2/ Some delegations expressed the desire to see the elimination of chemical weapons production facilities at the earliest opportunity.

ANNEX V

I. DECLARATIONS AND REPORTS ON CHEMICAL WEAPONS PRODUCTION FACILITIES

A. Declarations of [existing] chemical weapons production facilities

The declaration should contain for each facility:

1. Name and exact location.
2. Ownership, operation, control, who ordered and procured the facility.
3. Designation of each facility:
  - (a) Facility for producing chemicals defined as chemical weapons.
  - (b) Facility for filling chemical weapons.
4. Products of each facility and dates that they were produced:
  - (a) Chemicals produced.
  - (b) Munitions or devices filled, identity of chemical fill.
5. Capacity of the facility, expressed in terms of:
  - (a) The quantity of end product that the facility can produce in (period), assuming the facility operates (schedule).
  - (b) The quantity of chemical that the facility can fill into each type of munition or device in (period), assuming that the facility operates (schedule).
6. Detailed facility description:
  - (a) Layout of the facility.
  - (b) Process flow diagram.
  - (c) Detailed inventory of equipment, buildings and any spare or replacement parts on site.
  - (d) Quantities of any chemicals or munitions on site.

B. Declarations of former chemical weapons production facilities

The declaration should contain for each facility:

1. All information as in paragraph A, above, that pertains to the operation of the facility as a chemical weapons facility.
2. Date chemical weapons production ceased.

3. Current status of special equipment that was used for chemical weapons production.
  4. Dates of conversion from CW use, date of beginning of non-CW use.
  5. Current ownership, operation and control.
  6. Current production, stating types and quantities of product(s).
  7. Current capacity of the facility, expressed in terms of the quantity of end product that can be produced in (period), assuming the facility operates (schedule).
  8. Current detailed facility description:
    - (a) Layout of the facility.
    - (b) Process flow diagram.
    - (c) Location of any CW-specific equipment remaining on-site.
    - (d) Quantities of any chemical weapons remaining on-site.
- C. Declarations of [existing] chemical weapons production facilities under the control of others on the territory of the State Party
- Responsibility for declarations (to be discussed).
  - All elements contained in part IA of this Annex should be declared.
- D. Declarations of former chemical weapons production facilities under the control of others on the territory of the State Party
- Responsibility for declarations (to be discussed).
  - All elements contained in part IB of this Annex should be declared.
- E. Declarations of transfers
1. Chemical weapons production equipment means (to be developed).
  2. The declaration should specify:
    - (a) who received/transferred chemical weapons production equipment [and technical documentation];
    - (b) the identity of the equipment;
    - (c) date of transfer;
    - (d) whether the chemical weapons production equipment [and documentation] were eliminated;
    - (e) current disposition, if known.

F. Declarations of measures to ensure closure of:

1. Facilities under the jurisdiction or control of the State Party (data on national measures and the time-frames).
2. Facilities on the State Party's territory under the control of others (to be developed).

G. Annual Reports

H. Final Certification of Elimination

II. PRINCIPLES AND METHODS OF ELIMINATION OF CHEMICAL WEAPONS PRODUCTION FACILITIES

A. General

Each State Party shall decide on methods to be applied for the elimination of its chemical weapons production facilities, according to the principles laid down in this Annex. The process of elimination might be carried out through destruction, 1/ dismantling, 2/ [or conversion 3/].

- responsibility for carrying out measures when more than one State is involved (be be discussed).

B. Closure and methods for closing the facility (to be elaborated)

C Activities related to elimination

1. Facilities producing Category I chemicals.
2. Facilities producing other categories of chemicals.
3. Filling facilities.

D. Activities related to temporary conversion to destruction facility

E. Activities related to former chemical weapons production facilities

---

1/ One delegation suggests the following formulation: "Destruction means disassembling of technological equipment, its removal from buildings and constructions where it had been installed with its further irreversible transformation into articles unsuitable for the purposes of production of chemical weapons."

2/ One delegation suggests the following formulation: "Dismantling means disassembling of technological equipment, its removal from buildings and constructions where it had been installed with its further use for permitted purposes."

3/ One delegation suggests the following formulation: "Conversion of facilities means use of facilities after their reconstruction for permitted purposes not connected with chemical weapons."



III. ORDER OF ELIMINATION (to be developed)

IV. PLANS

A. General Plans

1. For each facility the following information should be supplied:
  - (a) envisaged time-frame for measures to be taken;
  - (b) methods of elimination.
2. In addition, the following information should be supplied for each facility:
  - [(a) In relation to dismantling:]
  - [(b) In relation to conversion for peaceful purposes:
    - (i) description of the facility after conversion
    - (ii) designation of the facility after conversion and names of products to be manufactured.]
3. In relation to temporary conversion into chemical weapons destruction facility:
  - (i) envisaged time-frame for conversion into a destruction facility;
  - (ii) envisaged time for utilizing the facility as a destruction facility;
  - (iii) description of the new facility;
  - (iv) method of elimination of special equipment;
  - (v) time-frame for elimination of the converted facility after it has been utilized to destroy chemical weapons;
  - (vi) method of elimination of the converted facility.
4. In relation to former chemical weapons production facilities (to be elaborated).

B. Detailed plans

1. The detailed plans for elimination of each facility should contain:
  - (a) detailed time schedule of elimination process;
  - (b) layout of the facility;

- (c) process flow diagram;
- (d) detailed inventory of equipment, buildings and other items to be eliminated;
- (e) measures to be applied to each item on the inventory;
- (f) proposed measures for verification;
- (g) security/safety measures to be observed during the destruction of the facility;
- (h) working and living conditions to be provided for international inspectors.

2. In addition, the following information should be included:

[(a) In relation to dismantling:]

[(b) In relation to conversion for peaceful purposes:

(i) projected use of the facility after conversion and products to be manufactured;

(ii) layout of the facility after conversion;

(iii) process flow diagram of the facility after conversion];

3. In relation to the temporary conversion into a chemical weapons destruction facility.

In addition to the information contained in part IV.B.1 of this Annex the following information should be provided:

(i) method of conversion into a destruction facility;

(ii) data on the destruction facility, in accordance with Annex IV, part IV.B.1(c).

4. In relation to elimination of a facility that was temporarily converted for destruction of chemical weapons, information should be provided in accordance with part IV.B.1 of this Annex.

5. In relation to former chemical weapons production facilities (to be elaborated).

#### V. VERIFICATION OF ELIMINATION

Specific measures relating to verification of elimination at each facility shall be agreed between a State Party and the Consultative Committee (or its respective subsidiary bodies) in accordance with the following:

1. Verification of initial declarations;
2. Verification of closure;
3. Monitoring closure;
4. Verification of elimination;
5. Verification of temporary conversion into a destruction facility;
6. Verification of converted former chemical weapons production facilities.

VI. ACTIVITIES NOT PROHIBITED BY THE CONVENTION 1/

1. Each State Party:

(a) has the right, subject to the provisions of this Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited by the Convention.

(b) shall ensure that toxic chemicals and their precursors are not developed, produced, otherwise acquired, retained, transferred, or used within its territory or anywhere under its jurisdiction or control for purposes prohibited by the Convention.

2. Toxic Chemicals and their Precursors:

(a) Toxic chemicals and their precursors considered in Annexes VI [1], VI [2] and VI [3], which could be used for purposes prohibited by the Convention, as well as facilities which produce, process or consume these toxic chemicals or precursors, shall be subject to international monitoring as provided in those annexes:

Annex VI [1] Schedule [1]: Super-Toxic Lethal Chemicals and [especially dangerous key precursors] [key components of chemicals weapons systems].

Annex VI [2] Schedule [2]: Key Precursors.

Annex VI [3] Schedule [3]: Chemicals produced in large commercial quantities and which could be used for chemical weapons purposes.

(b) The schedules of chemicals contained in the annexes may be revised (the basis and modalities for revision are to be developed).

3. Within 30 days of the entry into force of it, each State Party shall declare data on relevant chemicals and the facilities which produce them, in accordance with Annexes VI [1], [2] and [3].

4. Each State Party shall make an annual declaration regarding the relevant chemicals in accordance with Annexes VI [1], [2] and [3].

5. Each State Party undertakes to subject the chemicals and [facility] [facilities] under Annex VI [1] to the measures contained in that annex.

6. Each State Party undertakes to subject the chemicals and facilities under Annex VI [2] to monitoring by data reporting and routine systematic international on-site verification, through on-site inspection and use of on-site instruments as long as production and processing are not impaired.

---

1/ One delegation considers that the terminology used in this article and its annexes should be consistent with the final definition of chemical weapons to be agreed upon.

7. Each State Party undertakes to subject the chemicals and facilities under Annex VI [3] to monitoring by data reporting.

8. The provisions of this article shall be implemented in a manner designed in so far as possible to avoid hampering the economic or technological development of parties to the Convention on international co-operation in the field of peaceful chemical activities including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for peaceful purposes in accordance with the provisions of the Convention. 1/

9. In conducting verification activities, the (Consultative Committee) shall:

(a) avoid undue interference in the State Party's peaceful chemical activities;

(b) take every precaution to protect confidential information coming to its knowledge in the implementation of the Convention; and

(c) require only the minimum amount of information and data necessary for the carrying out of its responsibilities under the Convention.

10. For the purpose of on-site verification, each State Party shall grant to the (Consultative Committee) access to facilities as required in Annexes VI [1], [2] and [3].

1/ The inclusion of this paragraph in this article is to be considered further.

ANNEX VI [1]

1. General provisions

A State Party shall not produce, acquire, retain, transfer or use chemicals in Schedule [1] unless:

- (i) the chemicals are applied to research, medical or protective purposes, 1/, 2/ and
- (ii) the types and quantities of chemicals are strictly limited to those which can be justified for research, medical or protective purposes, and
- (iii) the aggregate amount of such chemicals at any given time for [permitted] [protective] purposes is equal to or less than one metric tonne, and
- (iv) the aggregate amount for [permitted] [protective] purposes acquired by a State Party in any calendar year through production, withdrawal from chemical weapons stocks and transfer is equal to or less than one metric tonne.

2. Single Small Scale Production Facility

- (i) Each State Party which produces chemicals in Schedule [1] for [permitted] [protective] purposes shall carry out the production at a single small-scale facility, the capacity of which shall not exceed [one] metric tonne per year, as measured by the method established in [                    ]. 3/
- (ii) Each State Party which plans to operate such a facility shall provide the Consultative Committee with the location and a detailed technical description of the facility, including an inventory of equipment and detailed diagrams. For existing facilities, this information shall be provided not later than 30 days after the

---

1/ A view was expressed that for consistency in this Annex, "permitted purposes" should be used instead of "research, medical or protective purposes". The view was also expressed that the use of the term "permitted" would broaden considerably the sphere of use of super-toxic lethal chemicals which could be used as chemical weapons and that this was very undesirable.

2/ Some delegations still question the concept of "protective purposes" in relation to the Convention.

3/ The view was expressed that the single small-scale production facility should be State-owned.

Convention enters into force for the State Party. Information on new facilities shall be provided six months before operations are to begin. 1/

3. Other Facilities

- (i) [Facilities which synthesize, acquire or use chemicals in Schedule [1] for research or medical purposes shall be approved by the State Party. Synthesis at each such facility for research and medical purposes shall be limited per annum to a total maximum of [..]g and to [..]g of any one chemical on the Schedule.]

[Facilities which acquire or use chemicals in Schedule [1] for permitted purposes shall be approved by the State Party. Each transfer from the single small-scale production facility to such facilities shall be notified to the Consultative Committee by inclusion in the annual data reporting, with an indication of the chemical or chemicals involved, the amount transferred and the purpose of the transfer.]

- (ii) The location of the approved facilities shall be provided to the Consultative Committee.

4. Transfers

- (i) A State Party may transfer chemicals in Schedule [1] only to another State Party and only for research, medical or protective purposes in accordance with paragraph 1.
- (ii) Thirty days prior to any such transfer, both States Parties shall notify the Consultative Committee.
- (iii) Chemicals transferred shall not be retransferred to a third State.

5. Verification of the Single Small-Scale Production Facility

- (i) The single small-scale production facility referred to in paragraph 2 shall be subject to [systematic] [permanent] international on-site verification, through on-site inspection and continuous monitoring with on-site instruments. 2/

---

1/ It was noted that consideration would need to be given to the compatibility of the requirement in the last sentence with the obligations specified in paragraph 5 (vi).

2/ The view was expressed that continuous monitoring with on-site instruments might not be necessary for very small facilities.

- (ii) The aim of verification activities at the facility shall be to verify that the quantities of Schedule [1] chemicals produced are correctly declared and, in particular, that their aggregate amount does not exceed one metric tonne.
- (iii) [The number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the objectives of the Convention posed by the relevant chemicals, the characteristics of the facility and the nature of the activities carried out there. The guidelines to be used shall include: (to be developed).]
- (iv) Each State Party possessing a facility shall make a detailed annual declaration regarding the activities of the facility for the previous year and anticipated production for the coming year. The declaration shall include: (to be developed).
- (v) Each facility shall receive an initial visit from international inspectors promptly after the facility is declared. The purpose of the initial visit shall be to verify information provided concerning the facility, including verification that the capacity will not permit the production, on an annual basis, of quantities [significantly] above one metric tonne, and to obtain any additional information needed for planning future verification activities at the facility, including inspection visits and use of on-site instruments.
- (vi) Each State Party possessing or planning to possess a facility shall execute an agreement, based on a model agreement, with the [international authority] before the facility begins operation or is used, covering detailed inspection procedures for the facility. Each agreement shall include: (to be developed). 1/

6. Verification of Other Facilities

Facilities referred to in paragraph 3 shall be monitored through annual data reporting to the Consultative Committee. The following information shall be included: (to be developed).

---

1/ The view was expressed that pending conclusion of the agreement between a State Party and the [International Authority] there would be a need for provisional inspection procedures to be formulated.



ANNEX VI [1]  
SCHEDULE [1]

PROVISIONAL LIST

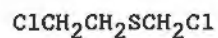
1. O-Alkyl alkylphosphonofluoridates  
e.g. Sarin: O-isopropyl methylphosphonofluoridate  
Soman: O-pinacolyl methylphosphonofluoridate
2. O-Alkyl N.N-dialkylphosphoramidocyanidates  
e.g. Tabun: O-ethyl N.N-dimethylphosphoramidocyanidate
3. O-Alkyl S-2-dialkylaminoethylalkylphosphonothiolates  
e.g. VX: O-ethyl S-2-diisopropylaminoethylmethyl-phosphonothiolate
4. Sulphur mustards:  
e.g. Mustard gas (H): bis (2-chloroethyl) sulphide  
Sesquimustard (Q): 1.2-bis (2-chloroethylthio) ethane  
O-Mustard (T): bis (2-chloroethylthioethyl) ether
5. Lewisites  
Lewisite 1: 2-chlorovinylchloroarsine  
Lewisite 2: bis (2-chlorovinyl) chloroarsine  
Lewisite 3: tris (2-chlorovinyl) arsine
6. Nitrogen mustards  
HN1: bis (2-chloroethyl) ethylamine  
HN2: bis (2-chloroethyl) methylamine  
HN3: tris (2-chloroethyl) amine
7. 3-Quinuclidinyl benzilate (BZ)
8. Alkylphosphonyldifluorides  
e.g. DF
9. Ethyl O-2-diisopropylaminoethyl alkylphosphonites  
e.g. QL

To be discussed further

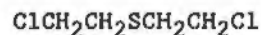
1. Saxitoxin
2. 3,3-Dimethylbutan-2-ol (pinacolyl alcohol)
3. CS
4. CR
5. Chloro Soman and Chloro Sarin
6. Sulphur Mustards: to include compounds listed below.

Sulphur Mustards: to include

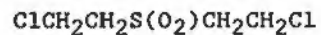
2-Chloroethylchloromethylsulphide



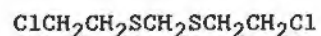
Bis(2-chloroethyl)sulphide (Mustard)



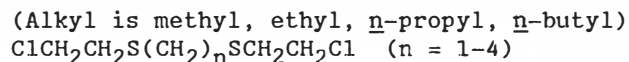
Bis(2-chloroethyl)sulphone



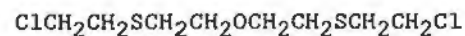
2-Chloroethylthiomethyl-2'-chloroethylsulphide



2-Chloroethylthioalkyl-2'-chloroethylsulphide



Bis(2-Chloroethylthioethyl)ether



ANNEX VI [2]

KEY PRECURSOR CHEMICALS

DECLARATIONS

The Initial and Annual Declarations to be provided by a State Party under paragraphs [3] and [4] of Article VI shall include:

1. For the Initial Declaration

Aggregate national data on the production, processing and consumption of each chemical listed in Schedule [2], on the export and import of the chemicals in the year preceding the date of entry of the Convention into force with an indication of the countries involved.

For the Annual Declaration

Aggregate data on each of the production, consumption, import and export of each chemical listed in Schedule [2].

2. The following information for each facility which produces, processes or consumes more than [ ] tonnes per annum of the chemicals listed in Schedule [2]:

Key Precursor Chemical(s)

- (i) The chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service Registry Number.
- (ii) The total amount produced, consumed, imported and exported in the previous calendar year. 1/

Facility 2/

- (i) The name of the facility and of the owner, company, or enterprise operating the facility.

---

1/ Whether the total amount is to be expressed as an exact figure or within a range is to be discussed.

2/ One delegation suggested that, in the case of a multi-purpose facility currently producing key precursor chemicals, the following should be specified:

- general description of the products;
- detailed technological plan of the facility;
- list of special equipment included in the technological plan;
- type of waste treatment equipment;
- description of each final product (chemical name, chemical structure and register number);
- unit capacity for each product;
- use of each product.

- (ii) The exact location of the facility (including the address, location of the complex, location of the facility within the complex including the specific building and structure number, if any).
- (iii) Whether the facility is dedicated to producing or processing the listed key precursor or is multipurpose.
- (iv) [The main orientation (purpose) of the facility.] 1/
- (v) The capability and capacity (both to be defined) of the facility.
- (vi) Which of the following activities are performed with regard to the key precursor chemicals:
  - (a) production
  - (b) processing with conversion into another chemical
  - (c) processing without chemical conversion
  - (d) other - specify.
- (vii) Whether listed key precursors are stored on-site in quantities greater than [ ] [tonnes]. 2/

Application of Chemical(s)

- (i) The purpose(s) for which the key precursor chemical(s) are produced, consumed or processed:
    - (a) conversion on-site (specify product type)
    - (b) sale or transfer to other domestic industry (specify final product type)
    - (c) export of a key precursor (specify which country)
    - (d) other.
3. A State Party shall notify the International Authority of the name and location of any facility which intends, in the year following submission of the Annual Declaration, to produce, process or consume more than [ ] tonnes per annum of any of the chemicals listed in Schedule [2].

---

1/ It was suggested that this aspect could be incorporated in paragraph (vi).

2/ The question of a threshold requires further consideration.

Verification 1/

Aim

4. The aim of the measures stipulated in Article VI, paragraph 6 shall be to verify that:

- (i) facilities declared under this Annex are not used to produce any chemical listed in Schedule [I]. 2/
- (ii) the quantities of chemicals listed in Schedule [2] produced, processed or consumed are consistent with needs for purposes not prohibited by the Chemical Weapons Convention. 3/
- (iii) the chemicals listed in Schedule [2] are not diverted or used for purposes prohibited by the Chemical Weapons Convention.

Obligation and Frequency

- 5. (i) Each facility notified to the [international authority] under this Annex shall be subject to systematic international on-site inspection on a routine basis.
- (ii) The number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the objectives of the Convention posed by the relevant chemical, the characteristics of the facility and the nature of the activities carried out there. The guidelines to be used shall include: (to be developed). 4/ 5/

---

1/ Some of the provisions contained in this section have general application throughout the Convention. It is understood that the retention of these will be reviewed at a later stage in the negotiations.

2/ It was suggested that "or for any other purposes prohibited by the Convention" should be added.

3/ Opinions were expressed on the need to consider the question of the existence in a facility of excessive capacity for the production of chemicals in Schedule [2].

4/ It was noted that a "weighted approach" might be taken in determining the inspection régime for specific chemicals. The importance of establishing a threshold(s) in this context was also noted. It was mentioned that a threshold(s) should relate to "military significant quantities" of the relevant chemical(s).

5/ There was general agreement that the guidelines should stipulate the main elements relevant to the basic features of the facility. A view was expressed that one of the guidelines might provide that inspections will usually be carried out at a time when the facility inspected is operating in the normal way. The view was also expressed that this approach would be inconsistent with the language of paragraph 6.

Selection

6. The particular facility to be inspected shall be chosen by the [international authority] in such a way to preclude the prediction of precisely when the facility is to be inspected.

Notification

7. A State Party shall be notified by the [international authority] of the decision to inspect a facility referred to in paragraph 1 ..... hours prior to the arrival of the inspection team.

Host State Party

8. The host State Party shall have the right to designate personnel to accompany an international inspection team. The exercise of this right shall not affect the right of inspectors to obtain access to the facility, as provided by the Convention, nor shall it delay or otherwise impede the carrying out of the inspection.

Initial Visit

9. Each facility notified to the [international authority] under this Annex shall be liable to receive an initial visit from international inspectors, promptly after the State becomes a Party to the Convention.

10. The purpose of the initial visit shall be to verify information provided concerning the facility to be inspected and to obtain any additional information needed for planning future verification activities at the facility, including inspection visits and use of on-site instruments. 1/

Agreement on Inspection Procedures

11. Each State Party shall execute an agreement, based on a model agreement, 2/ with the [international authority], within ..... months after the Convention enters into force for the State, governing the conduct of the

---

1/ Reference was made to the extent to which inspectors should be obliged to follow safety procedures at a particular facility. It was mentioned that this matter might be discussed during the initial visit and/or be covered in the agreement on inspection procedures referred to in paragraph 11.

2/ Several delegations considered that the model agreement should be elaborated by the time the Convention is concluded.

inspections of the facilities declared by the State Party. 1/ The agreement shall provide for the detailed subsidiary arrangements which shall govern inspections at each facility.

12. The detailed subsidiary arrangements shall include, inter alia, the size of the team required for the inspection; the duration of the inspection; the relevant parts of the site to be inspected; and the need for permanent on-site instrumentation.

#### Verification Inspections

13. The areas of a facility to be inspected under subsidiary arrangements may, inter alia, include: 2/

- (i) areas where feed chemicals (reactants) are delivered and/or stored;
- (ii) areas where manipulative processes are performed upon the reactants prior to addition to the reaction vessel;
- (iii) feed lines as appropriate from subparagraph (i) and/or subparagraph (ii) to the reaction vessel, together with any associated valves, flow meters, etc.;
- (iv) the external aspect of the reaction vessel and its ancillary equipment;
- (v) lines from the reaction vessel leading to long- or short-term storage or for further processing of the designated chemical;
- (vi) control equipment associated with any of the items (i) to (v);
- (vii) equipment and areas for waste and effluent handling;
- (viii) equipment and areas for disposition of off-specification chemicals.

14. The inspectors have the right at any stage during the inspection to obtain samples from any of the areas inspected. They also have the right to request that appropriate analyses be performed in their presence, either in-house or in a mobile field laboratory, or if necessary to have samples analysed at a laboratory designated by the [international authority]. They may request clarification of any ambiguities arising from the inspection.

---

1/ It was mentioned that matters to be covered by the agreement might include, inter alia: the requirement for a State Party to provide updated information and data to the inspection team when they arrive at the facility to be inspected and to specify analytical equipment available at the facility or at analytical facilities elsewhere; and the requirement for the [international authority] to advise the State Party of any additional requirements relevant to the conduct of the inspection.

2/ Opinions were expressed on the need to consider the question of the existence in a facility of excessive capacity for the production of chemicals in Schedule [2].

15. The Technical Secretariat may retain at each site a sealed container for photographs, plans and other information that it may wish to refer to in the course of subsequent inspection.

Submission of Inspectors' Report

16. The inspectors shall submit a report to the [international authority] on the activities conducted by them and on their findings. 1/

17. In the event that any ambiguities arise which cannot be resolved in the course of the inspection, the inspectors may in their report recommend appropriate steps for clarification.

---

1/ It was suggested that the report of the inspectors should be made available to the State Party subject to the inspection.



ANNEX VI [2]  
SCHEDULE [2]

PROVISIONAL LIST

1. Chemicals containing one P-Methyl, P-Ethyl, or P-Propyl (normal or iso) bond.
2. N,N-Dialkylphosphoramidic Dihalides.
3. Dialkyl N,N-Dialkylphosphoramidates.
4. Arsenic trichloride.
5. 2,2-Diphenyl-2-hydroxyacetic acid.
6. Quinuclidin-3-ol
7. N,N-Diisopropylaminoethyl-2-chloride.
8. N,N-Diisopropylaminoethan-2-ol.
9. N,N-Diisopropylaminoethane-2-thiol.

---

TO BE DISCUSSED FURTHER

(1) The following compounds:

Bis (2-hydroxyethyl) sulphide (thiodiglycol)

3,3 - Dimethylbutan-2-ol (Pinacolyl alcohol)

(2) Expanded groups for compounds 5, 6, 7, 8 and 9, as follows:

(No. 5): 2-phenyl-2-(phenyl, cyclohexyl, cyclopentyl or cyclobutyl)-2-hydroxyacetic acids and their methyl, ethyl, n-propyl and iso-propyl esters.

(No. 6): 3- or 4-hydroxypiperidine and their [derivatives] and [analogs].

(Nos. 7,8,9): N.N - Disubstituted Aminoethyl-2-Halides  
N.N - Disubstituted Aminoethan-2-ols  
N.N - Disubstituted Aminoethane-2-thiols

ANNEX VI [3]

Chemicals which are produced in large commercial quantities and which  
could be used for chemical weapons purposes

DECLARATIONS

1. The Initial and Annual Declarations to be provided by a State Party under paragraph [4] of Article VI shall include the following information for each of the chemicals listed in Schedule [3]:

- (i) The chemicals name, common or trade name used by the facility, structural formula and chemical Abstracts Service Registry Number.
- (ii) The total amount produced, consumed, imported and exported in the previous calendar year.
- (iii) The final product or end use of the chemical in accordance with the following categories (to be developed),
- (iv) for each facility which produces, processes, consumes or transfers 1/ 2/ one of the chemicals listed in Schedule [3] (on an industrial scale - to be defined).
  - (a) The name of the facility and of the owner, company, or enterprise operating the facility.
  - (b) The location of the facility.
  - (c) The capacity (to be defined) of the facility.
  - (d) The approximate amount of production and consumption of the chemical in the previous year (ranges to be specified).

---

1/ These issues need further consideration with regard to the possibility of appropriate information and data reporting.

2/ The relevance of transfers in this connection is to be considered further.

2. A State Party shall notify the (International Authority) of the name and location of any facility which intends, in the year following submission of the Annual Declaration, to produce, process or consume any of the chemicals listed in Schedule [3] (on an industrial scale - to be defined). 1/

VERIFICATION

The verification régime for chemicals listed in Schedule [3] will comprise both the provision of data by a State Party to the [International Authority] and the monitoring of that data by the [International Authority]. 2/

---

1/ The requirement contained in this provision is to be considered further.

2/ Some delegations consider that provision should be made for resort to an on-site "spot-check" inspection, if required, to verify information supplied by a State Party.

ANNEX VI [3]  
SCHEDULE [3]

Phosphorus oxychloride	(10025-87-3)
Phosphorus trichloride	(7719-12-2)
Phosgene	(75-44-5)
Cyanogen chloride	(506-77-4)
Hydrogen cyanide	(74-90-8)
Trichloronitromethane (chloropicrin)	(76-06-2)
Di- and Trimethyl/Ethyl Esters of Phosphorus [P III] Acid:	
Trimethyl phosphite	(121-45-9)
Triethyl phosphite	(122-52-1)
Dimethyl phosphite	(868-85-9)
Diethyl phosphite	(762-04-9)
Sulphur monochloride	(19925-67-9)
Sulphur dichloride	(19545-99-0)

VII. NATIONAL IMPLEMENTATION MEASURES

Each State Party to this Convention shall adopt any measures it considers necessary in accordance with its constitutional processes to implement this Convention and, in particular, to prohibit and prevent anywhere under its jurisdiction or control any activity that a State Party to this Convention is prohibited from conducting by this Convention.

In order to implement these obligations, each State Party shall, according to its needs and specific conditions, designate or establish a national authority. \*/

Each State Party undertakes to inform the Consultative Committee concerning the national authority and other legislative and administrative measures taken to implement the Convention.

Each State Party undertakes to co-operate with the Consultative Committee in the exercise of all its functions and in particular to provide assistance to the Consultative Committee including data reporting, assistance for international on-site inspections, provided for in this Convention, and a response to all its requests for the provision of expertise, information and laboratory support.

National Technical Means \*\*/

---

\*/ It was suggested that guidelines for the functioning of the national authority for the implementation of the Convention be elaborated.

\*\*/ It was suggested that no reference to National Technical Means is needed in a future Convention.

VIII. CONSULTATIVE COMMITTEE \*/

A. Establishment of the Consultative Committee

1. There is hereby established the Consultative Committee.
2. The Consultative Committee shall be the principal organ of the Convention.
3. The first session of the Consultative Committee shall be convened by the Depositary at [venue] not later than 30 days after the entry into force of the Convention.

B. Composition, procedure and decision-making

1. The Consultative Committee shall be composed of all the States Parties to this Convention. Each State Party to this Convention shall have one representative in the Consultative Committee, who may be accompanied by alternates and advisers.
2. The Consultative Committee shall meet in regular annual sessions and in such special sessions as may be convened at the request of ... members of the Consultative Committee or of the Executive Council or as provided in Article IX of the Convention.
3. Sessions shall take place at the seat of the Consultative Committee unless it decides otherwise.
4. The Consultative Committee shall adopt its rules of procedure. At the beginning of each regular session, it shall elect its Chairman and such other officers as may be required. They shall hold office until a new Chairman and other officers are elected at the next regular session.
5. A majority of the members of the Consultative Committee shall constitute a quorum.
6. Each member of the Consultative Committee shall have one vote.
- [[7. Decisions on questions of procedure, including decisions to convene special sessions of the Consultative Committee, shall be taken by a simple majority.
8. Decisions on questions of substance shall be taken by [a two-third majority] [consensus]. When the issue arises as to whether a question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Consultative Committee by the majority required for decisions on questions of substance.]]

[[7. All decisions shall be taken by a two-third majority.]]

---

\*/ Some delegations suggested that the question of how the expenses of the Consultative Committee shall be met needs to be addressed within the Convention at an appropriate time.

C. Powers and functions

1. The Consultative Committee shall [oversee] [review] the implementation of the Convention, consider any questions or matters relevant to the Convention or relating to the powers and functions of any subsidiary organs [established by the Consultative Committee], foster consultation and co-operation among States Parties [for the advancement of chemical industry for peaceful purposes] and promote the verification of compliance with this Convention.

2. In carrying out its functions [referred to in paragraph 1], the Consultative Committee shall inter alia:

(a) co-operate with the appropriate national authorities of States Parties;

(b) facilitate consultations and co-operation among States Parties at their request;

(c) review scientific and technical developments which could affect the operation of this Convention;

(d) encourage international scientific and technical co-operation in the chemical field for peaceful purposes, [especially with the objective of promoting the advancement of chemical industry in the developing States as provided in Article XI;]

(e) carry out all activities relating to measures of verification; for this purpose, the Consultative Committee shall:

(i) specify procedures for systematic international on-site inspection;

(ii) oversee [and carry out] systematic international on-site inspection in accordance with Articles ...;

[(iii) consider and decide on requests to send a fact-finding mission in accordance with Article ...;]

(iv) carry out fact-finding activities in accordance with Article IX;

(f) establish and revise as necessary, procedures for exchange of information, for declarations and for technical matters related to the implementation of this Convention;

(g) receive, keep [and make available to States Parties] declarations, plans and notifications presented by States Parties in accordance with Articles ...;

(h) provide a forum for discussion of any questions raised relating to the objectives or the implementation of the Convention;

(i) elect the members of the Executive Council in accordance with Article ...;

[(j) elect ... (the head of the Secretariat) from among the candidates proposed by members of the Consultative Committee;]

[(k) appoint inspectors as the staff of the Inspectorate and the head of the Inspectorate;]

(l) establish, as appropriate, such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Convention;

(m) adopt the rules of procedure [of the Executive Council including the method of selecting its Chairman];

(n) consider and approve the proposed annual budget of the Consultative Committee and its subsidiary organs submitted by the Council;

(o) consider and approve the reports of the Executive Council;

(p) after the expiry of a period of ... years from the date of entry into force of this Convention, undertake a review of the operation of this Convention in accordance with Article ... \*/

3. The Consultative Committee shall establish an Executive Council [within 45 days after the entry into force of the Convention].

4. While the Consultative Committee is ultimately responsible for the functions provided for in paragraph 2, it shall delegate the actual implementation of those functions to the Executive Council in accordance with the provisions of this Convention.

---

\*/ Some delegations were of the view that provisions on review should be more appropriately included in another part of the Convention.



EXECUTIVE COUNCIL \*/

A. Composition, procedure and decision-making

1. The Executive Council shall consist of [15] States Parties to this Convention elected by the Consultative Committee. [In addition, those permanent members of the Security Council of the United Nations which are parties to the Convention should be represented]. Each member of the Executive Council shall have one representative in the Council, who may be accompanied by alternates and advisers.
2. The members of the Executive Council shall be elected on the basis of [an appropriate geographic and political balance.]
3. Election shall take place at regular sessions of the Consultative Committee. Each [elected] member of the Executive Council shall serve for [two] [three] years period, with [five] of the members elected each year.
4. The Executive Council shall function at the seat of the Consultative Committee.
- [5. A majority of the members of the Executive Council shall constitute a quorum.]
6. Each member of the Executive Council shall have one vote.
- [[7. Decisions on questions of procedure shall be taken by a simple majority.
8. Decisions on questions of substance shall be taken by [a two-third majority] [consensus]. When the issue arises as to whether a question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Council by the majority required for decisions on questions of substance.]]
- [[7. All decisions shall be taken by a two-third majority.]]

---

\*/ Some delegations believed that the question of placement within the Convention of some of the provisions relating to the functions of the subsidiary organs will have to be considered at a later stage.

B. Functions \*/

1. The Executive Council shall be responsible to the Consultative Committee and shall have delegated authority to discharge the functions of the Consultative Committee as provided in paragraph 1 and paragraph 2 (a) to 2 (h) of Section I Subsection C of this Article.

2. The Executive Council shall particularly:

(a) supervise and co-ordinate the activities of the subsidiary organs of the Consultative Committee in implementing the provisions of the Convention;

(b) ensure the effective implementation of, and compliance with, the Convention;

(c) propose to the Consultative Committee, as appropriate, the establishment of such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Convention;

(d) present reports to the Consultative Committee particularly about the exercise of the functions delegated to it;

(e) request the (head of the Secretariat) when appropriate and necessary, to convene a special meeting of the Consultative Committee;

[(f) propose to the Consultative Committee the establishment of appropriate mechanisms for directing and supervising the Inspectorate;]

[(g) propose to the Consultative Committee the appointment of inspectors as the staff of the Inspectorate and appoint among the inspectors the head of the Inspectorate;]

(h) obtain, keep, and disseminate information submitted by States Parties regarding matters pertaining to the Convention.

(i) receive requests for information and clarification regarding compliance with the Convention from States Parties, including requests for fact-finding.

[(j) decide and oversee specific actions to be taken regarding such requests.]

---

\*/ Some delegations considered that the provisions on the functions of the Executive Council will require further specification in the light of such functions as may be conferred upon the Council in other parts of the Convention, particularly with regard to verification.

IX. CONSULTATIONS, CO-OPERATION AND FACT-FINDING

1. State Parties shall consult and co-operate, directly among themselves, or through the Consultative Committee or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the objectives or the implementation of the provisions of this Convention.

2. States Parties to the Convention shall make every possible effort to clarify and resolve, through exchange of information and consultations among them, any matter which may cause doubt about compliance with this Convention, or which gives rise to concerns about a related matter which may be considered ambiguous. [A Party which receives a request from another Party for clarification of any matter which the requesting Party believes causes such doubts or concerns shall provide the requesting Party, within ... days of the request, with information sufficient to answer the doubts or concerns raised along with an explanation on how the information provided resolves the matter.] Nothing in this Convention affects the right of any two or more States Parties to this Convention to arrange by mutual consent for inspections or any other procedures among themselves to clarify and resolve any matter which may cause doubts about compliance or gives rise to concerns about a related matter which may be considered ambiguous. Such arrangements shall not affect the rights and obligations of any State Party under other provisions of this Convention.

Procedure for requesting clarification

3. A State Party shall have the right to request the Executive Council to assist in clarifying any situation which may be considered ambiguous or which gives rise to doubts about the compliance of another State Party with the Convention. The Executive Council shall provide appropriate information and data in its possession relevant to the situation which can dispel such doubts, whilst [taking every precaution in] protecting commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of the Convention.

4. A State Party shall have the right to request the Executive Council to obtain clarification from another State Party on any situation which may be considered ambiguous or which gives rise to doubts about its compliance with the Convention. In such a case, the following shall apply:

(a) The Executive Council shall forward the request for clarification to the State Party concerned within [24 hours] of its receipt.

(b) The requested State Party shall provide the clarification to the Executive Council within [seven days] of the receipt of the request.

(c) The Executive Council shall forward the clarification to the requesting State Party within [24 hours] of its receipt.

(d) In the event that the requesting State Party deems the clarification to be inadequate, it may request the Executive Council to obtain from the requested State Party further clarification.

(e) For the purpose of obtaining further clarification requested under paragraph 2 (d), the Executive Council may set up a group of experts to examine all available information and data relevant to the situation causing the doubt. The group of experts shall submit a factual report to the Executive Council on its findings.

(f) Should the requesting State Party consider the clarification obtained under paragraphs 2 (d) and 2 (e) to be unsatisfactory, it may request a special meeting of the Executive Council in which States Parties involved not members of the Executive Council shall be entitled to take part in accordance with provisions in Article ... In such a special meeting, the Executive Council shall consider the matter and may recommend any measure it deems appropriate to cope with the situation.

5. A State Party shall have the right to request the Executive Council to clarify any situation which has been considered ambiguous or has given rise to doubts about its compliance with the Convention. The Executive Council shall respond by providing such assistance as appropriate.

6. The Executive Council shall inform the States Parties to this Convention about any request for clarification provided in this Article.

7. [If the doubts or concerns of a State Party about compliance have not been resolved within [two months] after the submission of the request for clarification to the Executive Council, or it believes its doubts warrant urgent consideration, without necessarily exercising its right to the challenge procedure, it may request a special session of the Consultative Committee in accordance with Article ... In such a special session, the Consultative Committee shall consider the matter and may recommend any measure it deems appropriate to cope with the situation.]

Procedure for requesting a fact-finding mission

The further contents of Article IX remain to be elaborated. \*/ \*\*/ \*\*\*/

---

\*/ The text in Annex III of the Report of Working Group C contained in CD/CW/WP.149 dealing with procedures for challenge inspection in its present form in some instances has narrowed down differences. In the view of many delegations the text reflects the current stage of negotiations. It requires further substantive work. Other material on fact-finding and challenge inspection can be found in documents CD/294, CD/334, CD/416, CD/443, CD/500, CD/539, CD/664, CD/685, CD/715, CD/CW/WP.120 and CD/CW/WP.136.

\*\*/ Many delegations felt that the text contained in Annex III of the Report of Working Group C, which is the product of intensive negotiations and consultations during the 1986 session, should have been duly included in the final report of the Ad Hoc Committee. They deeply regretted, therefore, that lack of consensus prevented the Committee from doing so and were of the view that such text should be the basis for future work on the crucial issue of challenge inspection.

\*\*\*/ In the opinion of other delegations, differences between positions on challenge inspection are still great, and the current state of negotiations on this issue is reflected in the many proposals that have been put forth.

X. ASSISTANCE

XI. ECONOMIC AND TECHNOLOGICAL DEVELOPMENT

XII. RELATION TO OTHER INTERNATIONAL AGREEMENTS \*/

Nothing in this Convention will be interpreted as in any way impairing the obligations assumed under 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 and in the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at London, Moscow and Washington on 10 April 1972.

XIII. AMENDMENTS

XIV. DURATION, WITHDRAWAL \*/

...

The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law, particularly the Geneva Protocol of 17 June 1925.

XV. SIGNATURE, RATIFICATION, ENTRY INTO FORCE

XVI. LANGUAGES

Annexes and other documents

Preparatory Commission

---

\*/ Some delegations consider that the texts contained above require further consideration.

APPENDIX II

This Appendix contains papers presented by the Chairman of Working Group A, which were discussed during the resumed session of the Ad Hoc Committee in January 1987. The texts contained therein reflect the state of discussions which are at an early stage.

Working Group A

CHAIRMAN'S DISCUSSION PAPER

SUPER-TOXIC LETHAL CHEMICALS THAT ARE PRODUCED IN  
COMMERCIAL QUANTITIES FOR PERMITTED PURPOSES 1/ 2/

Issues of Substance

(A)

1. The régimes 3/ should be carefully tailored to the objectives of the Convention, i.e. the effective prohibition of chemical weapons. 4/
2. Facilities producing STLCS in commercial quantities for permitted purposes 5/ should be subject to declaration, as well as monitoring through data reporting and systematic international on-site verification. 6/
3. The primary focus of verification should be the facility, the objective should be to verify that the facility is not used for production of any of the chemicals listed in Schedule [1].
4. STLCS produced in commercial quantities for permitted purposes which pose a risk of diversion for chemical weapons purposes should be 7/ carefully monitored. The objective of verification in relation to such STLCS should be to ensure that the chemicals are produced in quantities consistent with permitted purposes and are used for such purposes.

---

1/ It was suggested that "purposes not prohibited by the Convention" might be used throughout the paper instead of "permitted purposes".

2/ It was also suggested that the heading of this paper should be "Super-toxic lethal chemicals which do not possess qualities of chemical weapons agents and which are produced for permitted purposes".

3/ It was suggested that "measures" should be substituted for "regimes".

4/ The view was expressed that the paragraph should be preceded by "Some super-toxic lethal chemicals which are produced in commercial quantities may be relevant to a Chemical Weapons Convention". A view was also expressed that all super-toxic lethal chemicals were of relevance in connection with the Convention.

5/ It was suggested that "with a chemical weapons suitability" should be added after "permitted purposes".

6/ It was suggested that the capability of a facility to produce super-toxic lethal chemicals should also be referred to in this paragraph. Reference was also made to multipurpose facilities in this context.

7/ It was proposed that "more" be inserted before "carefully".



5. Modalities of verification are to be worked out, taking into account the monitoring provisions for key precursor chemicals, based on the level of risk posed to the Convention by the particular facility and particular chemical. 8/

(B)

6. Threshold quantity defining commercial production. 9/

(i) Should threshold be defined on a national basis or per facility?  
Should it be in terms of capacity or actual production?

(ii) The threshold should reflect risk of a chemical to the Convention.  
What is a military significant quantity?

7. Criteria for determining frequency and intensity of inspection necessary for a specific facility. Should particular features needed for CW production be specified? 10/

8. STLCs which pose a risk of diversion.

(i) Criteria for determining risk of diversion.

(ii) Possible inclusion of "near STLCs" which could have application as chemical weapons.

(iii) Possible exclusion of some STLCs or classes of STLC with no application as chemical weapons.

(iv) Should STLCs which pose a high risk be listed?

9. Régimes for facilities for processing such STLC.

---

8/ The view was expressed that different measures might need to be applied to individual facilities and chemicals.

9/ There was general agreement that it would be desirable to have a common initial reporting threshold for all chemicals. The view was expressed that as production levels increase, the stringency of verification measures should increase commensurately.

10/ The view was expressed that only a moderate level of detail was required. Reference was also made, in this connection, to the annex to document CD/698 (CD/CW/WP.140), submitted by Australia. The text of that annex is attached.

ANNEX

LIST B

CHEMICAL EQUIPMENT WHICH MIGHT BE USED TO  
PRODUCE DESIGNATED CHEMICALS

The possession of any of the following items individually is not suggestive of chemical weapons production. However, location of several items at one facility would indicate inspection may be necessary to verify that there are no CW activities at the facility.

1. Chemical process equipment (reactors, piping, distillation columns, etc.) constructed of Hastelloy or another alloy with a high nickel or tantalum content.
2. Chemical process equipment with linings suitable for use in a high corrosive environment (i.e. glass-, teflon-, or plastic-lined equipment).
3. Pumps or valves designed for use with hazardous chemicals (for example: double-seal, magnetic drive, or canned pumps, bellows or diaphragm valves).
4. Activated carbon filter units and scrubber units capable of handling large volumes of air from ventilation systems.
5. Equipment specially designed for fluorine, phosphorus, or sulphur analyses.
6. Inert gas generating units.
7. Double-walled piping.
8. Sensitive toxic detection and alarm systems.
9. Filling equipment for use with hazardous chemicals, including especially large glove boxes used to enclose filling machinery.
10. Incineration or scrubbing equipment for hazardous chemical waste treatment, such as Venturi scrubbers or Brinks mist eliminators.

Working Group A

CHAIRMAN'S NOTE

GUIDELINES FOR SCHEDULE I

The following is a compilation of proposals for guidelines which singly or in combination might be relevant in considering whether a chemical should be included in Schedule I.

1. Super-toxic lethal chemicals which have been stockpiled as chemical weapons.
  2. Super-toxic lethal chemicals which pose a particular risk of potential use as chemical weapons. 11/
  3. Super-toxic lethal chemicals which have little or no use except as chemical weapons.
  4. Super-toxic lethal chemicals which at the contemporary level of development of science and technology can be 12/ produced by any methods available in quantities above ..... metric tonnes per year and which possess physical and chemical properties (such as ..... ) enabling them, when used in munitions and devices to produce concentrations and/or transmit doses which cause mass death or other harm to biological objects.
  5. Super-toxic lethal chemicals with chemical structure related/similar to those super-toxic lethal chemicals already listed in Category I.
- 
6. Any toxic chemical, which causes interference with normal life-functioning and permanent or temporary harm and has a median effective dose which is less than or equal to 0.2 mg/kg (subcutaneous administration) or 1,000 mg-min/m<sup>3</sup> (by inhalation), when measured by the methods set forth in annex ..... to the Convention.
  7. Toxic chemicals which have a median lethal dose greater than 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m<sup>3</sup> (by inhalation), which have been stockpiled for use as chemical weapons, and which have little or no use except as chemical weapons. 13/
  8. Toxic chemicals which have a median lethal dose greater than 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m<sup>3</sup> (by inhalation), which pose a particular risk of potential use of chemical weapons, and which have little or no use as chemical weapons. 13/

---

11/ It was suggested that points two and three should be combined into a single point.

12/ The view was expressed that "can be" was too imprecise.

13/ The view was expressed that the words "which have ..... (by inhalation)" should be deleted.

9. Any toxic chemical which at the contemporary level of development of science and technology can be produced by any methods available in quantities above . . . . . metric tonnes per year and which possesses physical and chemical properties (such as . . . . .) enabling them, when used in munitions and devices to produce concentrations and/or transmit doses which cause mass death or other harm to biological objects.
10. Any toxic chemical with a chemical structure related/similar to those chemicals already listed in Schedule I.

---

11. Key precursors which participate in one stage chemical process of producing toxic chemicals 14/ in munitions and devices.
12. Key precursors which pose a high risk to the objectives of the Convention by virtue of their high potential for use to produce chemical weapons.
13. Key precursors which may possess the following characteristics:
  - (i) it may react with other chemicals to give, within a short time, a high yield of a toxic chemical defined as a chemical weapon;
  - (ii) the reaction may be carried out in such a manner that the toxic product is readily available for military use; and
  - (iii) key precursors which have little or no use except for chemical weapons purposes.

---

14/ The view was expressed that "super-toxic lethal chemicals" should be substituted for "toxic chemicals".