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Ad Hoc Working Group on Chemical Weapons

CHINA

On the Prohibition Regime of the Future Convention  
Banning Chemical Weapons

I

The idea of including a prohibition of the use in the scope of a future convention on chemical weapons has now been accepted by a number of delegations. However, a new question is raised by some other delegations concerning the relationship between the two prohibition regimes respectively contained in the 1925 Geneva Protocol and the future convention should the prohibition of use be included in the scope of the future convention. It is obvious that a proper solution of the problem will contribute to an early agreement on the scope of prohibition in negotiations.

II

The Chinese delegation believes that the two regimes should be in line with each other. Should there be any difference between the two, problems would arise which would be similar to those we have already encountered during negotiations when such a prohibition of use was not supposedly to be included in the scope of the convention.

For instance, it would be necessary to differentiate areas which come under the prohibition regime of Protocol and which would come under the regime of the future convention. The next step would be to seek a remedy to the deficiency of the 1925 Geneva Protocol for the verification of compliance. As is shown by experience, these issues alone are too complicated to allow of an easy solution, let alone certain man-made difficulties which are likely to be encountered.

If, however, the two regimes could be brought in line with each other, all the difficulties mentioned above would be rid of, because any failure of compliance with one of the regimes would simultaneously be a failure with the other. And this failure of compliance could be dealt with according to the verification provisions or other relevant provisions possibly contained in the future convention.

III

There exists such a basis for bringing these two regimes in line with each other. That is, to prohibit the direct or indirect use of the toxic physiological effects of chemical substances for fighting purposes. It is not only the obligation provided for in the 1925 Geneva Protocol (the field of biological warfare is not referred to here, this being outside the range of our present discussion) but is

also in full accord with the "general purpose criteria" of the future convention. At the same time it can suitably resolve the differences of opinion on herbicides and irritants, that is, their use for fighting purposes should be prohibited while allowing their use for the purposes of peace and law-enforcement. And obviously, activities which are in conformity with these two purposes such as development and production, etc. are also legal.

#### IV

The best way of bringing the two prohibition regimes in line with each other is to use the concept of "chemical warfare agents" in the definition of chemical weapons to be included in the future convention, and to also include a definition of "chemical warfare agents" itself.

The concept of "chemical warfare agents" centers on the most fundamental characteristics of chemical weapons and also reflects the content of the "general purpose criteria". As such it can aptly serve as the basis for unifying the two prohibition regimes.

It can be said that it is precisely the term "chemical warfare agents" which sums up most precisely and appropriately the fundamental characteristics of the prohibition contained in the Geneva Protocol (here no reference is made to biological warfare either), and which embodies the kernel prohibition by the future convention, whether it refers to super-toxic, lethal, other harmful substances or any other types of chemicals so long as they are used for fighting purposes.

#### V

In document CD/CW/CRP 62, definitions of "chemical weapons" and "chemical warfare agents" are given as follows:

"The chemical weapons ... refer to those weapons the casualty capabilities of which are based on the toxicity of chemical substances. They include:

- (a) chemical warfare agents and their precursors which produce a direct toxic effect on the target.
- (b) munitions or devices specially designed for filling with chemical warfare agents or their precursors and dispersing them in a combat state;
- (c) equipment specially designed for the purpose of the direct use of such munitions or devices."

"Chemical warfare agents are all toxic chemical substances whose types and quantities accord with hostile and military purposes and whose toxic effects are used to interfere directly with the normal functions of men, animals and plants in such a way as to lead them to death, temporary incapacitation or permanent injury. In accordance with the toxicity criteria, chemical warfare agents can be divided into the following three categories: ..."

Many other delegations have also advanced their definitions of "chemical weapons" and "chemical warfare agents" which, in spite of different wordings, are all very much characteristic and audio-visual. As such it can aptly serve as the basis for unifying the prohibition regime of the 1925 Geneva Protocol and that of the future convention.

So here is the conclusion: the prohibition regime of the future convention and that of the 1925 Geneva Protocol should and can be unified, and the appropriate medium to substantiate such unification is "chemical warfare agent".