
Basic provisions of a convention on the prohibition of the
development, production and stockpiling of chemical weapons
and on their destruction

Proposal of the USSR

Chemical weapons are a barbaric means of destruction. Such weapons have already taken tens of thousands of lives and have maimed millions of people. At present, the threat of massive use of much more horrible types of chemical weapons is looming over mankind.

The world's peoples are demanding that this should be prevented and that the very possibility of the use of chemical weapons should be ruled out by prohibiting their production and destroying accumulated stockpiles.

The Soviet Union is strongly in favour of this. True to the humane purposes of the Geneva Protocol of 1925, the USSR has never used chemical weapons anywhere and has never transferred them to anyone.

Motivated by the desire to achieve a comprehensive and effective prohibition of chemical weapons, the Soviet Union is submitting to the States Members of the United Nations for their consideration the following basic provisions of a convention on the subject.

I. SCOPE OF THE PROHIBITION

General provisions

Each State Party to the Convention undertakes never, under any circumstances, to develop, produce, otherwise acquire, stockpile, retain or transfer chemical weapons and undertakes to destroy or divert to permitted purposes the accumulated stocks of such weapons and to destroy or dismantle facilities which provide capacities for the production of chemical weapons.

Definition of chemical weapons

For the purposes of the Convention "chemical weapons" means:

(a) Super-toxic lethal chemicals, other lethal and harmful chemicals, and their precursors, except those intended for non-hostile purposes or for military purposes not connected with the use of chemical weapons, in types and quantities consistent with such purposes;

(b) Munitions or devices specifically designed to cause death or other harm through the toxic properties of the chemicals released as a result of the

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employment of such munitions or devices, including those with binary or multicomponent charges;

(c) Equipment specifically designed for use directly in connexion with the employment of such munitions or devices.

Other definitions

For the purposes of the Convention:

1. The definitions of the terms "super-toxic lethal chemical", "other lethal chemical" and "harmful chemical" shall be based on specific criteria of toxicity (lethality and/or harmfulness) for each of these categories of chemicals (shall be specified in the Convention on the basis of the levels agreed upon in the Committee on Disarmament).

2. "Permitted purposes" means non-hostile purposes and military purposes not connected with the use of chemical weapons.

3. "Non-hostile purposes" means industrial, agricultural, research, medical or other peaceful purposes, law-enforcement purposes or purposes directly connected with protection against chemical weapons.

4. Such terms as "a chemical", "an incapacitant", "an irritant", "a precursor", "capacity" and "a facility" are also subject to definition in the Convention.

Prohibition of transfer

Each State Party to the Convention undertakes:

(a) Not to transfer to anyone, directly or indirectly, any chemical weapons;

(b) Not to transfer any super-toxic lethal chemicals, incapacitants or irritants, or their precursors to anyone, directly or indirectly, even for permitted purposes, except to another State Party;

(c) Not to assist anyone, or to encourage or induce anyone, directly or indirectly, to engage in activities prohibited by the Convention.

Non-stationing

Each State Party to the Convention undertakes not to station chemical weapons, including binary and multicomponent weapons, in the territories of other States and also undertakes to recall all its chemical weapons from the territories of foreign States if they were stationed there earlier (dates for the fulfilment of this obligation shall be specified in the Convention).

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Destruction or diversion of stocks of chemical weapons

1. Each State Party to the Convention undertakes to destroy its accumulated stocks of chemical weapons or divert them to non-hostile purposes in quantities consistent with such purposes.

2. The destruction or diversion of stocks of chemical weapons shall be begun by each State Party not later than 2 years, and completed not later than 10 years, after the State has become a Party to the Convention.

The first operations for destruction may, as a display of goodwill be carried out by each State Party possessing chemical weapons as early as the initial stage of the functioning of the Convention.

Elimination or temporary conversion of facilities which provide capacities for the production of chemical weapons

1. Each State Party undertakes to eliminate or dismantle facilities which provide capacities for the production of chemical weapons.

2. Operations for eliminating or dismantling facilities which provide capacities for the production of chemical weapons shall be begun not later than 8 years, and completed not later than 10 years, after a State becomes a Party to the Convention.

3. Any State Party to the Convention shall have the right, for the purposes of destroying stocks of chemical weapons, to convert temporarily facilities previously used for the production of such weapons and also to carry out the destruction of stocks of chemical weapons at a specialized facility or facilities built for such purposes.

Permitted activities

1. Each State Party to the Convention shall have the right to retain, produce, acquire or use for permitted purposes any toxic chemicals and their precursors, in types and quantities consistent with such purposes.

2. The aggregate quantity of super-toxic lethal chemicals for permitted purposes which are produced, diverted from stocks or otherwise acquired annually or are available shall at any time be minimal and shall not, in any case, exceed one metric ton for any State Party to the Convention.

3. Each State Party which produces super-toxic lethal chemicals for permitted purposes shall concentrate such production at a single specialized facility, of appropriate capacity which shall be subject to special agreement.

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Protection of the population and the environment

In fulfilling its obligations connected with the destruction or diversion of stocks of chemical weapons and the elimination of means of their production, each State Party shall take all necessary precautions for the protection of the population and the environment.

Promotion of development goals

The Convention shall facilitate the creation of favourable conditions for the economic and technical development of the Parties and for international co-operation in the field of peaceful chemical activities. The possibility of interference with areas of activity unrelated to the purposes of the Convention shall be precluded.

II. DECLARATIONS AND CONFIDENCE-BUILDING MEASURES

1. Each State Party to the Convention undertakes not later than 30 days after the Convention's entry into force or the State Party's accession to it, to declare:

- Whether or not it possesses chemical weapons and capacities for their production;
- The magnitude of its accumulated stocks of chemical weapons and capacities for their production;
- The volume of transfers to anyone of chemical weapons, of technological equipment for their production, and of relevant technical documentation which took place after 1 January 1946;
- Whether or not there exist in its territory stocks of chemical weapons, and in what quantities, or facilities for the production of chemical weapons, and with what capacities, which are under the control of, or have been left by, any other State, group of States, organization or private person.

2. Each State Party shall, not later than 30 days after the Convention's entry into force or the State Party's accession to it, declare that it has ceased all activities relating to the production of chemical weapons or the transfer to anyone of such weapons, of technological equipment for their production and of relevant technical documentation.

3. Each State Party undertakes to declare, not later than 6 months after the Convention's entry into force or the State Party's accession to it, its plan for the destruction or diversion to permitted purposes of stocks of chemical weapons, and to declare, not later than one year before the commencement of the destruction or dismantling of facilities which provide capacities for producing chemical weapons, its plans for their destruction and dismantling, stating the location of the facilities.

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4. Each State Party which carries out the destruction of stocks of chemical weapons at a facility (facilities) temporarily converted for such purposes or at a specialized facility shall declare the location of the said facility (facilities) within the time period provided for in the plan for the destruction of the said stocks.

5. Each State Party which carries out the production of super-toxic lethal chemicals for permitted purposes at a specialized facility shall declare its location before the date of the commencement of the facility's operation.

6. Each State Party shall undertake:

(a) To submit periodic notifications concerning the implementation of the plan for the destruction or diversion to permitted purposes of the available stocks of chemical weapons and of the plan for the destruction or dismantling of facilities which provide capacities for the production of chemical weapons. Where such operations are carried out earlier than provided for in the plan, the State Party shall submit appropriate notification;

(b) To submit appropriate notifications three months before the initiation of the implementation of each stage of the plan for the destruction or diversion to permitted purposes of stocks of chemical weapons and of each stage of the plan for the destruction or dismantling of facilities which provide capacities for the production of chemical weapons; the location of the facility to be destroyed or dismantled shall be stated in the appropriate notification;

(c) To submit, not later than 30 days after the destruction or diversion of stocks of chemical weapons and after the destruction or dismantling of facilities which provide capacities for the production of chemical weapons, appropriate statements to that effect.

7. Each State Party shall undertake to submit annual declarations concerning the following substances produced, diverted from stocks acquired or used:

- Super-toxic lethal, other lethal and harmful chemicals for purposes directly connected with protection against chemical weapons;
- Super-toxic lethal chemicals for industrial, agricultural, research, medical or other peaceful purposes and for military purposes not connected with the use of chemical weapons;
- Other lethal and harmful chemicals for industrial, agricultural, research, medical or other peaceful purposes and irritants for purposes of law enforcement.

8. States Parties shall proceed from the assumption that chemicals and precursors produced, acquired, retained and used for permitted purposes, when they represent a special danger from the viewpoint of their possible diversion to purposes connected with the use of chemical weapons, must be included in appropriate lists. Each State Party shall undertake to present annually information on the chemicals and precursors of chemicals included in those lists.

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9. Each State Party shall undertake to submit notifications concerning each of its transfers to any other State Party, where not prohibited by the Convention, of super-toxic lethal chemicals, incapacitants and irritants and of other chemicals which could be used as components for chemical weapons with binary or multicomponent charges.

10. The above-mentioned declarations, plans, notifications and statements shall be submitted to the Consultative Committee of States Parties to the Convention. Their contents and the procedure for drawing up the required lists are to be defined in the Convention.

III. ENSURING COMPLIANCE WITH THE CONVENTION

General provisions on verification

1. States Parties to the Convention shall base their activities relating to the verification of compliance with the provisions of the Convention on a combination of national and international measures.

2. Each State Party to the Convention undertakes to take any internal measures it considers necessary in accordance with its constitutional processes to prohibit and prevent any activity under its jurisdiction or control that is in violation of the provisions of the Convention.

3. To monitor the fulfilment of obligations provided for in the Convention, any State Party may establish a Committee of National Verification (a national verification organization) which is vested with the necessary juridical rights and whose composition, functions and methods of work shall be determined by the State Party to the Convention in accordance with its constitutional norms.

4. For the purpose of providing assurance of compliance with the provisions of the Convention by other States Parties, any State Party shall have the right to use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

Any State Party which possesses national technical means of verification may, where necessary, place at the disposal of other Parties information which it has obtained through those means and which is important for the purposes of the Convention.

5. Each State Party shall undertake not to impede, through the use of deliberate concealment measures or in any other manner, the national technical means of verification of other States Parties.

6. International measures of verification shall be carried out through international procedures within the framework of the United Nations, in accordance with its Charter, and through consultations and co-operation between States Parties, as well as through the services of the Consultative Committee of States Parties to the Convention.

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Consultation and co-operation

1. The States Parties undertake to consult one another and co-operate in solving any problems which may arise in relation to the objectives of the Convention or in connexion with the application of its provisions.
2. The States Parties shall exchange, bilaterally or through the Consultative Committee, information which they consider necessary to provide assurance of fulfilment of the obligations assumed under the Convention.
3. Consultation and co-operation may also be undertaken through appropriate international procedures within the framework of the United Nations, in accordance with its Charter. Such procedures may include the use of the services of appropriate international organizations in addition to those of the Consultative Committee.
4. In the interests of enhancing the effectiveness of the Convention, the States Parties shall agree in due form to prevent any actions aimed at deliberately falsifying the actual state of affairs with regard to compliance with the Convention by other States Parties.

Consultative Committee of States Parties to the Convention

1. For the purpose of carrying out broader international consultation and co-operation, exchanging information and promoting verification in the interests of compliance with the provisions of the Convention, the States Parties shall establish a Consultative Committee within 30 days after the Convention's entry into force. Any State Party shall have the right to appoint its representative to the Committee.
2. The Consultative Committee shall be convened as necessary and also at the request of any State Party to the Convention within 30 days after the request is received.
3. Other questions relating to the organization and procedures of the Consultative Committee, its possible subsidiary bodies, their functions, rights, duties and methods of work, its role in on-site inspections, forms of co-operation with national verification organizations and other matters are to be elaborated.

Fact-finding procedure relating to compliance with the Convention. On-site inspections

1. Each State Party shall have the right to request, bilaterally or through the Consultative Committee, from another Party which is suspected of violating the Convention information on the actual state of affairs. The State to which the request is sent shall provide the requesting State Party with information in connexion with the request.

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2. Each State Party may, bilaterally or through the Consultative Committee, send to another State Party which is suspected of violating the Convention a request for an on-site inspection. Such request may be sent after the possibilities of fact-finding within the framework of paragraph 1 of this section have been exhausted and shall contain all relevant information and all possible evidence supporting the validity of the request.

Requests may, in particular, be sent in connexion with notifications concerning the destruction of accumulated stocks of chemical weapons and concerning the destruction and dismantling of facilities which provide capacities for the production of chemical weapons. The State Party to which such a request is sent may treat the request favourably or decide otherwise. It shall inform the requesting State Party in good time about its decision, and if it is not prepared to agree to an inspection, it shall give appropriate and sufficiently convincing explanations.

3. Within the period of destruction or diversion to permitted purposes of the stocks of chemical weapons, a possibility of carrying out systematic international on-site inspections (for example, on the basis of an agreed quota) of the destruction of stocks at a converted or specialized facility (facilities) shall be provided for.

4. The Convention shall provide for the possibility of carrying out international on-site inspections (for example, on the basis of an agreed quota) of the production of super-toxic lethal chemicals for permitted purposes at a specified facility.

Procedure for lodging complaints with the United Nations
Security Council. Provision of assistance

1. Any State Party which has reason to believe that any other State Party has acted or may be acting in violation of obligations deriving from the provisions of the Convention shall have the right to lodge a complaint with the United Nations Security Council. Such complaint shall include all relevant information and all possible evidence supporting the validity of the complaint.

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

3. Each State Party to the Convention undertakes to provide assistance or support assistance being provided, in accordance with the provisions of the Charter of the United Nations, to any State Party which requests it if the Security Council decides that such Party has been exposed or is possibly being exposed to danger as a result of the violation by another State Party of obligations assumed under this Convention.

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Relationship with the Geneva Protocol of 1925

Nothing in this Convention shall be interpreted as in any way limiting, or detracting from the obligations assumed by any State 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, under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, or under the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.

IV. CONCLUDING PROVISIONS OF THE CONVENTION

Provision shall be made for a procedure for the signing of the Convention, its ratification and entry into force, arrangements relating to a depositary, as procedure for the accession of States to the Convention and withdrawal from it, machinery for amendments to the Convention, dates for holding conferences to review its implementation and the status of such conferences.
