

Report to the Committee on Disarmament by the *Ad Hoc* Working Group on Chemical Weapons [Extracts], August 17, 1981¹

I. INTRODUCTION

1. At its 105th plenary meeting on 12 February 1981, the Committee on Disarmament adopted the following decision:

The Committee further decides to re-establish, for the duration of its 1981 session, the *ad hoc* working group on effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons, chemical weapons and radiological weapons, which were established on 17 March for its 1980 session, so that they may continue their work on the basis of their former mandates.

It is understood that the Committee will, as soon as possible, review the mandates of the three *ad hoc* working groups with a view to adapting, as appropriate, their mandates to advance the progress of the process of negotiations towards the objective of concrete disarmament measures.

The *ad hoc* working groups will report to the Committee on the progress of their work at any appropriate time and in any case before the conclusion of its 1981 session. (Document CD/151)²

II. ORGANIZATION OF WORK AND DOCUMENTATION

2. At its 107th plenary meeting on 17 February 1981 the Committee appointed Ambassador C. Lidgard, Sweden, as Chairman of the *Ad Hoc* Working Group. Mrs. L. Waldheim-Natural, Chief, Geneva Unit, United Nations Centre for Disarmament, served as Secretary of the *Ad Hoc* Working Group.

3. The *Ad Hoc* Working Group held 12 meetings from 18 February to 22 April 1981 and 11 meetings from 17 June to 17 August 1981.

4. At their request, the Committee on Disarmament, at its 104th plenary meeting on 10 February 1981 and its 122nd plenary meeting on 7 April 1981, respectively decided to invite the representative of the following States not members of the Committee to participate in the meetings of the *Ad Hoc* Working Group: Austria, Denmark, Finland, Norway, Spain and Switzerland.

5. On the basis of the decision taken by the Committee at its 137th plenary meeting on 14 July 1981, the World Health Organization and the European Office of the United Nations Environment Programme were invited to nominate representatives to attend certain of the meetings of the *Ad Hoc* Working Group to provide technical information when necessary. In response to this invitation Dr. Mercier and Dr. Parizek of the ILO/

¹ CD/220.

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UNEP/WHO International Programme on Chemical Safety (IPCS) and Dr. Huisman and Dr. Gilbert of UNEP's International Register of Potentially Toxic Chemical (IRPTC) attended consultations of the Chairman or meetings of the Working Group concerning toxicity determinations.

6. In carrying out its mandate the *Ad Hoc* Working Group took into account paragraph 75 of the Final Document of the first special session of the General Assembly of the United Nations devoted to disarmament, which in part reads as follows: "The complete and effective prohibition of the development, production and stockpiling of all chemical weapons and their destruction represent one of the most urgent measures of disarmament. Consequently, conclusion of a convention to this end, on which negotiations have been going on for several years, is one of the most urgent tasks of multilateral negotiations."³ The Working Group also took into consideration A/RES/35/144 B which in operative paragraph 3 "Urges the Committee on Disarmament to continue, as from the beginning of its session to be held in 1981, negotiations on such a multilateral convention as a matter of high priority, taking into account all existing proposals and future initiatives."

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III. SUBSTANTIVE CONSIDERATIONS DURING THE 1981 SESSION

10. In accomplishing its task, the Working Group carried out another substantive and more detailed examination of the issues to be dealt with in the negotiation on a multilateral convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction. During the first part of the Committee's 1981 session the Working Group conducted its work on the basis of the outline suggested by the Chairman as contained in documents CD/CW/WP.7, 8, 10, 12, 13 and 14. The Chairman at the Committee's 127th plenary meeting on 24 April 1981 presented his report on the work of the Group during the first part of the 1981 session as contained in document CD/179. During the second part of the session the Working Group considered the draft elements of a chemical weapons convention, suggested by the Chairman and contained in CD/CW/WP.19, 20 and 21.

11. On the basis of statements as well as of oral and written comments by delegations, the Chairman, in an effort to elaborate the initial framework for a future chemical weapons convention which could facilitate further work, prepared revised versions of the draft elements for such a convention. These revised elements do not, however, reflect all the views which emerged on certain issues and include elements on which the delegation's views differed. Some delegations did not deem it advisable, at the present stage, to enter into discussion on certain elements, in particular some related to the issues of verification, proceeding from the belief that it was too early to do this until general agreement had been reached on the

³ Documents on Disarmament, 1978, p. 425.

scope of the prohibitions. Others, however, expressed their opinions on these elements, proceeding from the belief that they could be examined at the present stage of the work and contribute to future negotiations. The revised text of the Chairman's elements as well as dissenting views as outlined in the comments are presented below. These comments do not, however, record all the positions of delegations which opposed these dissenting views. Delegations reserved themselves the right to further consider those and other proposals at the appropriate time.

12. *Elements suggested by the Chairman and summary of related comments*

I

GENERAL PROVISION

Each State Party to this Convention should undertake, as set forth in the following Elements, never under any circumstances to develop, produce, otherwise acquire, stockpile, retain or transfer chemical weapons and to destroy or otherwise dispose of existing stocks of chemical weapons and means of production of such weapons.

Comments

—Some delegations regarded this element as superfluous on the ground that it would complicate the structure of the main prohibition under the convention and would render this prohibition less distinct. They asserted that mentioning in this element some prohibitions but not others would give rise to ambiguities regarding the scope of a convention. Others, who agreed with this element, believed that it was essential because it stated in clear terms the two main purposes of a convention, namely a set of prohibitions and an obligation to destroy the existing stocks of chemical weapons and the means of production of such weapons. Furthermore, this element would ensure the binding character of the undertakings to be entered into by the Parties to a future convention.

—Some delegations felt that a convention, so as to be comprehensive in nature, should aim at prohibiting chemical weapons in all their aspects and therefore also include a prohibition of use of chemical weapons in the scope of a convention. They held, *inter alia*, that this would strengthen the prohibition contained in the 1925 Geneva Protocol ⁴ by adding measures of verification to it and by enlarging it to cover some hostile situations which they deemed not to be covered by the Protocol, whose scope of prohibition, in their view, only covers the use of chemicals in war. Others felt that a comprehensive prohibition of use was already contained in the 1925 Protocol, and that it should therefore not be restated because it would lead to the weakening of that Protocol. According to some delegations the verification mechanism of a future convention would also entail the division of States Parties to the Protocol into two categories on the basis of

⁴ *Ibid.*, 1969, pp. 764-765.

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their obligations, namely those who have become Parties to a convention, and thus accepted the obligations of verification under it and those who have not become Parties to a convention and therefore have no such obligations. It was further felt by some that restating the prohibition of use would cast doubts on the recognized value of the Protocol. All agreed however that nothing in this convention should detract from the effectiveness of the 1925 Protocol.

—Some delegations supported the idea of including in the scope of a convention a prohibition specifically of planning, organization and training intended to enable the utilization of toxic properties of chemicals as chemical weapons in combat, in order to completely eliminate chemical warfare capability. Others objected that such a prohibition would be difficult to implement and verify. It was asserted, in addition, that the prohibition of the development, production, stockpiling and retention of all means of chemical warfare, including corresponding chemicals, munitions, devices and equipment as well as means of production of chemical weapons would lead to the elimination of the actual chemical warfare potential.

—Some delegations felt that the scope of a convention should include the prohibition of development etc. of chemicals for hostile purposes, involving the utilization of toxic properties of such chemicals not only against man but also against animals and plants. Some delegations indicated that they would prefer the scope of a convention to be extended to all chemicals capable of having toxic effects on all components of the environment. Others thought that the prohibition should refer to hostile purposes, involving the utilization of toxic properties of chemicals against man only, because, *inter alia*, the widespread civilian use of some of these chemicals would make verification very difficult.

—Some delegations suggested that the link between the scope of the Biological Weapons Convention ⁵ and that of a chemical weapons convention should be referred to wherever appropriate.

II

GENERAL DEFINITION OF CHEMICAL WEAPONS

1. Chemical weapons, as referred to in Element I, would comprise:

(a) super-toxic lethal, other lethal, and other harmful chemicals as well as precursors of such chemicals, intended for hostile or military purposes involving the utilization of the toxic properties of such chemicals as weapons, provided their types are compatible with and that their quantities are sufficient for such purposes;

(b) munitions and devices, specifically designed to cause death or other harm through toxic properties of chemicals released from them as well as equipment specifically designed for use directly in connection with the employment of such munitions or devices.

⁵ *Ibid.*, 1972, pp. 133-138.

2. Definitions of super-toxic lethal chemicals, other lethal chemicals, other harmful chemicals and precursors would be given in Annex I.

Comments

—Some delegations suggested that elements I and II, for increased clarity, should be combined and formulated along the lines in element I in CD/CW/WP.19. The Prohibition would then cover the development, production, acquisition, stockpiling, and retention of: (a) super-toxic lethal, other lethal and other harmful chemicals, and precursors of such chemicals, except those intended for non-hostile purposes or military purposes not involving the use of chemical weapons, provided their types and quantities are consistent with such purposes; (b) any munitions or devices, specifically designed to cause death or other harm through the toxic properties of the chemicals released as a result of the employment of these munitions or devices; (c) any equipment specifically designed for use directly in connection with the employment of such munitions or devices. Other delegations would prefer to maintain the formulation of element I, which seemed to them to reflect in a very clear manner the main purpose of a convention, which deals with a set of prohibitions, on the one hand, and with a precise obligation to destroy existing stocks and means of production, on the other. Element II would then contain the definition of chemical weapons, both for the purpose of the prohibitions and for the purpose of destruction.

—A delegation suggested that on logical grounds the subparagraphs in paragraph 1 of the element should be presented in the reversed order.

—Some delegations suggested the insertion of the words "chemical warfare agents, made up of" after "(a)" and before "super-toxic lethal".

—Some delegations also wished to have definitions of "chemical warfare agents", "hostile purposes", "non-hostile purposes", "permitted purposes", "chemical munitions" and "means of production of chemical weapons" included.

—Some delegations felt that all the definitions should be included in the main body of a convention and not in an annex. However the technical details such as those related to methods for toxicity determinations should remain in the annex.

—Some delegations suggested that chemical weapons should be understood to include certain chemical substances which, even if they are not toxic in nature could be employed as chemical weapons, for instance, psychochemicals and herbicides. Others saw great practical difficulties in this proposal.

—Some delegations considered that the general purpose criterion was not made sufficiently clear in this element. In their view the definition of chemical weapons should be formulated so as to state that these weapons include all kinds of chemical warfare agents whose toxic properties can be used for hostile purposes to cause death, injury or harm to human beings, animals and plant life.

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ANNEX I

DEFINITIONS AND CRITERIA

1. Definitions, criteria and methods in this Annex would be agreed upon for the purpose of this Convention.

2. A "super-toxic lethal chemical" is any toxic chemical, however produced, with a median lethal dose which is less than or equal to 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m³ (by inhalation), when measured by the methods set forth in paragraph 6 of this annex.

3. Any "other lethal chemical" is any toxic chemical, however produced, with a median lethal dose which is greater than 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m³ (by inhalation) and which is less than or equal to 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m³ (by inhalation) when measured by the methods set forth in paragraph 6 of this annex.

4. Any "other harmful chemical" is any toxic chemical, however produced, with a median lethal dose which is greater than 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m³ (by inhalation) when measured by the methods set forth in paragraph 6 of this annex.

5. "Precursors" are sets of chemicals, which, when made to react chemically with each other, form among others also such chemicals as are mentioned in paragraphs 2-4 of this Annex.

6. Methods for toxicity determinations and identification of chemicals. [to be elaborated] *

Comments

—It was generally felt that the definition of "precursors" required further study.

—Some delegations objected to the expression "however produced" in paragraphs 2-4 on the grounds that it would lead to confusion with regard to the Biological Weapons Convention.

III

PROHIBITION OF TRANSFER

Each State Party to this Convention should undertake:

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

(b) not to transfer to anyone, directly or indirectly, except to a State Party, any super-toxic lethal chemicals produced or otherwise acquired for permitted purposes, of types and in quantities which are suitable for chemical weapons purposes;

(c) not to assist, encourage or induce, directly or indirectly, anyone to engage in activities from which the State Party itself would be obliged to refrain under the Convention.

* Brackets in source text.

Comments

—Some delegations thought that the prohibition to transfer super-toxic lethal chemicals should be extended to other lethal chemicals. A delegation, however, felt that the prohibition on transfer of super-toxic lethal chemicals, except to State Parties, contained in (b) above, was subsumed under (c). No special provision therefore needed to be made with respect to super-toxic lethal chemicals, especially since this might imply less than strict application of the provision under (c).

—A delegation considered that the right implied in element III to transfer super-toxic lethal chemicals in types and quantities suitable for chemical weapons purposes to another State Party should only apply when these chemicals are intended for permitted purposes.

—Some delegations suggested that States Parties should be permitted to transfer to other States Parties their existing stocks of chemical weapons for the purpose of the destruction of these weapons.

—Some delegations felt that the wording of this prohibition was not sufficiently clear because of the ambiguity in the definition of chemical weapons.

IV

DECLARATIONS

1. Each State Party to this Convention should undertake to declare within 30 days after the Convention has entered into force or the State Party has adhered to it:

(a) its possession or non-possession of chemical weapons;

(b) its stocks of chemical weapons and means of production of such weapons;

(c) its plans for the destruction or, where appropriate according to Element V, diversion for permitted purposes of declared stocks of chemical weapons;

(d) its plans for the destruction, dismantling or, where appropriate according to Element V, conversion of declared means of production of chemical weapons.

2. Super-toxic lethal chemicals, acquired for non-hostile military purposes, should be declared. The location of facilities where super-toxic lethal chemicals are produced for such purposes should also be declared. Matters concerning the content and form would be set forth in Annex II.

Comments

—Some delegations considered that this element does not ensure a differentiated approach to the declarations, each of which has its own specificity. The element would have to be rearranged as regards the scope of activities to be declared and the time frames for various declarations.

—Some delegations suggested that all States Parties possessing stocks of chemical weapons and means of production of such weapons should simultaneously make the relevant declarations.

prohibition to transfer super-toxic other lethal chemicals. A delegation on transfer of super-toxic lethal maintained in (b) above, was subsumed under (c) since this might imply less than (c).

The right implied in element III to types and quantities suitable for each State Party should only apply for permitted purposes.

States Parties should be permitted to maintain stocks of chemical weapons for these weapons.

The wording of this prohibition was not sufficient in the definition of chemical

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Each State should undertake to declare the stocks entered into force or the State

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required for non-hostile military purposes of facilities where super-toxic purposes should also be declared. This would be set forth in Annex II.

This element does not ensure a definition, each of which has its own scope and be rearranged as regards the scope and time frames for various declarations.

States Parties possessing stocks of production of such weapons should be dismantled.

—Some delegations thought that all declarations should be made immediately at the entry into force of the convention or at the time of accession of States Parties.

—Some delegations felt that declarations concerning the location of the stocks of chemical weapons could not be provided within the time limit stipulated in the element.

—Some delegations suggested that chemical weapons munitions filling facilities and specific weapon systems designed for the employment of chemical warfare agents should be declared at the entry into force.

—Some delegations considered that States Parties should declare not later than 10 years after the entry into force of the convention the complete cessation of activities and the destruction or conversion of materials and facilities which are needed for the planning, organization and training intended to enable the utilization of toxic properties of chemicals as chemical weapons in combat.

—Some delegations felt that the wording of this element was not sufficiently clear because of the ambiguity in the definition of chemical weapons.

ANNEX II

DECLARATIONS OF POSSESSION OF STOCKS OF CHEMICAL WEAPONS AND MEANS OF PRODUCTION OF CHEMICAL WEAPONS, PLANS FOR THEIR DESTRUCTION OR DIVERSION FOR PERMITTED PURPOSES AND TIME FRAMES AS WELL AS FORMS FOR MAKING SUCH DECLARATIONS

1. The declarations stipulated in Element IV should contain information about:

(a) types and amounts of stocks of chemical weapons and of their location;

(b) location and capacity of means of production of chemical weapons, including specialized facility for permitted production of super-toxic lethal chemicals;

(c) plans for destruction or diversion of stocks of chemical weapons, including timing and specification of types and amounts and the location of plants for destruction and diversion;

(d) plans for the destruction, dismantling or conversion of means of production of chemical weapons, including their location and capacity.

2. Declarations as stipulated in Element IV should be forwarded to the Depositary, who would distribute them to the other States Parties to the Convention within one week after having received them.

3. Declarations should be sufficiently informative to allow independent verification of the information by national and international means of verification available to other States Parties to the Convention.

Comments

—Some delegations felt that it was premature to suggest the nature and content of declarations as long as no preliminary agreement had been reached on the general aspects of declarations in element IV.

—It was generally felt that further details would have to be elaborated concerning the standardization of forms for declarations.

—Some delegations felt that States Parties should not have to declare the location of stocks of chemical weapons at the entry into force of the Convention but rather the location where they would be assembled at a specific time after the entry into force.

—Some delegations felt that the wording of this annex was not sufficiently clear because of the ambiguity in the definition of chemical weapons.

V

DESTRUCTION, DIVERSION, DISMANTLING AND CONVERSION

1. Each State Party to this Convention should undertake to:
 - (a) destroy or divert for permitted purposes its stocks of chemical weapons;
 - (b) destroy or dismantle its means of production of chemical weapons.
2. Means of production of chemical weapons could be converted temporarily, before final destruction or dismantling, for the purpose of destroying stocks of such weapons. The destruction, diversion and dismantling stipulated in this Element should be completed within ten years after the Convention has entered into force or a State Party, which has to fulfil these provisions, has adhered to it.
3. Matters concerning procedures, including notifications, in connection with what is stipulated in this Element would be set forth in Annex III.

Comments

—Some delegations expressed their objection in principle to the implied possibility of conversion/diversion. They could, however, accept the term "conversion" provided it was only temporary conversion of means of production of chemical weapons for the purpose of destroying stocks of such weapons.

—Some delegations felt that destruction of stocks of chemical weapons should not take as long as 10 years. They thought, however, that if destruction must take so long, the stocks of chemical weapons should in the interim period be kept under international supervision.

—Some delegations suggested that appropriate forms of international co-operation should be envisaged in order to facilitate the implementation of provisions related to the destruction of stocks of chemical weapons for all States Parties.

—Some delegations felt that stocks of chemical weapons belonging to a State Party could be transferred for destruction purposes to another State Party and destroyed there.

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ANNEX III

DESTRUCTION, DISMANTLING OR DIVERSION FOR PERMITTED PURPOSES OF DECLARED STOCKS OF CHEMICAL WEAPONS AND THEIR MEANS OF PRODUCTION

1. Preparation for the destruction or diversion for permitted purposes of stocks of chemical weapons should start immediately after the entry into force of the Convention. So-called mothballing of means of production of chemical weapons should be undertaken immediately at the entry into force of the Convention and remain until their destruction, dismantling or diversion for permitted purposes would begin.

2. The provisions given in Element V should be performed in a manner allowing their verification through national and international means of verification.

3. The progress of destruction or diversion of stocks of chemical weapons and of destruction, dismantling or conversion of their means of production should be notified on a yearly basis to the Depositary until the State Party declares the final abolition of its stocks and means of production. The Depositary would transmit such notifications to the other States Parties to the Convention within one week after having received them.

Comments

—Some delegations felt that the contents of this annex must be further elaborated.

—Some delegations felt that the suggested content of this annex to a large extent had no direct relation to element V, but dealt with aspects which were provided for in other elements and opposed this annex.

—Some delegations felt that mothballing of means of production of chemical weapons should be under international supervision.

VI

SUPER-TOXIC LETHAL CHEMICALS FOR NON-HOSTILE MILITARY PURPOSES

Each State Party should undertake not to possess super-toxic lethal chemicals for non-hostile military purposes in an aggregate quantity, which at any time exceeds one thousand kilogrammes. A State Party producing super-toxic lethal chemicals for non-hostile military purposes shall carry out such production at a single specialized facility, the capacity of which shall not exceed . . .

Comments

—Some delegations questioned whether it was appropriate to permit all States Parties, irrespective of their size, to possess as much as 1,000 kilogrammes of super-toxic lethal chemicals for non-hostile military purposes. Others considered the amount of 1,000 kilogrammes for the mentioned purposes excessive for any State Party.

VII

RELATIONSHIP WITH OTHER TREATIES

Nothing in this Convention should be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, 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.

Comments

—Some delegations considered that mention should also be made of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD) ⁷ Convention among the treaties referred to. Others would have preferred to see all references to specific treaties deleted.

—Some delegations thought that the words "by any State under" should be replaced by "by States Parties to".

—Some delegations proposed the deletion of the words "or any existing rules of international law governing armed conflicts" while others suggested the deletion of the word "existing" only.

VIII

INTERNATIONAL CO-OPERATION

(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 the 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.

Comments

—Some delegations considered that this element should contain

⁷ *Ibid.*, 1977, pp. 322-326.

OTHER TREATIES

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categorical obligations for assistance to developing countries in training and equipping them with protective measures. A delegation further thought that a convention should include a provision for assistance to a State Party threatened with or subjected to a chemical attack.

—Some delegations expressed concern, without questioning the importance of international co-operation measures referred to in this element, about the dangers of the transfer from one State Party to another of the technical knowledge necessary to produce chemical weapons.

—Some delegations expressed doubts about the realism of the undertaking envisaged in paragraph 3 and suggested that it was inappropriate for inclusion in a chemical weapons convention. Others pointed out that the paragraph referred to "possible savings" and embodied a principle already accepted in other documents of the United Nations.

IX

GENERAL PROVISION ON VERIFICATION

1. For the purpose of providing assurance of compliance with the provisions of this Convention, the States Parties should agree that verification would consist of national as well as international measures which should be considered as complementary to each other, as set forth in the following.

2. Such verification would be carried out through:

(a) monitoring of compliance with the obligations in Elements I-IV concerning prohibition of development, production, other acquisition, stockpiling, retention and transfer of chemical weapons;

(b) monitoring of compliance with the obligations in Elements I and V concerning

—destruction or diversion for permitted purposes 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;

(c) monitoring of compliance with the obligations in Element VI concerning super-toxic lethal chemicals for non-hostile military purposes;

(d) enquiry into facts, including where necessary on-site inspections, concerning alleged ambiguities in or violations of the compliance with the Convention.

3. National measures of verification would be carried out by a national verification system, organized, designated or employed by each State Party in accordance with its own legislation.

4. As regards international measures of verification a Consultative Committee of experts should be established in order to provide a permanent body for the monitoring of the implementation of and compliance with the provisions of this Convention on behalf of the international com-

munity by ensuring the availability of international data and expert advice to provide a basis for assessing such compliance.

Comments

—Some delegations stressed the importance of confidence-building measures, which ought to be discussed in context with the verification issues, especially those related to declarations.

—(Para. 1) Some delegations thought that international verification measures should form the basis for verification and that national measures could only be complementary to international measures.

—(Para. 1) Some delegations considered that national verification measures should form the basis for verification and that international measures were only supplementary, even though necessary, means.

—(Para. 2 (b)) Some delegations stated that the temporary conversion of means of production of chemical weapons was unacceptable.

—(Para. 2 (d)) Some delegations suggested the deletion of the words "including where necessary on-site inspection".

—(Para. 2 (d)) A delegation considered the term "ambiguities" as not sufficiently clear.

—(Para. 3) Some delegations thought that it should be left to each State Party to decide whether any specific national organization was required for national verification.

—(Para. 4) Some delegations suggested that the words "on behalf of the international community by ensuring the availability of international data and expert advice to provide a basis for assessing such compliance" be deleted, in order not to confuse the role of the Consultative Committee with regard to the verification of compliance as detailed in element XIII and annex V.

—(Para. 4) Some delegations would prefer to see the words "international community" replaced by "States Parties".

—(Para. 4) Some delegations felt that the Consultative Committee should also assess the collected data and that details for this activity should be given in Element XIII and Annex V. Other delegations thought however that the assessment should be made principally by each State Party individually.

—(Para. 4) Some delegations suggested that the following words should replace the text after the words "be established"; "to ensure the availability of international data and expert advice to provide a basis for assessing the implementation of and compliance with the provisions of this convention as described in Element XIII and Annex V."

—(Para. 4) Some delegations considered that the term "monitoring" was not sufficiently clear and that they therefore reserved their positions on this element.

—Some delegations suggested the replacement of the word "monitoring" by the word "verification" throughout the element.

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X

NATIONAL LEGISLATION AND VERIFICATION MEASURES

1. Each State Party to this Convention should undertake to take any measures it considers necessary in accordance with its constitutional processes to prohibit and prevent any activity in violation of the provisions of the Convention anywhere under its jurisdiction or control, including a national verification system according to Element IX.

2. Recommendations and guidelines concerning the functions and organization of the national verification system would be set out in Annex IV.

Comments

- Some delegations queried the necessity of this element.
- Some delegations suggested the deletion of the words "it considers necessary" in paragraph 1.
- Some delegations suggested the deletion of the words "including . . . to Element IX" at end of paragraph 1.

ANNEX IV

RECOMMENDATIONS AND GUIDELINES CONCERNING THE FUNCTIONS AND ORGANIZATION OF THE NATIONAL VERIFICATION SYSTEM

(The contents of this annex remain to be elaborated)

Comments

- Some delegations would prefer to see more emphasis put on the functions of such a system than on its organizational structure.

XI

NATIONAL TECHNICAL MEANS OF VERIFICATION

1. Each State Party to this Convention should undertake to use national means of verification, including national technical means, at its disposal for the purpose of monitoring compliance with the provisions of this Convention only in as far as it is consistent with generally recognized principles of international law.

2. Each State Party to this Convention should undertake not to impede, including through the use of deliberate concealment measures, the national technical means of verification of other States Parties operating in accordance with paragraph 1 of this Element.

Comments

- Some delegations proposed the insertion of the words "as appropriate and in accordance with paragraph 1 of Element IX" between the words "Convention" and "should undertake" in paragraph 1.
- Some delegations stated that they could agree to this element only after

it had been made clear to what extent States Parties should undertake to disseminate to other States Parties information obtained through national technical means of verification.

— A delegation considered that the term “deliberate concealment measures” should be further elaborated and clarified.

XII

CONSULTATION AND CO-OPERATION

1. The States Parties to this Convention should undertake to consult one another and to co-operate, especially through the Consultative Committee, referred to in Element IX, in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of, the Convention.

2. Any State Party to this Convention, which has reason to believe that any other State Party is acting in breach of its obligation under this Convention should have the right to request information either bilaterally or through the Consultative Committee in order to clarify the situation. Such a request should be accompanied by appropriate explanations of the reasons for concern.

3. Consultation and co-operation pursuant to this Element could also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures could include the services of appropriate international organizations, in addition to those of the Consultative Committee.

Comments

— Some delegations considered that the complaints mechanism which is dealt with in this element as well as in element XIII should be structured more clearly.

— A delegation felt that the words “in solving any problems” in paragraph 1 were too vague and required further elaboration.

— Another delegation considered that it was essential to make it clear to what extent the bilateral consultative process referred to in this element implied obligations to make information available to other States Parties.

— Some delegations felt that the word “appropriate” before “explanations” in paragraph 2 was not sufficiently precise and should be either further elaborated or deleted.

— Some delegations thought that the procedures, referred to in paragraph 3, should include a specific reference to the General Assembly and the Security Council. Opinions differed however on whether both or just one or the other should be referred to.

XIII

CONSULTATIVE COMMITTEE

1. The Consultative Committee, referred to in Elements IX and XII, should be established at the entry into force of this Convention. Each State

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II AND CO-OPERATION

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COMMITTEE

ferred to in Elements IX and XII,
orce of this Convention. Each State

Party to this Convention could appoint one representative to the Commit-
tee. The representative could be assisted by one or more advisers. The
Depositary or his personal representative should serve as President of the
Committee and convene it at least once a year, or immediately upon receipt
of a request from any State Party.

2. Each State Party to this Convention should undertake to co-operate
fully with the Committee in carrying out its tasks. Each representative
should have the right, through the Chairman, to request from States Parties,
and from international organizations, such information and assistance as
the representative considers desirable for the accomplishment of the Com-
mittee's work.

3. The Consultative Committee should:

(a) monitor the destruction and diversion for permitted purposes of
stocks of chemical weapons, as well as the destruction, dismantling and
temporary conversion of means of production of chemical weapons as
stipulated in Element V;

(b) monitor permitted production of super-toxic lethal chemicals in ac-
cordance with Element VI;

(c) make appropriate findings of facts and provide expert views relevant
to problems raised pursuant to the provisions of the Convention by a State
Party, in particular concerning alleged ambiguities in, or violations of the
compliance with the Convention at the request of a State Party;

(d) facilitate compliance with the Convention, e.g. by developing interna-
tional standardization of methods and routines to be applied by national
and international verification organs;

(e) receive and distribute data relevant to the provisions of this Conven-
tion, which may be made available by national verification systems;

(f) otherwise closely co-operate with national verification systems and
provide them with necessary assistance.

4. The Committee should, after consultation with the State Party con-
cerned, be competent to undertake on-site inspections:

(a) in order to confirm received information concerning planned, on-
going or effected measures according to subparagraph 3(a) of this Element;

(b) in order to carry out monitoring according to subparagraph 3(b) of
this Element.

5. Any State Party which has reason to believe that any other State Party
is acting in breach of its obligations deriving from the provisions of this
Convention would have the right to request an investigation by the Com-
mittee of the circumstances which have given rise to concern. Such a request
could include a request for an on-site inspection to determine in accordance
with subparagraph 3(c) of this Element, the facts of the situation and should
be accompanied by an appropriate explanation of why an investigation is
considered necessary. On-site inspection should take place only after con-
sultation with the State Party concerned. If that State Party does not agree
to on-site inspection, it should give appropriate explanations to the effect
that an on-site inspection would at that time jeopardize its supreme national
interests. The requesting Party could in this case pursue the complaint

within the framework of the United Nations in accordance with Element XII, paragraph 3.

6. The work of the Committee should be organized in such a way as to permit it to perform its functions in an effective, fair and impartial manner. It could for specific tasks set up sub-committees and verification teams. The Committee should decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There should be no voting on matters of substance. If the Committee is unable to provide for a unanimous report on findings of fact or in giving expert views, it should present the different views of the experts involved.

7. The Committee should present an annual report of all its activities to the States Parties to the Convention. The Committee should further, whenever it has been requested by a State Party to carry out fact-finding or provide expert views concerning a specific question, transmit to the Depositary a summary of its findings or expert views incorporating all views and information presented to the Committee during its proceedings. The Depositary should distribute the summary to all States Parties.

8. The Committee should at all stages consider the possibility of a bilateral solution to any dispute and be prepared to assist therein. Nothing should impede the right of a State Party to request information from the State Party concerned as regards presumed treaty violations.

9. Details of the organization and procedures of the Committee, rights and duties of members, rights and duties of designated personnel for inspection, inspection procedures and rules for reports would be set out in Annex V.

Comments

—Some delegations felt that this element had to be further elaborated. They emphasized that agreement on verification procedures could promote a convergence of views on the scope of the convention. Other delegations noted that the functions of the Consultative Committee as well as other international verification measures can and should be considered and elaborated only with due regard to, and in inextricable interrelationship with the scope and the nature of the prohibition under a future convention. Therefore they had refrained so far from stating their views in detail on the tasks and terms of reference of the Consultative Committee.

—(Para. 1) Some delegations considered that the efficiency of the Consultative Committee would diminish if it were to include a representative of each State Party. It was therefore suggested that the Committee should consist of a limited number of members elected from experts nominated by States Parties. The Chairman sharing this concern drew the attention to the 1961 Single Convention on Narcotic Drugs^a as a possible model.

—(Para. 3) Some delegations considered that the competence of the Consultative Committee should include enquiry into facts concerning allegations of use of chemical weapons by or with the assistance of a State Party

^a 18 UST 1407; TIAS 6298.

—(Para. 5) Some delegations thought that the entire complaints mechanism should be dealt with in a separate element.

ANNEX V

CONSULTATIVE COMMITTEE

(The contents of this Annex remain to be elaborated)

Comments

XIV

AMENDMENTS

Any State Party could propose amendments to this Convention. Amendments should enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it.

Comments

XV

REVIEW CONFERENCE

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. Proposed amendments to the Convention could also be considered at the conference.

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.

Comments

— Some delegations considered it premature to suggest time-frames for meetings of review conferences.

— A delegation suggested that the last sentence in paragraph 1 should be put in element XIV.

XVI

DURATION AND WITHDRAWALS

1. This Convention should be of unlimited duration.

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separate element.

EX V

COMMITTEE

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V

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WITHDRAWALS

limited 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.

Comments

—Some delegations suggested that States Parties should be required to give notice of withdrawal not only to the Depositary but also to the Security Council on the grounds that extraordinary events which jeopardize their supreme interests have to be invoked for such withdrawal.

—A delegation suggested the deletion of the reference to "extraordinary events" as a corresponding rephrasing of the element.

XVII

SIGNATURE, RATIFICATION, ACCESSION

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 signatory 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 twenty 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 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 I to V should be considered an integral part of this Convention.

Comments

—Some delegations considered that the Convention should enter into force only upon the deposit of instruments of ratification by a specific number of States including those of the permanent members of the Security Council. Other delegations objected to this on the grounds that State Parties should not be treated in a different manner.

XVIII

DISTRIBUTION OF THE CONVENTION

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.

Comments

IV. RECOMMENDATIONS AND CONCLUSIONS

13. The Working Group took note of the report of the Chairman on consultations held on issues relating to toxicity determination, as contained in CD/CW/WP.22/Rev.1 and decided to make the following recommendations:

(a) that the Committee on Disarmament take note of the CD/CW/WP.22/Rev.1 of 23 July 1981, and consider it a suitable basis for the delegations to prepare further work on methods to be agreed for toxicity determinations for a chemical weapons convention;

(b) that the following issues be discussed at the Committee's 1982 session, using the toxicity values for super-toxic lethal, other lethal and other harmful chemicals given in CD/112 ⁹ as a starting point for the work:

(i) Specific testing methods for determination of acute lethal toxicity, using the relevant points found in Annex V of CD/CW/WP.22/Rev.1;

(ii) Circumstances in which inhalation criteria will be required, including the possibility of supplementing inhalation toxicity measurements with intravenous injection;

(iii) Possible criteria based on other types of harmful effects;

(v) [*sic*] Inventory of international resources for toxicity determination and the possibility of international co-operation.

Expertise, particularly in toxicology, as well as scientific and technical background material, which may be provided by delegations, will be of value for such discussions.

(c) that further consultations, similar to those held this year, should take place in the week 1-5 March, 1982, on the issues mentioned under (b) unless the Committee on Disarmament decided otherwise at the beginning of its 1982 session.

(d) that the questions related to possible applications of toxicity criteria in a chemical weapons convention should be taken up within the Committee in the week thereafter.

⁹ Documents on Disarmament, 1980, pp. 285-289.

III

THE CONVENTION

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NS AND CONCLUSIONS

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14. The substantive considerations of the Working Group reaffirmed the conclusions, reflected in the Final Document of the first special session of the General Assembly devoted to disarmament, that the prohibition of chemical weapons and their destruction represented one of the most urgent measures of disarmament and that the conclusion of such a convention is of the highest priority in multilateral negotiations. The urgency of achieving concrete results to this end was especially recognized in the light of the second special session to be held in 1982.

15. After the extensive examination of the various issues related to a chemical weapons convention, both in 1980 and 1981, the Working Group considered that a convergence of views has emerged on many issues, but that some important divergencies of views still exist on certain elements. The Group also expresses the hope that the Committee will take due account of the results of its work, as presented in this report, so that it will contribute to the process of negotiating and elaborating a chemical weapons convention.

16. While it was generally agreed that the Group made substantive progress during its 1981 session, many delegations regretted that it was not possible to obtain a revised mandate which would enable the group to initiate negotiations on the text of a convention. Emphasizing the responsibility of the Committee on Disarmament for the negotiation and elaboration of a chemical weapons convention, the Group recommends that the Committee at the beginning of its 1982 session re-establish the *ad hoc* Working Group on Chemical Weapons with an appropriately revised mandate, which will enable the Committee to build upon the areas of convergence and to resolve the differences of views which were identified by the Group during the 1980 and 1981 sessions, so as to achieve agreement on a chemical weapons convention at the earliest date.

**Statement by the British Representative (Summerhayes) to
the Committee on Disarmament: Negotiations on Interme-
diate-Range Nuclear Forces and Nuclear Neutron Weapons
[Extract], August 18, 1981¹**

I have asked for the floor to speak briefly on items of current business, as we draw to the end of the 1981 session. I shall start by commenting on some observations made at our meeting on 13 August by my neighbour, the distinguished representative of the Soviet Union.² In the course of a statement in which he concentrated mainly on nuclear problems, Ambassador

¹CD/PV.147, pp. 25-26.

²*Ante.*