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Report of the Ad Hoc Working Group on Chemical Weapons to  
the Committee on Disarmament

I. INTRODUCTION

1. A review of the work of the Committee on Disarmament on the question of chemical weapons during the first part of its 1982 session is contained in the special report presented to the Second Special Session of the General Assembly devoted to disarmament (document CD/292), which also covers the work of the Committee on Disarmament on this subject since 1979.

II. ORGANIZATION OF WORK AND DOCUMENTATION

2. In accordance with the decision taken by the Committee on Disarmament at its 174th plenary meeting held on 23 April 1982, the Ad Hoc Working Group on Chemical Weapons resumed its work on 20 July 1982 under the Chairmanship of Ambassador Bogumil Sujka of Poland. Mr. A. Bensmail, Senior Political Affairs Officer, United Nations Centre for Disarmament, served as Secretary of the Ad Hoc Working Group.

3. It should be recalled that the Ad Hoc Working Group on Chemical Weapons was re-established for 1982 at the 156th plenary meeting of the Committee on Disarmament held on 18 February 1982, with the following mandate:

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

4. The Ad Hoc Working Group held 26 meetings from 20 July to 15 September 1982. In addition, the Chairman held a number of informal consultations with delegations.

5. At the 177th plenary meeting of the Committee on Disarmament, the Chairman reported on the progress of work of the Ad Hoc Working Group.

6. The representatives of the following States not members of the Committee on Disarmament participated in the work of the Ad Hoc Working Group on Chemical Weapons: Austria, Denmark, Finland, Greece, Ireland, Norway, Spain and Switzerland.

7. During the second part of its 1982 session the following official documents dealing with Chemical Weapons were presented to the Committee on Disarmament:

- Document CD/294, dated 21 July 1982, submitted by the delegation of the Union of Soviet Socialist Republics, entitled "Basic provisions of a convention on the prohibition of the development, production and stockpiling of chemical weapons and on their destruction"
- Document CD/298, dated 26 July 1982, submitted by Yugoslavia, entitled "Working paper on some aspects of verification in a chemical weapons convention"
- Document CD/299, dated 29 July 1982, submitted by Finland, entitled "Letter dated 27 July 1982, addressed to the Chairman of the Committee on Disarmament from the Chargé d'Affaires a.i. of the Permanent Mission of Finland, transmitting a document entitled 'Systematic identification of chemical warfare agents; identification of non-phosphorus warfare agents'"
- Document CD/301, dated 4 August 1982, submitted by Belgium, entitled "Memorandum on monitoring of the prohibition of the use in combat of chemical and bacteriological (biological) or toxin weapons"
- Document CD/306, dated 10 August 1982, submitted by the Netherlands, entitled "Working paper concerning the verification of the presence of nerve agents, their decomposition products or starting materials downstream of chemical production plants"
- Document CD/307, dated 10 August 1982, submitted by the Netherlands, entitled "Working paper concerning the verification of the presence of nerve agents, their decomposition products or starting materials downstream of chemical production plants"
- Document CD/308, dated 10 August 1982, submitted by the Federal Republic of Germany and the Kingdom of the Netherlands, entitled "Letter dated 9 August 1982 from the Heads of the Delegations of the Federal Republic of Germany and of the Kingdom of the Netherlands to the Chairman of the Committee on Disarmament transmitting a document containing preliminary questions concerning CD/294"
- Document CD/311, dated 11 August 1982, submitted by Norway, entitled, "Working paper on verification of a chemical weapons convention - sampling and analysis of chemical warfare agents under winter conditions"
- Document CD/313, dated 16 August 1982, submitted by Canada, entitled "A proposed verification organization for a chemical weapons convention"
- Document CD/316, dated 19 August 1982, submitted by France, entitled "Working paper on the monitoring of the destruction of stocks of chemical weapons"
- Document CD/324, dated 6 September 1982, submitted by Sweden, entitled "Working paper on toxicity criteria for 'key CW precursors'"
- Document CD/325, dated 6 September 1982, submitted by Sweden, entitled "Working paper on monitoring destruction of stockpiles of chemical weapons and chemical warfare agents"

- Document CD/326, dated 6 September 1982, submitted by the Federal Republic of Germany, entitled "Chemical Weapons - Working paper: Proposals on 'Declaration', 'Verification', and the 'Consultative Committee'"

- Document CD/333, dated 14 September 1982, submitted by Poland, entitled "Views of the Chairman of the Ad Hoc Working Group on Chemical Weapons on possible compromise wordings of the elements of a future convention"

8. During the second part of its 1982 session, the following working papers were circulated to the Working Group:

- CD/CW/WP.35 submitted by the Union of Soviet Socialist Republics, entitled "Basic provisions of a convention on the prohibition of the development, production and stockpiling of chemical weapons and on their destruction" (also issued as CD/294)

- CD/CW/WP.36 entitled "Consultations with delegations, assisted by experts, by the Chairman of the Working Group on Chemical Weapons"

- CD/CW/WP.33/Corr.1 entitled "Corrigendum to the Compilation of revised Elements and Comments thereto (CD/220), proposed new texts and alternative wordings as well as comments on new texts"

- CD/CW/WP.37 submitted by Yugoslavia, entitled "Working paper on some aspects of verification in a chemical weapons convention" (also issued as CD/298)

- CD/CW/WP.38 submitted by Yugoslavia, entitled "Suggested alternative definition of Chemical Weapons"

- CD/CW/WP.39 submitted by Belgium, entitled "Memorandum on monitoring of the prohibition of the use in combat of chemical and bacteriological (biological) or toxin weapons" (also issued as CD/301)

- CD/CW/WP.40 submitted by the Federal Republic of Germany and the Kingdom of the Netherlands, entitled "Letter dated 9 August from the Heads of the Delegations of the Federal Republic of Germany and of the Kingdom of the Netherlands addressed to the Chairman of the Committee on Disarmament transmitting a document containing preliminary questions concerning CD/294" (also issued as CD/308)

- CD/CW/WP.41 and Corr.1 entitled "Report of the Chairman to the Working Group on Chemical Weapons on the consultations held with experts on technical issues"

- CD/CW/WP.42 submitted by France, entitled "Working paper on the Monitoring of the destruction of stocks of chemical weapons" (also issued as CD/316)

- CD/CW/WP.43 entitled "Draft Report of the Ad Hoc Working Group on Chemical Weapons to the Committee on Disarmament"

- CD/CW/WP.44 submitted by Poland, entitled "Views of the Chairman of the Ad Hoc Working Group on possible compromise wordings of the elements of a future convention" (also issued as CD/333)

9. The following Conference Room Papers were also submitted to the Working Group during the second part of its 1982 session:

- CD/CW/CRP.60 entitled "Summary by the Chairman of initial comments made with respect to the suggested wording for Annex IV: recommendations and guidelines concerning the functions and organization of the national verification system CD/CW/CRP.42)"

- CD/CW/CRP.61 entitled "Opening statement by the Chairman of the Working Group on Chemical Weapons on 20 July 1982"

- CD/CW/CRP.62 submitted by China, entitled "Suggested alternative wording for Element II and Annex I"

- CD/CW/CRP.63 submitted by the Federal Republic of Germany, entitled "List of questions addressed to the delegation of the USSR on 22 July 1982 by the delegation of the Federal Republic of Germany with respect to document CD/294 (CD/CW/WP.35)"

- CD/CW/CRP.64 entitled "Timetable for the Chairman's consultations with experts on technical issues as presented in document CD/CW/WP.36 on 23 July 1982, to be held 2-6 August 1982"

- CD/CW/CRP.65 submitted by China, entitled "Suggested alternative wording for Element IX, 2(a) and (d)"

### III. CHAIRMAN'S CONSULTATIONS WITH DELEGATIONS ON TECHNICAL ISSUES

10. Following the practice introduced in 1981 by the Chairman to hold consultations on certain technical questions relevant to the future Convention, the Chairman, during the second part of the 1982 session of the Group, convened consultations with delegations on issues recommended for further examination and in his previous report contained in document CD/CW/WP.30 of 22 March 1982. These consultations were held from 2 to 6 August 1982 and dealt specifically with the following issues:

- (a) With regard to scope, possible standardized physical, chemical or biological methods enabling determination of the toxicity of "other harmful chemicals" and products formed in different kinds of production processes (including the binary technique) for chemical warfare agents, particularly those belonging to super-toxic lethal chemicals;

- (b) With regard to verification, possible technical methods to monitor destruction of chemical weapons, inter alia, by means of specialized information gathering "black boxes", including the means for transmission and processing of such information.

11. At its 6th meeting, held on 11 August 1982, the Chairman of the Ad Hoc Working Group presented the report on his consultations as contained in document CD/CW/WP.41 and Corr.1. The Working Group devoted its 8th meeting to an in-depth discussion of this report. The Group took note of this report. While the usefulness of these consultations was unanimously recognized, the need to structure them according to the requirements of the future convention was emphasized, bearing in mind the close link between its technical and political aspects.

It was felt that the consultations with delegations on technical issues should be clearly relevant to the work of the Working Group. It was agreed that in the future the report should duly reflect the differing views expressed in these consultations. Some delegations emphasized that Chairman's consultations with delegations on technical issues can play a useful role only when they can contribute to the clarification of technical issues for such provisions of the future convention on which agreement in principle has been achieved. Other delegations held the view that these consultations could also help to provide a concrete basis for the consideration of key issues on which no agreement has yet been reached.

12. It was agreed that Chairman's consultations on technical issues should focus on the questions listed below. It was further agreed that during the time devoted to these consultations, between six and eight meetings should be devoted to each item, two meetings to the presentation of other technical issues of direct relevance to the work of the Working Group, aimed at facilitating the negotiating process, and four meetings for discussion of the report on the consultations.

Topics to be discussed:

A. On the basis of the working hypothesis on the definition of chemical weapons (see Annex, pages 3-10) including the concepts of precursors and key precursors, it is suggested that the following questions may be directed to the technical expertise of delegations:

(a) what are the views on the "working hypothesis" on definition of these concepts?

(b) to what extent - and by which method - would it be possible to compose lists of key precursors?

B. With respect to destruction of stockpiles of chemical weapons, verification procedures should

(i) verify the types and quantities of chemicals to be destroyed;

(ii) ensure that they have been destroyed.

In this connection technical experts of delegations may be asked to address the following questions:

(a) what technical procedures could be suggested in order to monitor destruction of stockpiles of chemical weapons?

(b) what specific elements need to be included in declarations made by State Parties, in order to meet the requirements mentioned above?

(c) do methods of destruction of stockpiles need to be specified, and in what detail, in order to assure State Parties that stocks have been destroyed and are not capable of being diverted again to use as chemical weapons?

#### IV. SUBSTANTIVE CONSIDERATIONS DURING THE SECOND PART OF THE 1982 SESSION

13. During the second part of its 1982 session, the Group at the suggestion of the Chairman, proceeded to another detailed examination of the Revised Elements and of the Comments Thereto, contained in document CD/CW/WP.33 and Corr.1 with a view to elaborating the provisions of the future convention.

14. As a result of the consideration of the Revised Elements and of the Comments Thereto, and after extensive informal consultations in the Working Group, the Working Group accepted the Chairman's suggestion to establish nine open-ended contact groups in order to advance the process of elaboration of the convention. These informal contact groups, which are listed below, dealt with the following spheres of the convention:

- (a) Element I: scope of the chemical weapons convention;  
(Co-ordinator: Mr. T. Melescanu, Romania)
- (b) Element II: definitions;  
(Co-ordinator: Dr. J. Lundin, Sweden)
- (c) Element IV: declarations;  
(Co-ordinator: Mr. T. Altaf, Pakistan)
- (d) Element V: destruction, diversion, dismantling and conversion;  
(Co-ordinator: Mr. S. Duarte, Brazil)
- (e) Element IX: general provisions on verification;  
(Co-ordinator: Mr. G. Skinner, Canada)
- (f) Preamble and Final Clauses of the future chemical weapons convention;  
(Co-ordinator: Mr. R. Steele, Australia)
- (g) Element X: national implementation measures  
(Co-ordinator: Dr. H. Thielicke, German Democratic Republic)
- (h) Element XI: national technical means of verification  
(Co-ordinator: Dr. H. Thielicke, German Democratic Republic)
- (i) Elements XII and XIII: consultation and co-operation;  
consultative committee.  
(Co-ordinator: Miss N. Nascimbene, Argentina)

15. The results of the work of these Contact Groups were reflected in the reports of the Co-ordinators which were discussed in-depth in the Working Group and subsequently revised by the co-ordinators. These reports are attached in-extenso in the Annex. The method of work adopted by the Working Group in the second part of its 1982 session, and in particular the functioning of open-ended contact groups, was recognised by all delegations as fully appropriate for the present stage. Delegations paid tribute to the Chairman, Ambassador Sujka, for his imaginative proposals in this regard.

16. The Chairman, having taken into account:

- the views expressed by different delegations at the plenary meetings of the Committee devoted to Chemical Weapons;
- the extensive discussions during the meetings of the Working Group;
- the equally extensive discussion in the contact groups;
- the thorough examination of and discussion on the report of each of the contact groups;
- and the consultations with numerous delegations,

presented his views on possible compromise wordings of the elements of the future convention. These views are contained in document CD/333(CD/CW/WP.44). The Working Group appreciated the Chairman's contribution and recommended to take it into consideration along with the reports of the contact groups in its deliberations during 1983.

17. The Ad Hoc Working Group on Chemical Weapons has agreed to recommend to the Committee on Disarmament that the Group should resume its work on 17 January 1983. It has further agreed that it should start its 1983 session with the Chairman's consultations with delegations on technical issues.

18. The Ad Hoc Working Group on Chemical Weapons has agreed to recommend to the Committee on Disarmament that the Group should continue its work under the present Chairman between 17 and 28 January 1983, taking into account all existing proposals and future initiatives. During this period the Group will continue the work carried out in 1982, including through meetings of the contact groups established in 1982, and through the Chairman's consultations on technical issues envisaged in paragraph 12 above. It also agreed to recommend that the consultations on technical issues should continue to the end of the first week of the Committee's 1983 session, and that the 1982 Chairman of the Working Group should prepare a report on the basis of his consultations. It was further agreed that the work of the Working Group itself during the period 17-28 January should be reported as part of the 1983 report.

ANNEX

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ANNEX

REPORT OF THE CO-ORDINATOR OF THE CONTACT GROUP ON THE SCOPE OF THE  
CHEMICAL WEAPONS CONVENTION

I. Basic positions:

1. Text without a prohibition of use:

"Each State Party to this Convention undertakes, under no circumstances, to develop, produce, otherwise acquire, stockpile, retain or transfer chemical weapons, and to destroy or dispose for permitted purposes of existing stocks of such weapons, and also to destroy or dismantle facilities and means of production of such weapons."

2. Direct inclusion of a prohibition of the use of chemical weapons in Element I:

"Each State Party to this Convention undertakes never in any circumstances to develop, produce, otherwise acquire, stockpile, retain, transfer or use chemical weapons and to destroy or otherwise dispose of existing stocks of chemical weapons and means of production of such weapons."

II. Proposals for optional alternatives concerning the reaffirmation of the "non-use" regime provided for in the 1925 Geneva Protocol, and its reinforcement through one or more of the following:

- (a) a preambular provision recalling the 1925 Geneva Protocol and reaffirming the prohibition of use;
- (b) a specific provision prohibiting use in situations not covered by the 1925 Geneva Protocol;
- (c) a provision stating that CW convention should not be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Geneva Protocol of 1925 (along the lines of existing Element VII);
- (d) a specific article in the body of the future convention recognizing that any use of chemical weapons will constitute a violation of the chemical weapons convention and stipulating that as a consequence the provisions on verification included in CW convention will apply to such situations as well;
- (e) a specific provision should be included in the section dealing with the "complaints procedure" of the future Convention. Such a provision should recognize that any use of chemical weapons by a State Party or with the assistance of a State Party would indicate a violation of one or more of the obligations assumed under the scope of the Convention. The competence of the Consultative Committee would consequently be extended to the allegations of use.

(f) provisions for the verification in CW Convention will include methods and mechanisms for the verification of the prohibition to use chemical weapons.

(g) separate mechanism for investigating suspected use of chemical weapons and biological weapons in combat;

(h) including the prohibition of use in the definitions of the chemical weapons convention;

(i) 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.

### III. Co-ordinator's proposals for "a working hypothesis":

In the event that consensus is reached that Element I of the future convention may not include a reference to the prohibition of use, this question could be handled as follows:

In the preamble of the Convention, a paragraph will recall the 1925 Geneva Protocol and reaffirm the prohibition to use chemical weapons; Element VII will also contain a reference to the Geneva Protocol stating that the Convention should not be interpreted in any way as limiting or affecting the obligations assumed by States on the basis of the 1925 Protocol;

In addition, a new article will be included in the Convention recognizing that any use of chemical weapons will ipso jure constitute an evidence of a violation of the CW Convention and, accordingly, the provisions on verification included in CW Convention will apply to such situations as well.

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### Prohibition of the planning, organization and training in chemical warfare capability

In the last meeting of the Group, a short exchange of views on the possible inclusion of the prohibition of the planning, organization and training into a CW convention took place. It appeared that the basic positions expressed on this subject remain the same. It was consequently agreed to postpone a discussion on this item till after further discussions on other problems like verification or non-use.

REPORT OF THE CO-ORDINATOR OF THE CONTACT GROUP ON DEFINITIONS

1. The Contact Group has considered basic definitions for the purpose of the convention of "chemical weapons", "precursors" and toxicity criteria, and of "permitted purposes". Discussions have also been held on the possible meaning of expressions concerning other aspects of the convention as "production capability/capacity" and "destruction".
2. In its work, the Contact Group has recognized that the possible outcome of its deliberation could not be perceived as in any way binding for the delegations, who took part, or for any other delegations. The basic positions of delegations still are those reflected in CD/220 and WP.33, both in the "elements" and in the comments to them, and also in CD/294.
3. The co-ordinator feels, however, that he was supported by the Contact Group in his endeavours to present "working hypothesis" regarding the possible content of the definitions mentioned, at the same time accounting for the main divergent or optional views on the suggested content. The report, therefore, presents such working hypothesis and comments on them, and, when necessary, preceded by an introduction to the subject. The introduction contains points of view which were offered by delegations as explanations for suggested parts of definitions.
4. Even if it is the hope that the working hypotheses might serve delegations in their work to narrow differences of views on definitions, they should be considered to be only basic approaches. Thus they are not intended to reflect all the controversial issues which are discussed to be included in the scope, even if occasionally some reference may be made to that.
5. Before starting the work on definitions, the Contact Group discussed the "purpose criterion". It was agreed that this concept need not be defined for the purpose of the convention. However, the following tentative description seemed to be generally acceptable:
  - (1) It allows a State to determine what it is allowed to do and what it must not do.
  - (2) It provides a guideline for one State to evaluate another State's activities.
  - (3) It provides, together with the quantity criterion, a starting point for elaborating more specific criteria (e.g. toxicity, lists). Such criteria can serve as a guide to selection and application of specific verification measures.

6. Working hypothesis regarding a basic definition of chemical weapons.

- (a) The definition should comprise only such concepts which are necessary for the purpose of the convention.
- (b) The definition should express the typical effects of chemical weapons, i.e. that their effects are due to the utilization of the toxic properties of chemicals to cause death or other harm.

Comments:

Weapons utilizing other properties of chemicals, e.g. radioactivity or their content of energy, are not to be considered as chemical weapons even if such chemicals happen to be more or less toxic.

It may be a question of presentation where in the definition this idea should be expressed, whether in an introductory part of the definition or in the body of the definition.

Suggestions have been made that reference has to be made to the use in war, armed conflict or combat in this connection.

The formulation suggested about toxic properties of chemicals could imply a reference to toxic effects of chemical weapons to all living organisms.

(c) The term "chemical weapons" should be applied to each of three different categories of items:

- (i) Toxic chemicals which meet certain criteria, and their precursors.
- (ii) Munitions and devices which meet certain criteria. This category includes binary and other multi-component munitions or devices.
- (iii) Equipment specifically designed for use directly in connection with the employment of such munitions or devices.

Comments:

The above mentioned part of the definition that chemical weapons utilize the toxic properties of chemicals could as well appear in the body, (i)-(iii), of the definition.

Another approach might be to define "chemical warfare agent" and apply the criteria referred to under (a) to such chemical warfare agents.

(d) The general undertakings in an Article I of a future convention shall not apply to chemicals, which can be shown to be produced etc. for certain permitted purposes in quantities appropriate for such purposes. However, such chemicals may have to be subject to certain clarification procedures concerning the provisions in article I, as may be expressed in appropriate future articles on verification.

Comment:

The way to express this in the convention is not agreed upon yet.

(e) The criteria for placing chemicals in toxicity categories as super-toxic lethal chemicals, other lethal chemicals, and other harmful chemicals, could be expressed as follows:

- (i) A "super-toxic lethal chemical" is any toxic chemical with 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 the methods set forth in
- (ii) Any "other lethal chemical" is any toxic chemical with 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 which is less than or equal to 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m<sup>3</sup> (by inhalation) when measured by the methods set forth in
- (iii) Any "other harmful chemical" is any toxic chemical with a median lethal dose which is greater than 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m<sup>3</sup> (by inhalation) when measured by the methods set forth in

Comments:

Preliminary agreed protocols for toxicity determinations by subcutaneous administrations and by inhalation have been worked out during technical consultations.

The category "other harmful chemical" might be subdivided into categories, which referred to other toxic effects than lethal effects. This would presume agreements on methods to measure such other harmful effects as sensory irritant effects, mentally and physically incapacitating effects, skin lesion effects etc.

No attempts have been made as yet to evaluate the possible coverage of a definition as expressed in the present Working Hypothesis with regard to toxins and tear gases. Only the possibility that it may cover herbicides was pointed to in the last comment under (b) above.

7. Working hypothesis regarding a basic definition of "permitted purposes".
- (a) Permitted purposes would consist of two main elements
    - (i) non-hostile purposes, and
    - (ii) military purposes not related to the use of chemical weapons.
  - (b) Non-hostile purposes would include research, industrial, agricultural, medical or other peaceful purposes, law enforcement purposes, purposes directly connected to protection against chemical weapons.

8. Working hypothesis of a basic definition of "precursor".

- (a) Introductory remarks

For the purpose of a chemical weapons convention there seems to be a need (a) to ensure a ban on production, etc. of any chemical used for production of chemicals to which the term chemical weapon might be applied and (b) to determine which of these chemicals, which may require particular attention from the standpoint of verification.

The former chemicals may be identified in a general way in the convention as "precursors" to fall under the provisions in article I, prohibiting development, production and stockpiling chemical weapons, in order to preclude the theoretical possibility that the convention might be interpreted as allowing production etc. of these precursors for chemical weapons purpose.

In order to meet the requirement under (b) it would probably be necessary to identify the particular chemicals among the precursors, which are in some way critical for the production of chemical weapons, e.g. by determining the main type of compound formed, and which may not have any peaceful use. These precursors might be singled out in the convention, e.g. as "key precursors". Key precursor stockpiles may have to be declared and destroyed, and these activities be subject to verification measures, which might also apply to their future non-production. These measures would not apply to precursors in general, because these would under the future ban only be produced etc. for permitted purposes according to the purpose criterion.

(b) For the purpose of the convention a general and broad definition of "precursor" could contain the following:

- (i) Precursors as mentioned in \_\_\_\_\_, are chemicals, which, when made to react chemically form chemicals as are mentioned in (reference to the place where super-toxic lethal, other lethal, and other harmful chemicals first are mentioned in the definition of chemical weapons).

Comment:

An alternative formulation might be:

"Precursor" means any chemical, which may be used as a reactant in production of a super-toxic lethal chemical, other lethal chemical, or other harmful chemical.

- (ii) It would be prohibited under the convention to develop, produce, stockpile, otherwise acquire, retain or transfer precursors as defined above other than for permitted purposes.
- (c) A definition of "key precursor" could contain the following:
- (i) A key precursor would be the reactant(s) in one or in a few consecutive chemical syntheses leading to the formation of a super-toxic lethal, other lethal, or other harmful chemical, which determines the class of chemical (expressed in the chemical structure) of the toxic chemical(s) formed when the reaction(s) is taking place
    - in a production facility producing super-toxic lethal, other lethal or other harmful chemicals,
    - in a chemical weapon warhead or other disseminating device for chemical weapons, before the dissemination of the intended final, toxic product(s); or outside the dissemination device during or after dissemination.
  - (ii) Key precursors would have to be destroyed i.e. transformed into chemicals without significance themselves for production of toxic chemicals. Such destruction as well as non-production of key precursors should be subject to verification as set out in

Comments:

A definition of key precursors thus could contain the following characteristics:

The key precursor would

- be a precursor in the final stages of the production process,

- be particularly important in determining the end product,
- be of relatively little use for non-hostile purposes,
- pose a serious risk from the standpoint of an effective ban and therefore require particular attention with respect to verification.

A definition of key precursor may also serve State Parties to a convention as a guide for evaluation of future developments with respect to key precursors which have not previously been generally known or were discovered in the future.

For the latter purpose, alleged key precursors, and for which data proving this were lacking, could be related to any of the three types of toxic chemicals by means of toxicity determinations on their end products formed in their reactions with other precursors. The existence of the definition would also serve as a guideline when chemicals falling under the general definition of precursors above may not need to be destroyed or could be diverted or produced for permitted purposes.

Optional to having an explicit definition of key precursors, it might be possible to have only a list of key precursors. Such a list could be established and revised as necessary by the Consultative Committee on the basis of agreed criteria similar to those discussed above. This might make it possible to have a simple definition like e.g.:

"Key precursor" means a precursor which has been identified by the Consultative Committee, on the basis of agreed criteria, as requiring particular attention from the point of view of destruction.

A list of key precursors could also be made up in addition to a definition of key precursors.

The question of lists of key precursors was not thoroughly discussed during the consultations but seems to be favourable to most delegations. Nor was it discussed as to which extent they might be revised.



3. A preliminary discussion was held with respect to possibly needed definitions, for the purpose of the convention, of "production facility", "production capacity" and of "destruction". The background material presented as a basis for the discussions by the co-ordinator are presented below, amended in accordance with the few points of view there was time to obtain on these matters during the consultations.

(a) "Production facility" could mean the plant or part of plant, where chemical weapons be produced.

(b) "Production capacity" could mean the amount of chemical weapons that might be produced during a given period of time under agreed assumption, and/or

the number of production facilities, which might produce chemical weapons and their combined output during one year under agreed assumptions.

Comment:

Instead of their combined output, the output of each production facility might be given.

(c) "Destruction" could mean one or more of the following activities to eliminate chemical weapons and production facilities.

(i) With regard to chemical weapons

Chemicals:

Change of the chemical into degradation products, which may be uneconomical to utilize for repeated production of the same chemical. The process should be performed in a way that is not detrimental to the environment.

This might include utilization of the chemical directly in a (irreversible) production process leading to other chemicals, which could not economically be utilized for production of the same chemical or facilitate production of such chemicals. Such a change of the chemical may be referred to as diversion or conversion instead of destruction, and would have to be declared and performed according to agreed procedures, and be subject to particular verification measures.

Munitions and devices:

Make such munitions or devices unserviceable for chemical weapons purposes, preferably by crushing them into pieces.

Specifically designed equipment:

Make such equipment unserviceable and removed from weapons systems etc.

(ii) With regard to production facilities

- physically take apart or disintegrate the facility and remove all parts in an unserviceable state from the facility, leaving the site empty,
- dismantle and disperse for other purposes some or all of the parts of a production facility. Removed parts and the purposes of their utilization should be declared and verified.

APPENDIX

Reference material:

Document CD/112, 7 July 1980, p. 2-3, entitled

"Letter dated 7 July 1980 addressed to the Chairman of the Committee on Disarmament from the representatives of the USSR and the United States to the Committee on Disarmament."

Document CD/220, 17 August 1981, entitled

"Report of the Ad Hoc Working Group on Chemical Weapons to the Committee on Disarmament."

Document WP.33, 28 April 1982, p. 5-11, entitled

"Compilation of revised Elements and Comments thereto (CD/220), proposed new texts and alternative wordings as well as comments on new texts."

Document CD/266, 24 March 1982, submitted by Yugoslavia, entitled

"Working paper, Binary weapons and the problem of their definition and verification."

Document CD/294, 21 July 1982, submitted by the USSR, entitled

"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."

Document CD/CW/CRP.62, 26 July 1982, submitted by China, entitled

"Suggested alternative wording for Element II and Annex I."

Document CD/CW/WP.30, 22 March 1982, Annexes III and IV, entitled

"Report of the Chairman to the Working Group on Chemical Weapons on the consultations held on issues relating to toxicity determinations."

Document CD/CW/WP.38, 28 July 1982, submitted by Yugoslavia, entitled

"Suggested alternative definitions of Chemical Weapons."

Document CD/CW/CRP.31, CD/CW/CTC/13, 19 March 1982, submitted by United States of America, entitled

"Precursors."

Document CD/CW/CTC/15, 26 July 1982, submitted by Sweden, entitled

"Chairman's Consultations on Toxicity Criteria."

Document CD/CW/CTC/19, 5 August 1982, submitted by China, entitled

"Chairman's Consultations on Toxicity Criteria."

Document CD/CW/CTC/27, 9 August 1982, submitted by USSR, entitled

"Some problems associated with the prohibition of binary weapons and the verification of compliance with such prohibition."

A number of written suggestions from delegations, as well as many earlier contributions to the Working Group, have not been listed here.

REPORT OF THE CO-ORDINATOR OF THE CONTACT GROUP ON ELEMENT IV (DECLARATIONS)

1. POSSESSION OR NON-POSSESSION

Possession or non-possession of "Chemical Weapons" (as defined in the relevant element of CW Convention including all components) and production facilities in use or inoperative whether on State's own property or abroad or belonging to other State(s) on one's own property including those whose ownership is not well defined.

Timings: Not later than 30 days after the Convention's entry into force or the State Party's adherence to it.

(A) "Chemical Weapons" Stocks

(a) Agents: Description by weight in metric tons including quantities in bulk and filled into munitions and

Alternative I Description by toxicity category:

- Supertoxic lethal nerve gases (G-gases, V-gases);
- Supertoxic lethal blister gases (H-gases);
- Other supertoxic lethal chemicals;
- Other lethal chemicals;
- Other harmful chemicals including incapacitants, psychotropic chemicals, Convulsants and disabling chemicals; irritants including those meant for law enforcement purposes.

Alternative II Description by toxicity category (supertoxic lethal, other lethal and other harmful) and by chemical names.

(b) Precursors:

Alternative I Precursors including those of binary type and individual chemicals in accordance with the categories mentioned in (a) Alternative I above.

Alternative II Description by weight in metric tons filled and unfilled and by chemical names.

(c) Munitions and devices

Alternative I As described through toxicity categories quantities of agents and precursors.

Alternative II (i) Types, weight and number of unfilled.  
(ii) Types, weight and number of filled.

(d) "Equipment specifically designed for use in CW"

Alternative I As described through toxicity categories quantities of agents and precursors.

Alternative II Types and number including of auxiliary filling equipment.

Location:

Alternative I No declarations.

Alternative II Exact description of location by precise geographic co-ordinates.

Timing: Not later than 30 days after the convention's entry into force or the State Party's adherence to it.

(B) Production Facilities:

(a) Type

Alternative I Declaration for purposes of destruction

- (i) Agent production and key precursor production facilities including types of products.
- (ii) Filling facilities.
- (iii) Key precursor production facilities.

Alternative II Declaration for purposes of destruction as well as Confidence Building Measures

- (i) Agent production and key precursor production facilities including types of products.
- (ii) Filling facilities.
- (iii) Key precursor production facilities.
- (iv) Munitions and devices production facilities which are exclusively or partially designed or used for this purpose.

~~xxx~~ (b) Capacity of Production Facilities

Alternative I Types, weight and/or quantity in terms of time as follows:

- (i) Capacities for production of chemicals are declared directly in units of chemicals weight.
- (ii) Capacities for filling of munitions are declared in units of chemical weights.
- (iii) Capacities for production of filled munitions of binary or multicomponent charges are declared in units of chemicals' weight as applied to the chemicals of a specific type which could be formed in combat use.
- (iv) Capacities for production of unfilled munition of binary or multicomponent charges are declared in units of weight of the chemicals which could be formed after filling the munitions.

Alternative II Types, weight and/or quantity in terms of time.  
Location: Exact geographical location of facilities will be declared in degrees, minutes and seconds.  
Declarations will also include description of following types of facilities:

- (i) Existing facilities: Last date of operation.
- (ii) Converted; present use; last date used for CW.
- (iii) Dual purpose facilities:

Alternative I No declaration of dual purpose facilities.

Alternative II Dual purpose facilities which are specifically designed or used in part for production of any chemical which is primarily used for CW.

Alternative III Dual purpose facilities which are capable of conversion to proper CW facilities.

Alternative IV The number and location of all industrial facilities for the production of organophosphorous substances.

Timings:

Alternative I (i) Possession of facilities 30 days after the Convention's entry into force or the State Party's adherence to it.  
(ii) Capacity of facilities not later than 30 days after the Convention's entry into force or the State Party's adherence to it.

Location: Not later than one year before destruction.

Alternative II All declarations regarding possession, capacity and location of facilities be made not later than 30 days after the Convention's entry into force or the State Party's adherence to it.

Stocks and production facilities belonging to other States

- (a) Total quantity [in units of weight] according to each type of chemical [super-toxic lethal, other lethal and other harmful chemicals];
- (b) Facilities for the production of chemical weapons or any of their elements, controlled by any other State, group of States, organization or private individual [indication of capacity of such facilities].

Possible need for declaration of findings of old stocks  
of chemical weapons, which were not known to a Party itself, when the convention entered into force, and of plans for the destruction of such stocks.

## 2. PLANS FOR DESTRUCTION OF STOCKS

Declarations regarding plans and time frames for destruction of stocks will cover "Chemical Weapons" as defined in the relevant element of the Convention.

Description of destruction process will cover the following:

- (i) Type of operation.
- (ii) Time schedule including percentage quantities planned for destruction in specific time frames.
- (iii) What is being destroyed and at what location.
- (iv) Aimed at end production.

Alternative I Not later than 30 days after the Convention's entry into force or the State Party's adherence to it.

Alternative II Within 90 days after the Convention's entry into force or the State Party's adherence to it.

Alternative III Within six months after the Convention's entry into force or the State Party's adherence to it.

## 3. PLANS FOR ELIMINATION OF PRODUCTION FACILITIES

Declarations regarding plans and time frames for elimination of production facilities will cover the following:

- (i) Location of facilities.
- (ii) Plans for (a) dismantling; and (b) destruction.
- (iii) Time frames for completion of separate stages of elimination (if necessary)

Description of destruction process will cover the following:

- (i) Type of operation.
- (ii) Time schedule.
- (iii) What is being destroyed and at what location.
- (iv) Aimed at end product (if any including description of equipment elements for peaceful purposes).

### Timings:

Alternative I Within 30 days after the Convention's entry into force or the State Party's adherence to it.

Alternative II Within six months after the Convention's entry into force or the State Party's adherence to it.

Alternative III Within seven years after the Convention's entry into force or the State Party's adherence to it.

#### 4. IMPLEMENTATION OF THE PLANS FOR DESTRUCTION OF STOCKS

- (i) Progress report of stocks destroyed during last year/period including details of types, quantities and destruction methods.
- (ii) Plans for destruction during next year/period including details of types, quantities and destruction methods.

## 5. IMPLEMENTATION OF THE PLANS FOR DISMANTLING/DESTRUCTION OF PRODUCTION FACILITIES

- (i) Progress report of facilities dismantled/destroyed during last year/period including type and location and elimination method.
- (ii) Plans for dismantling/destruction of facilities during next year period including location, type and elimination method.

**Timings:** Annual/Periodical.

## 6. COMPLETION OF ELIMINATION ACTIVITIES

Declaration of completion of elimination activities of all "Chemical Weapons" and production facilities.

**Timings:** Not later than 10 years.

7. STOCKS OF SUPER-TOXIC LETHAL CHEMICALS FOR PERMITTED PURPOSES AND THE FACILITIES FOR PRODUCTION OF SUCH CHEMICALS

- (a) Super-toxic lethal chemicals produced, diverted from stocks, acquired or used:

Alternative I

- (i) For purposes directly connected with protection against chemical weapons;
- (ii) For industrial, agricultural, research, medical or other peaceful purposes and for military purposes not connected with the use of chemical weapons.

Alternative II (i) For purposes directly connected with protection against chemical weapons.

- (b) Location and capacity of the specialized facility for the production of super-toxic lethal chemical for protective/permitted purposes.

Timings: Within 30 days - (for stocks held at entry into force)  
Annual/Periodic - (subsequently).



8. Alternative I Production and use of other lethal chemicals for permitted purposes.
- Alternative II Production and use of commercial chemicals which pose a special risk.
- Alternative III Production of organophosphorous substances.

Other lethal chemicals and precursors produced, acquired retained or used for permitted purposes including their quantities, total production, chemical names, uses and location and capacity of facilities where produced.

- Timings:
- (i) Within 30 days - (for stocks held)
  - (ii) Annual/Periodic - (subsequently).

9. TRANSFERS

- Alternative I
- (i) Volume of transfers since 1 January 1946.
    - (a) Quantities of chemicals transferred/super-toxic, lethal, other lethal and other harmful chemicals.
    - (b) Quantities of transferred munitions and other means of combat use/weight of the chemicals filled in those munitions;
    - (c) Technological equipment for the production of chemical weapons and corresponding technical documentation/in units of weight of the chemicals which could have been produced as a result of such transfers.
  - (ii) Declare type and quantity of super-toxic lethal chemicals transferred for permitted purposes and names of recipient State(s).

Alternative II Declare type and quantity of super-toxic lethal chemicals transferred for protective purposes and names of recipient State(s).

- Timings:
- For Alternative I (i)
- Not later than 30 days after the Convention's entry into force or the State Party's adherence to it.
- For Alternative I (ii) and Alternative II
- 30 days in advance of transfer.

10. DIVERSION OF STOCKS

Details of types, quantity and intended use.

Timings:                    Alternative I

Along with/as part of the declaration of plans for  
destruction of the stocks.

Alternative II

Along with/as part of the declaration of implementation  
of destruction of stocks.

11. CONVERSION OF PRODUCTION FACILITIES TO DESTRUCTION FACILITIES

Details including location, type, capacity.

Timings:                    Alternative I

Along with/as part of plans for elimination of facilities.

Alternative II

At the time of declaration of plans for destruction of stocks.

12. CESSATION OF ACTIVITIES RELATED TO POSSIBLE USE OF CHEMICAL WEAPONS

- (a) . Issue an open general order to the effect that planning, organization and training intended to enable the utilization of toxic properties of chemicals as weapon in combat should not take place;
- (b) Ascertain that all organization charts, plans, manuals etc. containing provisions intended to enable the utilization of toxic properties of chemicals as weapon in combat, are withdrawn or revised;
- (c) Declare the composition of equipment intended to protect against chemical weapons.

Timings:                    Not later than 10 years.

OPTION:                      No such declaration.

SUBMISSION OF DECLARATIONS

All declarations will be submitted to the Consultative Committee who will inform all States Parties.

REPORT OF THE CO-ORDINATOR OF THE CONTACT GROUP ON ELEMENT V  
(DESTRUCTION, DIVERSION, DISMANTLING AND CONVERSION)

A - DESTRUCTION OF STOCKS:

I - ARTICLE: Agreed sub-elements to be included

- (a) general obligation to destroy all existing stocks of chemical weapons;<sup>\*/</sup>
- (b) possibility of diversion of stocks for peaceful purposes, subject to conditions and circumstances set forth in the Annex;
- (c) obligation to utilize safe methods of destruction that will avoid harm to the environment and to populations;<sup>\*\*/</sup>
- (d) provision on international co-operation to facilitate implementation of the Convention,<sup>\*\*\*/</sup> including the possibility of transfer of chemical weapons to another State Party for the purpose of destruction;
- (e) indication of the over-all duration of the process of destruction, to be counted from the time the Convention enters into force for each State Party (suggestion: 10 years):
  - time of start of actual destruction (alternatives):
    - (i) not later than six months after the Convention enters into force for each State Party;
    - (ii) not later than two years after the Convention enters into force for each State Party.

Other sub-elements proposed by some Delegations:

- (a) obligation to destroy precursors that may be used for binary weapons;<sup>\*/</sup>
- (b) placement of all stocks under international supervision at the time the Convention enters into force for each State Party;
- (c) obligation to utilize methods of destruction that permit adequate verification.

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<sup>\*/</sup> Suggested addition: "This includes all items defined as 'chemical weapons', including all types of precursors". If under the Element "Definitions", all precursors fall within the definition of "chemical weapons", this addition would render unnecessary the proposed sub-element (a) for the Article.

<sup>\*\*/</sup> This obligation could be stated in a separate Article applying to the destruction of both stocks and facilities.

<sup>\*\*\*/</sup> This provision could be stated in an appropriate place so as to apply both to the destruction of stocks and of facilities.

II - ANNEX: Agreed sub-elements to be included:

- (a) conditions and circumstances for permitted diversion of stocks for peaceful purposes (to be further elaborated);<sup>\*/</sup>
- (b) procedures and operations to be accomplished during the over-all period of destruction:
  - initial stage (from the time the Convention enters into force for each State Party to the time of start of actual destruction):
    - submission of plans for destruction of stocks; such plans should include:
      - + quantities and types of agents to be destroyed;
      - + time scheduled for the process of destruction;
      - + description, in general terms, of method(s) to be employed for destruction;
      - + indication of place(s) of facility(ies) used for destruction.
    - destruction stage (from the start of actual destruction to the end of over-all period of destruction):
      - + (to be seen in connection with the declarations required from Parties relating to destruction of stocks).

Other sub-elements proposed by some Delegations:

- (a) provisions for ensuring adequate balance during destruction stage so as to avoid the acquisition of military advantage by one State Party over another (p.ex., agreed rates of destruction);
- (b) provisions for ensuring minimization of economic damage and for avoiding unnecessary or burdensome interference with peaceful chemical industry.

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<sup>\*/</sup> Suggested conditions and circumstances: (a) list of agents the diversion of which would be permitted; (b) international supervision of diversion; (c) diversion to be carried out in an irreversible manner, so as to prevent the re-utilization of component agents as weapons.

B - DESTRUCTION OF FACILITIES

I - ARTICLE: Agreed sub-elements to be included:

- (a) general obligation to destroy and dismantle facilities,<sup>2/</sup> and not to construct new ones;
- (b) obligation to close down such facilities at the time the Convention enters into force for each State Party, and to cease production of chemical weapons at that time;
- (c) provision for temporary conversion of production facilities into facilities for the purpose of destruction of stocks;
- (d) obligation not to reconvert such converted facilities, and to destroy or dismantle them as soon as they are no longer needed for the purpose of destruction of stocks;
- (e) indication of over-all maximum duration of the process of destruction, to be counted from the time the Convention enters into force for each State Party (suggestion: 10 years)

- time of start of actual destruction:

(alternative suggestions)

- (i) six months after the Convention enters into force for each State Party;
- (ii) not later than eight years after the Convention enters into force for each State Party.

Other sub-elements proposed by some Delegations:

- (a) provision for the possibility of building special facilities for the purpose of destruction of stocks;
- (b) provision for the possibility of re-utilization in peaceful industry of certain types and categories of equipment, according to specification to be set forth in the Annex.
- (c) obligation to utilize methods of destruction that permit adequate verification.

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<sup>2/</sup> The term "facility" should be understood as defined in Element II. The following definition was suggested by some Delegations: "Facilities and/or equipment designed or used for the production of any chemical which is primarily useful for chemical weapons purposes, or for filling chemical munitions".

II - ANNEX: Agreed sub-elements to be included:

- (a) elaboration of procedures and operations to be accomplished during the over-all period of destruction:
  - (i) initial stage (from the time the Convention enters into force for each State Party to the time of the start of actual destruction)
    - immediate cessation of production and closing down of facilities;
    - submission of detailed plans for destruction of facilities; such plans should include:
      - + location of facility(ies);
      - + description of method(s) to be employed for destruction;
      - + indication of facility to be temporarily converted for destruction of stocks;
      - + plans for destruction of such converted facility.
  - (ii) destruction stage (from the start of actual destruction to the end of the over-all period):
    - (to be seen in connection with the declarations required from Parties relating to the destruction of facilities).

Other sub-elements proposed by some Delegations:

- (a) specification of types and categories of equipment that could be reused in peaceful industry;
- (b) provisions for ensuring adequate balance during the destruction stage, so as to avoid the acquisition of military advantage by one State Party over another (p.ex., agreed rates of destruction).

C - QUESTIONS BEARING ON ELEMENT V THAT SHOULD BE DEALT WITH  
ELSEWHERE IN THE CONVENTION

(a) issues pertaining to "Definitions":

- definition of weapons and agents prohibited under the Convention and which should thus be destroyed (see Section A on "Destruction of Stocks" and note to agreed sub-element (a) of the Article and to proposed sub-element (a));
- definition of facilities and/or equipment for the production of chemical weapons, which should thus be destroyed (see Section B on "Destruction of Facilities" and note to agreed sub-element (a) of the Article);
- definition of the concept of destruction/dismantling, both with regard to stocks and with regard to facilities.

(b) issues pertaining to "Declaration":

- specification of all declarations to be required from States Parties relating to the process of destruction/dismantling, both of stocks and facilities, including periodical declarations (suggestion: annual declarations during the destruction stage);
- specification of the authority to which plans for destruction of stocks and facilities should be submitted (suggestion: the Consultative Committee);

(c) issues pertaining to "Verification":

- adequate procedures for the verification of compliance with the obligations set forth in Element V.

(d) issues pertaining to the prohibition of transfer of chemical weapons:

- exception to the obligation not to transfer chemical weapons, so as to permit the transfer of stocks for destruction purposes as set forth in the Article on stocks (see Section A, "Destruction of Stocks", sub-element (d) of the Article).

REPORT OF THE CO-ORDINATOR OF THE CONTACT GROUP ON ELEMENT IX  
(GENERAL PROVISIONS ON VERIFICATION)

ELEMENT IX - MIGHT CONTAIN THE FOLLOWING POINTS:

1. Purpose of verification: to provide assurance of compliance with the provisions of the Convention (CD 220).
2. Scope of verification: appropriate and agreed verification measures should be applied on the basis of the principle of reciprocity to, inter alia:
  - (a) Elements I-IV, concerning prohibition of development, production, other acquisition, stockpiling, retention and transfer of chemical weapons;
  - (b) Elements I and V, concerning destruction or otherwise disposal of existing stocks of chemical weapons and their means of production; over an agreed period of time;
  - (c) Element VI concerning super-toxic lethal chemicals for non-hostile military purposes;
  - (d) Enquiry into facts, including on-site verification on an agreed basis, on questions related to alleged contravention of the terms of the convention.
3. Means of verification:
  - (a) Technical means of verification: Element IX could indicate that agreed techniques of verification appropriate to the task required are identified under each substantive head (now contained in Elements II-VI);
  - (b) Organizational means of Verification: Element IX could provide for the establishment of a Consultative Committee to act as a permanent body for the monitoring of the implementation of and compliance with the terms of the Convention.



REPORT OF THE CO-ORDINATOR OF THE CONTACT GROUP ON THE PREAMBLE AND  
FINAL CLAUSES OF THE FUTURE CHEMICAL WEAPONS CONVENTION

SECTION A: CONCEPTS AND OPTIONS

PREAMBLE

Concepts

- (i) Bringing about general and complete disarmament
- (ii) CW ban as a necessary disarmament step
- (iii) Determination to exclude possibility of use; CW use repugnant to the conscience of mankind
- (iv) Strengthening peaceful co-operation in scientific fields
- (v) EW Convention undertaking on CW negotiations
- (vi) Recognizing significance of 1925 Protocol and EW Convention
- (vii) Charter of the United Nations
- (viii) CW convention important for social and economic development

Options

- inclusion of prohibition of use in first preambular paragraph
- chemistry for the benefit of mankind
- principle of non-diminished security (at lower levels of armaments)

SECTION B: VARIOUS SPECIFIC PROPOSAL

PREAMBLE

(i) Disarmament

Reaffirming their adherence to the objectives of general and complete disarmament, including the prohibition and elimination of all types of weapons of mass destruction;

(ii) CW

Convinced that the prohibition of the development, production and stockpiling of chemical weapons and their destruction represent a necessary step towards the achievement of general and complete disarmament under effective international control;

(iii) Use

Determined, for the sake of all mankind to exclude completely the possibility of chemical agents being used as weapons; convinced that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimize this risk;

(iv) Peaceful co-operation

Considering that peaceful co-operation among States should strengthen international co-operation in scientific fields, especially in that of chemistry;

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

(v) BT Convention

In conformity with the undertaking contained in the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of the development, production and stockpiling of chemical weapons and on their destruction;

(vi) 1925 Protocol

Recognizing the important significance of the Geneva 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 also of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, in force since 26 March 1975, and calling upon all States to comply strictly with the said agreements;

(vii) United Nations Charter

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

(viii) Social and Economic Development

Recognizing the important contribution that the Convention can make through its implementation to the social and economic development of States, especially developing countries.

Option

Guided by the principle of non-diminished security of any State or group of States.

ELEMENT VII - RELATIONSHIP WITH OTHER TREATIES

No limiting or detracting from the obligations assumed under 1925 Protocol or any other international treaties.

Options

- specific reference to obligations under Biological Weapons Convention
- specific reference to obligations under ENMOD
- possibility of linking CW convention to 1925 Protocol.

ELEMENT VII - RELATIONSHIP WITH OTHER TREATIES

Draft Element

Nothing in this Convention should be interpreted as in any way limiting or detracting from the obligations assumed by States Parties to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, or any other international treaty or any existing rules of international law governing armed conflicts.

Reference to BW

Nothing in this Convention should be interpreted as in any way limiting or detracting from the obligations assumed by States Parties to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, or under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, opened for signature on 10 April 1972, or any other international treaty or any existing rules of international law governing armed conflicts.

Reference to ENMOD

Nothing in this Convention should be interpreted as in any way limiting or detracting from the obligations assumed by States Parties to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, or under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, opened for signature on 10 April 1972, and the Convention on Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD), or any other international treaty or any existing rules of international law governing armed conflicts.

ELEMENT VIII - INTERNATIONAL CO-OPERATION

Concepts

- (i) Avoidance of hampering international co-operation in peaceful and protective chemical activities;
- (ii) Undertaking to facilitate, promote and participate in exchange of materials and information
- (iii) Undertaking to allocate any savings as a result of CW convention.

Options

- facilitate international co-operation in peaceful chemical activities
- participate in fullest possible exchange (including co-operation on training and equipping with protective measures)
- undertaking to assist other Parties on request.

ELEMENT XIV - AMENDMENTS

- (i) Amendments proposed by any Party; submitted to Depositary; circulated to other Parties;
- (ii) Entry into force of amendments for each Party accepting amendments upon acceptance by majority of Parties; thereafter for each remaining Party on date of acceptance by it.

Options

- Amendments considered at Review Conference
- Party after entry into force, failing expression of a different intention, considered as party to treaty as amended.

## ANNEX VIII - INTERNATIONAL CO-OPERATION

### Draft Element

- (1) This Convention should be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international co-operation in the field of peaceful and protective chemical activities, including the international exchange of chemicals and equipment for production, processing or use of chemical agents for peaceful and protective purposes in accordance with the provisions of the Convention.
- (2) Each State Party to this Convention should undertake to facilitate, promote and participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of chemicals for peaceful and protective purposes consonant with the aims of this Convention.
- (3) Each State Party to this Convention should undertake to allocate a substantial part of possible savings in military expenditures as a result of disarmament measures agreed upon in this Convention to economic and social development, particularly of the developing countries.

### Fullest possible exchange

Each State Party to this Convention should undertake to facilitate, promote and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of chemicals for peaceful purposes consonant with the aims of this Convention. Where appropriate such exchange should extend to co-operation on protective measures.

### Assistance to Parties

Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.

## ANNEX XV - REVIEW CONFERENCE

### Concepts

- (i) Review after five years if majority of Parties agree
- (ii) Five year intervals.

**ELEMENT XVI - DURATION AND WITHDRAWALS**

Concepts

- (i) Unlimited duration;
- (ii) Right of withdrawal; three months notice to Depositary; statement of extraordinary events jeopardizing supreme interests;
- (iii) Notification to Security Council.

**ELEMENT XIV - AMENDMENTS**

Draft Element

- (1) Any State Party to this Convention may propose amendments to the Convention. The text of any proposed amendment shall be submitted to the Depositary, who shall promptly circulate it to all States Parties.
- (2) An amendment shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining States Party on the date of deposit of its instrument of acceptance.

**ELEMENT XV - REVIEW CONFERENCE**

Draft Element

- (1) Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the Depositary, a conference of States Parties to the Convention should be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the Convention are being realized. Such review should take into account any new scientific and technological developments relevant to the Convention.
- (2) Further review conferences should be held at intervals of five years thereafter, and at other times if requested by a majority of the States Parties to this Convention.

**ELEMENT XVI - DURATION AND WITHDRAWALS**

Draft Element

- (1) This Convention should be of unlimited duration.
- (2) Each State Party to this Convention should in exercising its national sovereignty have the right to withdraw from the Convention, if it decides that extraordinary events related to the subject matter of the Convention, have jeopardized its supreme interests. It should give notice of such withdrawal to the Depositary three months in advance. Such notice should include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

- (3) The Depositary on its part should immediately inform the Security Council of the United Nations of the submission of a notice of withdrawal from a State Party to the Convention.

ELEMENT XVII - SIGNATURE, RATIFICATION, ACCESSION

Draft Element

- (1) This Convention should be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this Element could accede to it at any time.
- (2) This Convention should be subject to ratification by signator States. Instruments of ratification or accession should be deposited with the Secretary-General of the United Nations.
- (3) This Convention should enter into force upon the deposit of instruments of ratification by ... Governments, in accordance with paragraph 2 of this Element.
- (4) For those States whose instruments of ratification or accession are deposited after the entry into force of this Convention, it should enter into force on the date of the deposit of their instruments of ratification or accession.
- (5) The Depositary should promptly inform all signatory States and States Parties of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention and of any amendments thereto, as well as of the receipt of other notices.
- (6) This Convention should be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.
- (7) Annexes of the Convention should be considered an integral part of this Convention.

ELEMENT XVII - SIGNATURE, RATIFICATION, ACCESSION

Concepts

- (i) Open to all States; accession at any time
- (ii) Subject to ratification; deposited with United Nations Secretary-General
- (iii) Entry into force with specified number of ratifications
- (iv) Entry into force for late accession
- (v) Depositary to notify all Parties of each signature, ratification or accession
- (vi) Registered in accordance with United Nations Charter
- (vii) Annexes of convention integral.

Options

- twenty ratifications for entry into force
- entry into force requires ratification by all permanent members of Security Council.

ELEMENT XVIII - DISTRIBUTION OF THE CONVENTION

Texts, in all United Nations languages, distributed by Depositary.

Options

Twenty Ratifications

This Convention should enter into force upon the deposit of instruments of ratification by 20 Governments, in accordance with paragraph 2 of this Element.

All Security Council members

This Convention shall enter into force upon the deposit of instruments of ratification by ... Governments, including the Governments of the States permanent members of the United Nations Security Council.

ELEMENT XVIII - DISTRIBUTION OF THE CONVENTION

Draft Element

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, should be deposited with the Secretary-General of the United Nations, who should send duly certified copies thereof to the Governments of States members of the United Nations and its specialized agencies.



REPORT OF THE CO-ORDINATOR OF THE CONTACT GROUP ON ELEMENT X  
(NATIONAL IMPLEMENTATION MEASURES)

1. Article on national measures

Working hypothesis:

Each State Party should take any measures it considers necessary in accordance with its constitutional processes to implement the Convention, and in particular to prohibit and prevent any activity in violation of the Convention anywhere under its jurisdiction or control.

Each State Party would also inform the Consultative Committee of what legislative and administrative measures it had taken with respect to the implementation of the Convention.

2. Possible article on national body

Options:

- Each State Party would designate a central authority and point of contact having responsibility with regard to overseeing the implementation of the Convention and to co-operating with the Consultative Committee and the central authorities of other States Parties. Guidelines concerning the functions of this central authority could be set out in Annex ....
- Each State Party would identify its point of contact being responsible for the co-operation with the Consultative Committee.
- No special reference to national body, since this question could be regarded as covered by the article on national measures.

3. Possible Annex containing guidelines concerning the functions of the national body

In case there will be agreement on the first option in paragraph 2 such an Annex could be necessary. The contents of this Annex should be further discussed. The following ideas with regard to possible guidelines are quoted from different Working papers and serve only illustrative purposes:

(a) The central authority to be designated by each State Party under Article .... should be organized and employed by each State Party in accordance with its own legislation.

(b) "national aspect":

- to oversee the implementation of the obligations concerning
  - prohibition of development, production, other acquisition, stockpiling, retention and transfer of chemical weapons;
  - destruction of stocks of chemical weapons;
  - destruction or dismantling of means of production of chemical weapons;
  - temporary conversion of means of production of chemical weapons for the purpose of destroying stocks of such weapons;
  - super-toxic lethal chemicals for non-hostile military purposes;  
(This list would be specified in accordance with the final agreement on the scope of prohibition.)
- to oversee the implementation of the above mentioned obligations the central authority should be in a position
  - to get the relevant information from the corresponding executive organs, agencies and enterprises to investigate the actual state of affairs concerning compliance with the Convention;
  - to examine reports on development activities as well as the productive and commercial activities of enterprises of the chemical industry and related fields, including productive commercial documentations of the enterprises of industrial firms engaged in the manufacture of chemical and other products which could be related to the scope of the Convention;
  - to visit enterprises producing supertoxic lethal chemicals, harmful chemicals and precursors, which fall under the scope of the Convention;
  - to visit enterprises being dismantled or already dismantled, or converted to the production of the above mentioned chemicals for permitted purposes;
  - to sample probes of waste gases, waste water and soil;
  - to install in the above mentioned enterprises sensing devices and make the necessary measurements;
  - to get the financial means necessary for the implementation of its functions;
  - to submit to the government concerned reports on its activities which would be publicized.

(c) "international co-operative aspect":

- to provide the Consultative Committee with all data necessary to the execution of the task of the Committee with respect to verification of compliance with the Convention;
- to extend in case of international inspections all assistance requested including technical assistance and the provision of data;
- to have access to a selection of inspection personnel both technical and non-technical;
- to be prepared to maintain documentation of the type required to satisfy international verification requirements;
- to co-operate in providing expertise to the Consultative Committee;
- to co-operate with the central authorities of other States Parties and with corresponding international organizations concerning issues connected with the implementation of the Convention.

REPORT OF THE CO-ORDINATOR OF THE CONTACT GROUP ON ELEMENT XI  
(NATIONAL TECHNICAL MEANS OF VERIFICATION)

1. Paragraph on the compatibility of the use of NTM with international law.

Options:

- Any use of national technical means of verification for the purpose of monitoring compliance by other States with the provisions of the Convention must be consistent with generally recognized principles of international law.
- Each State Party to the Convention may use national technical means of verification at its disposal for the purpose of monitoring compliance with the provisions of the Convention in a manner consistent with generally recognized principles of international law.

2. Paragraph on assistance and the provision of information

Options:

- Verification pursuant to paragraph 1 of this article may be undertaken by any State Party using its own national technical means of verification, or with the full or partial assistance of any other State Party.
- 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.
- Any information so obtained should be confidential to the State Party which carried out monitoring, unless or until evidence was sufficient to suggest non-compliance by another State Party. In this case the Consultative Committee should be informed.
- All States parties to the Convention should have access to information gathered by the use of national technical means of verification through the Consultative Committee, at which disposal States Parties possessing such information would place it.

3. Paragraph on non-interference with NTM

Working hypothesis:

Each State Party to the convention should undertake not to impede, including through the use of deliberate concealment measures or in any other manner, the national technical means of verification of other States Parties operating in accordance with paragraph 1.

(In the view of some delegations provision on non-interference with NTM should depend on a paragraph on the provision of information along the lines of the fourth option in paragraph 2. The question of non-concealment should be further clarified.)

Alternative to Element XI on the lines of Article III, paragraph 5 of the Sea-bed Treaty:

"Verification pursuant to this article may be undertaken by any State Party using its own means, or with the full or partial assistance of any other State Party, or through appropriate international procedures within the framework of the United Nations and in accordance with its Charter".

- (Note: - first part may be regarded as covered by the first option in paragraph 2 of this paper;  
- second part may be regarded as covered by Element XIII).

REPORT OF THE CO-ORDINATOR OF THE CONTACT GROUP ON ELEMENTS XII AND XIII  
(CONSULTATION AND CO-OPERATION : CONSULTATIVE COMMITTEE)

ELEMENT XII: Consultation and co-operation

I. It was generally agreed that the Convention should include a provision regarding normal consultations and co-operation according to the following lines:

- (a) Commitment by States parties to consult and co-operate.
- (b) Consultations and co-operation may be undertaken:
  - directly between two or more parties;
  - through appropriate international procedures including the services of appropriate international organizations and of the Consultative Committee. (It was generally agreed to include a specific reference to the Consultative Committee underscoring its special role).
- (c) Substance of consultations and co-operation: any matter in relation to the objectives of, or in the application of, the provisions of the Convention.

For further consideration:

- Specific reference to the United Nations General Assembly and/or Security Council.

II. Fact-finding procedures concerning alleged ambiguities in or violations of the compliance with the Convention

- (a) General formulation encouraging States parties to hold bilateral contacts.
- (b) Right for every State party (challenging or challenged) to request the Consultative Committee to carry out a fact-finding procedure, including its right to request a specific activity to be carried out by the Consultative Committee (e.g. on-site inspections).
- (c) Such request must be substantiated.
- (d) Obligation to co-operate in the fact-finding procedure.
- (e) Appropriate explanations must be provided in case of a refusal to an on-site inspection.
- (f) Obligation of the Consultative Committee to inform States parties about the results of its procedures.
- (g) General reference to the right of every State to resort to the mechanisms provided by the Charter of the United Nations.

For further consideration:

- Decision by the Consultative Committee on the merits of a request and on the appropriate activity to be carried out for a fact-finding procedure concerning alleged ambiguities in or violations of the compliance with the Convention.
- Provision containing a strong commitment by States parties to co-operate with the Consultative Committee in its investigations.
- Action the Consultative Committee might take after a refusal by a State party to an on-site inspection:
  - request further information
  - request a reconsideration of the decision.
- Provision of assistance to a State party in case of a breach of the Convention:
  - subsumed in the general reference to the United Charter
  - or formulated in specific terms
- Question of falsifying the actual state of affairs with regard to compliance with the Convention by other States parties.

ELEMENT XIII: Consultative Committee

A. ORGANIZATIONAL QUESTIONS

1. CHAPEAU

It was agreed that there should be a general formulation stating the purposes of the Consultative Committee, i.e.:

- to carry out broader international consultation and co-operation
- to ensure the availability of international data
- to provide expert advice
- to oversee the implementation of the Convention
- to promote the verification of the continued compliance with the provisions of the Convention

2. TIMING FOR THE ESTABLISHMENT

- Consultative Committee: shortly, e.g. 30 days, after entry into force of the Convention.
- It was generally agreed that some preparatory work before the establishment of the Consultative Committee would be needed.

For further consideration:

Preparatory Committee

- temporary body
- established after X number of signatures of the Convention

- open to every signatory
- functions: to carry out preparatory technical work, make recommendations to the Consultative Committee

### 3. COMPOSITION

- 1 representative by each State party
- advisers by each State party

#### For further consideration:

- President.-Options:
  - Depositary (United Nations Secretary-General or his personal representative)
  - elected by the States parties
  - rotative presidency
  - collective presidency
- Right or obligation of every State party to become members of the Consultative Committee

### 4. SUBORDINATE BODIES

It was generally agreed that the Consultative Committee would have:

- A technical secretariat
- A sub-organ or sub-organs of a reduced membership to operate on a permanent basis

#### For further consideration:

- Membership of the sub-organ(s). It was suggested:
  - equitable geographical distribution
  - renewed every X years
  - some permanent members
- Functions

#### Suggested additions:

- Fact-finding panel: operational body composed of political representatives with appropriate technical support of a reduced number of States parties to carry out, at the request of a State party, a fact-finding procedure concerning alleged ambiguities in or violations of the compliance with the Convention
- Expert study groups: to be created on an ad hoc basis to elaborate specific studies on matters of importance for the implementation of the Convention
- Verification teams: for carrying out systematic on-site inspections under the aegis of the technical secretariat.



5. MEETINGS

- Extraordinary meetings.- Options:
  - at the request of one State party
  - at the request of an X number of States parties
  - at the request of the sub-organ(s)
  - at the request of the depositary
- For further consideration:
- Regular meetings.- Options:
  - every year
  - at longer intervals, e.g. depending on the need to appoint members of the secretariat or of the sub-organ(s)

6. RULES OF PROCEDURE

- On questions of substance: no voting. If the Committee is unable to provide for a unanimous report it shall present the different views involved.

For further consideration:

- On questions relative to the organization of its work.
  - It was suggested that the Committee should work where possible by consensus but otherwise by a majority of votes
- Decision on a request by a State party for a fact-finding procedure concerning alleged ambiguities in or violation of the compliance with the Convention

7. CO-OPERATION OF STATES PARTIES WITH THE CONSULTATIVE COMMITTEE

For further consideration:

- 8. EXPENSES.- It was suggested: - borne by States parties
- 9. Specific provision stating the right of the Consultative Committee to REQUEST ASSISTANCE OR INFORMATION TO APPROPRIATE INTERNATIONAL ORGANIZATIONS

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Note: The final placement of the sub-elements listed above in an article or in an annex will depend on the decision to be taken with regard to the general structure of the Convention.

B. FUNCTIONS OF THE CONSULTATIVE COMMITTEE

Generally agreed functions:

1. To carry out broader international consultation  
closely co-operate with the States parties [authorities responsible  
for National Verification/Implementation]  
provide the States parties with the necessary technical assistance.
2. To receive, request and distribute data relevant to the provisions  
of the Convention which may be available by States parties  
[authorities responsible for National Verification/Implementation]  
and to analyse such information.
3. To elaborate technical questions relevant to the implementation of  
the Convention, e.g. drawing up and revising lists of precursors,  
agreed technical procedures.
4. To carry out and/or participate in systematic on-site inspections  
in order to:
  - monitor destruction of CW stockpiles
  - monitor the single facility for small-scale production of  
super-toxic lethal chemicals [for non-hostile military purposes]  
[for permitted purposes].

Suggested additions:

- monitor the inactive status of CW production and filling  
facilities
- monitor destruction/dismantling of CW production and  
filling facilities
- monitor production of certain commercial chemicals which  
are agreed to pose a special risk
- monitor the inactive status of CW stockpiles

For further consideration:

- The role of the Consultative Committee in the systematic on-site  
inspections:
  - sole responsibility
  - shared responsibility, e.g. with the State party concerned
- The characteristics of the systematic on-site inspections  
(permanent basis-periodicity-random selection - agreed procedures).

5. To receive a request of a State party for a fact-finding procedure in case of alleged ambiguities in or violations of the compliance with the Convention
  - To request further information as appropriate
  - To carry out and/or participate in a challenge on-site inspection

Suggested addition:

  - to carry out a challenge on-site inspection concerning allegations of use of chemical weapons by or with the assistance of a State party
6. To present an annual/periodic report of all its activities prepared, if appropriate, by the secretariat or by the sub-organ(s).

## APPENDIX

It was generally agreed that it should be elaborated in an annex containing:

### I. Technical procedures for systematic and challenge on-site inspections

- Rights and functions of the inspectors
- Rights and functions of the host-State personnel
- General kinds of inspection procedures
- General kinds of equipment to be utilized in the inspections and who provides it.

#### For further consideration:

- Sources of inspection personnel.

### II. General framework for the activities to be carried out during the inspections to be performed, e.g.

- for the regular monitoring of the destruction of CW stockpiles
- for the regular monitoring of the single facility for small-scale production of super-toxic lethal chemicals
- in the course of fact-finding procedures.

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Note: The elements listed above could be separated in two different annexes depending on the final decision to be taken with regard to the general structure of the Convention.