1980 REPORT OF THE AD HOC WORKING GROUP ON CHEMICAL WEAPONS
OF THE COMMITTEE ON DISARMAMENT

Pursuant to the request of the Preparatory Committee for the Second Review Conference, attached hereto is the 1980 report of the Ad Hoc Working Group on Chemical Weapons of the Committee on Disarmament (CD/131/Rev.1), which is an integral part of the Committee's report to the General Assembly (CD/139).
Report to the Committee on Disarmament

Ad Hoc Working Group on Chemical Weapons

1. In the course of consideration of item 4 of its 1980 agenda, entitled "Chemical Weapons", the Committee at its sixty-ninth plenary meeting on 17 March 1980, adopted the following decision contained in document CD/80:

"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 1980 session, an ad hoc working group of the Committee to define, through substantive examination, issues to be dealt with in the negotiation on such a convention, taking into account all existing proposals and future initiatives.

The ad hoc working group will report to the Committee on the progress of its work at any appropriate time and in any case before the conclusion of its 1980 session."

2. At the 80th meeting on 22 April 1980 the Committee elected Ambassador Y. Okawa, Japan, as Chairman of the ad hoc Working Group. Mrs. L. Waldheim-Natural, Chief, Geneva Unit, United Nations Centre for Disarmament, was appointed Secretary of the Working Group.

3. At their request and on the basis of decisions taken by the Committee on Disarmament at its eighty-sixth and ninety-first sessions, contained respectively in documents CD/PV.86 and CD/PV.91, representatives of Denmark, Finland and Switzerland attended meetings of the Group in addition to members of the Committee on Disarmament.

4. The Group held 16 meetings between 23 April 1980 and 1 August 1980.

5. 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 stated that the conclusion of a convention on chemical weapons was one of the most urgent tasks of multilateral negotiations.

6. In the conduct of its work, the following working papers were circulated to the Working Group:

GE.80-65052
(a) a "Working paper introduced by the Chairman" (CD/CW/WP.1)

(b) a working paper entitled "List of Documents" (CD/CW/WP.2 and its addenda 1 and 2) containing a list of Committee on Disarmament documents relevant to the work of the ad hoc Working Group on Chemical Weapons, circulated between July 1979 and July 1980

(c) a working paper by the United States of America entitled "Issues to be defined by the Ad Hoc Chemical Weapons Working Group" (CD/CW/WP.3)

(d) a working paper by Sweden entitled "Issues to be dealt with in the negotiation on a Convention on Chemical Weapons" (CD/CW/WP.4)

(e) a working paper by the Federal Republic of Germany entitled "The impact of on-site inspections of current civilian production on the chemical industry" (CD/CW/WP.5)

(f) a working paper submitted by France entitled "Criteria for the Definition of Chemical Warfare Agents" (CD/CW/WP.6)

7. The Chairman stated that all existing proposals and all future initiatives would be treated on an equal basis by the Working Group. He was of the view that document CD/26, "Compilation of material on Chemical Weapons from the Conference of the Committee on Disarmament and the Committee on Disarmament Working Papers and Statements 1972-1979 (Prepared by the Secretariat)" was a useful reference for the group in its work.

8. At the suggestion of the Chairman, the Group agreed to structure its work under three general headings: "Scope", "Verification" and "Other matters". In a first round, one meeting was devoted to each of these headings, followed by a second round in the same order. During the course of these meetings, delegations made statements of substance on the issues under consideration.

9. The Chairman also provided the group with Conference Room Papers which contained lists of issues raised under the three general headings under which the Group conducted its substantive deliberations. These Conference Room Papers were later consolidated into one document, CD/CW/CNP.3/Rev.1, which is annexed to this report as an aide-mémoire from the Chairman, for future reference.

10. In order to define the issues to be dealt with in the negotiation on a convention on the prohibition of chemical weapons, the Working Group undertook a substantive examination under the three general headings mentioned in paragraph 8 above. In this context, there appeared to be a general convergence of views among the delegations who participated in the discussions on the following issues:
A. Comprehensive scope of a prohibition

(1) Issues relating to activities that could be prohibited under a convention:
   
   (a) development
   (b) production
   (c) stockpiling
   (d) acquisition
   (e) retention
   (f) transfer and assistance to other States

(2) Issues relating to specific items, subject to agreed definitions, that could be prohibited under a convention:

   (a) chemical warfare agents
   (b) chemical munitions
   (c) precursors
   (d) chemical weapons, equipment or systems
   (e) means of/facilities for the production of the above

(3) Issues relating to the criteria that could be used as the basis in determining the scope of the prohibition:

   (a) general purpose criterion
   (b) toxicity criteria
   (c) additional criteria

(4) Issues relating to actions that States Parties to a convention could be required to take in implementation of the prohibition:

   (a) declaration and destruction, within specific periods, of existing stocks of chemical weapons
   (b) declaration and destruction or dismantling, within specific periods, of means of/facilities for production

(5) Issues concerning the exceptions that could be allowed under a convention:

   (a) for civilian purposes, such as:

      - medical
      - scientific and research
      - industrial
      - agricultural
      - riot control

   (b) for certain non-hostile military purposes and for military purposes not related to the use of chemical weapons
B. Verification

The importance of adequate verification was recognized. It was held that verification measures should be commensurate with the scope of the prohibition and other aspects of a convention.

(1) Issues relating to national verification measures that could be provided for under a convention:
   (a) internal legislation

(2) Issues relating to international verification measures that could be provided for under a convention:
   (a) consultation and co-operation
   (b) establishment of a consultative body
   (c) on-site inspections under certain conditions and procedures
   (d) handling of complaints

C. Other Issues

(1) Confidence-building measures

(2) International Co-operation

11. In the course of substantive examination of issues to be dealt with in the negotiation on a convention under the three general headings mentioned in paragraph 8 above, there appeared to be no convergence of views among delegations who participated in the discussions on, inter alia, the following issues:

A. Comprehensive scope of the prohibition

(1) The view was expressed that a convention should cover "chemical warfare capability" and that this concept should include every activity, facility and material intended to utilize the toxic properties of chemical substances for hostile purposes in an armed conflict. In this view exceptions should, however, be allowed for peaceful purposes, including some measures of a military nature and measures for protection against chemical warfare. Others expressed serious doubts about the value of this concept but the question was not discussed in depth.

(2) Issues relating to activities that could be prohibited under a convention:
   (a) Use

It was common ground that the convention should not detract from the 1925 Geneva Protocol. Some held that the issue of use was already adequately covered by that Protocol, while others were of the view that a ban on the use of chemical weapons would be an essential element of a comprehensive convention.
(b) Planning and Organization

One view was that planning and organization were essential elements of the development of a capability for chemical warfare and should therefore be banned. Another view held that a ban on planning and organization would be practically impossible to verify and hence hard to enforce; in any event it would not be needed if other elements were successfully banned.

(c) Training

Some delegations held the view that, since it was difficult to distinguish between offensive and defensive training, all training should be prohibited; others believed that training in protective measures would contribute to deterring possible violations of a convention and, therefore, should be allowed; still others thought that protective training should be permitted at least until all stocks of chemical weapons were destroyed.

(3) Issues relating to specific items, subject to agreed definitions, that could be prohibited under a convention:

(a) Means of/facilities for production.

The issue of what specific types of means of/facilities for production would fall under the prohibition was not examined in depth.

(b) Biochemical warfare agents.

Some held that potential biochemical warfare agents that fall in the so-called grey area between biological and chemical warfare agents should be prohibited. The issue was not the subject of further examination.

(4) Issues relating to the criteria that could be used as the basis in determining the scope of the prohibition

(a) There were differing views regarding the relative importance of the various criteria mentioned in para. 10.1.3 above.

(b) With reference to toxicity criteria, although several approaches for defining toxicity were discussed — including quantitative, qualitative, descriptive and nominative — no attempt was made to narrow the issue to a particular approach or combination of approaches.

(c) Varying views were expressed on whether a list of chemical agents — either positive, negative or illustrative — should be established.

(d) The question of the treatment to be accorded to single and dual purpose agents and precursors respectively was not discussed in detail.
(5) Issues relating to action that State Parties to a convention could be required to take:

(a) Some held that means of/facilities for production should be destroyed, dismantled or converted to peaceful uses. Others, expressing concern about the verification problem involved, were of the opinion that all means of production should be destroyed.

(b) Differing views were expressed on the content of the declaration of existing stocks and the declaration of plans for the destruction of such stocks, as well as on their timing, including whether these declarations should be made before, at the time or after a convention came into force.

(c) Differing views were also expressed on the content of the declaration of plans for the disposition of means of/facilities for production and filling facilities, as well as on their timing, including whether these declarations should be made before, at the time or after a convention came into force.

(6) Issues concerning the exceptions that could be allowed under a convention:

(a) There was a divergence of views on whether an exception for protection purposes should be allowed under a convention. A view was expressed that the exception of "protective measures" may create serious problems of verification and control.

(b) The issue of what specific riot control agents would be excepted was not discussed.

(c) It was pointed out that any exception which would be allowed would have to be clearly and precisely defined.

B. Verification

(1) General approach

Opinions differed as to what would be a realistic verification system which responded adequately to the requirements of a convention, since a totally effective verification system, while desirable, appeared to be technically unattainable. Some held that an effective convention called for very stringent verification measures, while others felt that less stringent measures could suffice and still meet the requirements of a reasonable verification system. Since the different aspects of verification were related to the scope of the prohibition and other aspects of a convention, some delegations withheld their comments on this issue for the time being.
(2) What is to be verified?

(a) Differing views were expressed on the requirements of verification in the following areas:

(i) destruction of chemical weapons' stocks
(ii) destruction or dismantling of means or/facilities for production of chemical weapons
(iii) non-production of chemicals for prohibited purposes
(iv) production of certain chemicals for non-hostile military purposes

(b) Some held that non-production of chemicals for prohibited purposes could be verified even in highly industrialized countries with reasonable means and without prejudice to the interests of the chemical industry. Others were of the view that inspection of entire chemical industries would not be practicable. In this context some held that verification of a ban on identified dual-purpose agents and their precursors, and in particular binary weapons, could pose insurmountable difficulties. Others disagreed with this view.

(c) Differing views were expressed on whether prohibition of planning, organization and training, if included in a convention, could be verified.

(3) Verification procedures

While delegations were of the view that a verification system could be based on an appropriate combination of international and national measures, there were differences as to their relative effectiveness. One view was that a verification system should rely primarily on international measures. Another view was that national measures, with certain international procedures, would provide adequate assurance of compliance.

(a) Issues relating to national verification measures

There appeared to be no convergence of views on whether national organs for verification should be envisaged, in a convention and, if so, on the role and importance of such organs. Differing views were expressed regarding whether or not standardized programmes for national organs for verification, including their organization, functions and obligations, should be provided for.

(b) Issues relating to international verification measures

(i) While delegations believed that international verification measures should include arrangements for on-site verification, their views differed on specifics of such arrangements.
(ii) There were differences of view as to whether or not systematic on-site inspections would be necessary to verify:

- destruction of chemical weapons stocks;
- destruction or dismantling of means of/facilities for production of chemical weapons as well as filling facilities;
- production of certain chemicals for non-hostile military purposes; and
- non-production of chemicals for prohibited purposes.

(iii) On the issue of conversion of facilities, some delegations held that, if conversion was allowed, systematic on-site inspection of converted facilities would be required.

(iv) According to one view, the establishment of an international verification agency, in addition to the consultative body, would be desirable in the system of international verification. Others did not share this view. Still others believed that the establishment of such an agency was a broader question that transcended the framework of a chemical weapons prohibition.

(v) While some delegations were of the opinion that complaint procedures could involve the United Nations Security Council, others believed that the United Nations General Assembly could be a more appropriate body.

C. Other Issues

(1) Confidence-building measures

The view was expressed that international means of verification should include procedures for confidence-building measures, but the issue was not examined in detail.

(2) Negative guarantees

One view was that such guarantees should be considered in the course of the elaboration of a convention. Others held the view that the question of non-use was covered by the 1925 Geneva Protocol.

(3) Co-operation in the development of protective measures

Suggestions were made that a convention should contain specific provisions regarding co-operation and technical assistance in the field of protective measures. This question was not examined in depth.

(4) Co-operation and technical assistance

It was suggested that a convention should include provisions regarding co-operation and technical assistance in the peaceful uses of toxic chemicals as well as on the transfer, especially to developing countries, of resources released by the prohibition of chemical weapons. This question was not examined in depth.
12. At the suggestion of the Chairman, the Working Group noted that, inter alia, the following issues had not been discussed in depth during the 1980 session and would have to be taken into consideration at a later stage:

- Preamble
- Conditions for entry into force
- Signature, ratification, accession, etc.
- Depositories (Governments or Secretary-General of the United Nations)
- Duration
- Review conferences
- Withdrawals
- Protocols and annexes
- Procedures for amendment

13. Various definitions of "chemical weapons" and other terms were suggested during the discussions. At the suggestion of the Chairman the Working Group noted that the question of definition of terms and the clarification of various concepts would need to be taken up at a later stage.

14. The discussions confirmed the general recognition of the urgent need to negotiate and elaborate a multilateral Convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction.

15. The Working Group recommends that at the beginning of its 1981 session the Committee on Disarmament set up a further working group under an appropriate mandate to be determined at that time to continue and advance the work undertaken by the 1980 Working Group in the discharge of the Committee's responsibility for the negotiation and elaboration of such a multilateral convention.
Annex I

Issues raised at the meetings of the Ad Hoc Working Group on Chemical Weapons

(Aide-Mémoire from the Chairman)

I - SCOPE

1. Aims and Purpose of a convention

   - as set forth in the Final Document of the Special Session of the General Assembly

   - as set forth in CD/97 (Sweden)

   - as set forth in CD/48 (USSR/USA)

   - as set forth in CD/44 (Poland)

   - other proposals

2. Relationship with other international conventions

   (a) Geneva Protocol of 1925

      (i) carry over prohibition of use into a chemical weapons convention

      (ii) need for strengthening

   (b) Biological Weapons Convention of 1972

      (i) need to ensure symmetry between two conventions

      (ii) need to cover loopholes, gray areas

      (iii) ensure that all biochemical agents are covered

   (c) Economic Convention of 1977

3. Comprehensive nature of ban

   (a) Activities that could be banned

      (i) development

      (ii) production

      (iii) stockpiling

      (iv) acquisition

      (v) retention

      (vi) transfer and assistance

      (vii) use

      (viii) planning

      (ix) organization

      (x) training

      (xi) dissemination of information

      (xii) others
(b) Items that could be dealt with

(i) Chemical weapons agents, including precursors
   - definition
   - criteria
     - general purpose
     - distinction between single purpose agents and dual purpose agents
     - toxicity: quantitative approach
       - qualitative " (chemical formula)
       - descriptive "
       - nominative "
       - fitness for military use

   - binary weapons

(ii) Chemical weapons munitions
   - definition

(iii) Chemical weapons equipment or systems, including means of delivery
   - definition

(iv) Chemical weapons facilities
   - for development and research
   - for production
   - for training in their use
   - others

(c) Action: what could be required under a convention.

(i) Declaration
   - of existing stocks
   - of production facilities, including location
   - of time programme for destruction, conversion, etc.

(ii) Conversion to peaceful purposes or mothbelling
   - verification disadvantages compared to destruction
   - economical and social consequences

(iii) Destruction of stocks

(iv) Destruction or dismantling of production facilities
4. Protection against CW attack

(a) Distinction between "protective" and "defensive" capability

(b) Type of instrument in which protection would be provided for

(i) in the convention itself?
(ii) in an annex to the convention?
(iii) in a separate instrument?

(c) Modalities of protection

(i) protective measures
   - medical
   - equipment
   - others

(ii) training for protection
(iii) treatment of victims
(iv) additional issues regarding protection of civilians

(d) Decontamination

(i) equipment and facilities
(ii) training

(c) Should protective measures be prohibited?

(i) prohibition would be counter-productive as it would lead to a search for security through a CW deterrent
(ii) excessive protective measures may induce others to increase chemical weapons capabilities
(iii) they should not be prohibited, since protective measures are a stabilizing factor
(iv) protective measures will in any case be elaborated in relation to accidents in the civilian chemical industry

(f) Other matters

(i) relationship between protective measures and verification systems
(ii) cost of protective measures
(iii) exchange of information on protective measures (see also "confidence building measures")
(iv) advisory and training facilities for developing countries

5. Exceptions or "permitted activities"

(a) For civilian purposes

(i) for scientific and research purposes
(ii) for medical purposes
(iii) for industrial purposes
(iv) for agricultural purposes
(v) for riot control and other police activities

(b) For certain non-hostile military purposes

(i) for protective purposes
(ii) for rocket fuel, etc.
1. Objectives
   (a) To ensure compliance with the obligations of a convention
   (b) To enhance credibility of a convention and induce countries to adhere to it
   (c) Others

2. Guiding Principles
   (a) Respect for equality of all Parties
   (b) Respect for sovereignty
   (c) Respect for international solidarity and co-operation
   (d) Non-interference in internal affairs
   (e) Others

3. What is to be verified?
   (a) Destruction of stocks of CW agents and munitions
   (b) Conversion or mothballing of production facilities, etc.
   (c) Destruction or dismantling of production facilities, etc.
   (d) Ensure that prohibited agents are not being produced
   (e) Planning, organizing and training for tasks listed above
   (f) In the initial stages primarily to be directed at:
       - well-known agents
       - super toxic agents

4. National Verification
   (a) National organ
       - Each State to set up national system
       - Modalities to be left to each party in initial stage?
       - Need for internal legislation?
   (b) Possible functions
       - Observation and supervision of relevant national activities
       - Collection of pertinent data
       - Preparation of reports (periodic and upon request) to international verification organ
       - Acting as contact and host for international inspection teams
       - Providing of candidates for international secretariat and its technical staff
       - Others
5. **International Verification**

   (a) International organs

      (i) Consultative Committee?

         - membership
         - mandate
         - secretariat
         - financing

      (ii) International Verification (Control) Agency?

         - membership
         - mandate
         - composition of secretariat, including technical staff
         - laboratory services
         - financing

   (b) Possible functions

      - collection of data through national organs
      - analysis and evaluation of such data
      - compilation and distribution of results of above
      - handling of complaints of alleged breaches of the convention
      - on-site inspections
      - off-site inspections
      - collection and analysis of material evidence
      - reporting to Security Council or United Nations General Assembly
      - others

6. **Other means to supplement the verification procedure**

   (a) Initial declarations

   (b) Periodic exchange of statements

   (c) Review Conferences

   (d) Periodic up-dating of definitions, criteria and agent lists

7. **Handling of complaints** (see also 5 (b) above)

   (a) Procedures

   (b) Role of Consultative Committee

   (c) Investigations into

      - alleged use
      - alleged production
      - alleged stockpiling and research

   (d) Recourse to United Nations Security Council and/or the General Assembly
8. Confidence building measures

(a) General principles

(b) Objectives

(c) Measures

(i) Preconvention measures

(1) declaration of stocks, production facilities
(2) invitation to visit to CW facilities

(ii) Measures to be provided under convention

(1) exchange of information

- military protective measures against CW agents
- protective measures for civilians against CW agents
- protective measures against industrial accidents

(2) exhibitions in framework of the United Nations of protective measures and equipment

(3) invitations to visit production facilities to be destroyed on voluntary basis

9. General considerations

(a) Verification should be seen in light of and as a function of the scope of a convention

(b) National means of verification and international verification should complement each other

(c) National means alone would not be credible, and not all States have means to verify beyond their borders

(d) All States parties to the convention should be enabled to participate and benefit from verification procedures

(e) Relationship between level of protection against CW attacks, level of sophistication of CW attacks and probability of detection (or verification)
III - OTHER MATTERS

1. Security assurances for parties to the convention
   (a) Negative guarantee or non-use declarations
   (b) Positive guarantees
       (i) medical assistance to State victim of CW attack
       (ii) co-operation of parties in development of protective measures and equipment
       (iii) international advisory body could be established under the convention to help developing countries
       (iv) economic co-operation on peaceful uses of toxic substances - assistance in acquiring know-how would further confidence
       (v) political and military assistance

2. Right of withdrawal from the convention
   (a) Specify conditions for withdrawal

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*/ Issues such as review conferences, entry into force, amendment procedures, etc. were not raised at the meetings of the Working Group.