1984 REPORT OF THE AD HOC COMMITTEE ON CHEMICAL WEAPONS
OF THE CONFERENCE ON DISARMAMENT

Addendum

Pursuant to the request of the Preparatory Committee for the Second Review Conference, attached hereto is the 1984 report of the Ad Hoc Committee on Chemical Weapons of the Conference on Disarmament (CD/539 and Corr.1), which is an integral part of the Conference's report to the General Assembly (CD/540).
Report of the Ad Hoc Committee on Chemical Weapons
to the Conference on Disarmament

Corrigendum

On page 6, paragraph 8, penultimate line:
After the words "United Kingdom", add "of Great Britain and Northern Ireland".

On page 6, paragraph 10, last sentence:
Replace the words, "... during the 1984 session", by the word, "in".

Annex I, page 5, foot-note 1:
Replace the page number to read "12".

Annex I, page 5, foot-note 2:
Replace the page number to read "14".

Annex I, page 10, foot-note 2:
The word "Annex" should be in lower case.

Annex I, page 19, foot-note 1:
1st line: page numbers should read "13-18".
2nd line: delete the word "and" before "CD/500", and replace the "full stop"
by a "comma" and add the following words "and in CD/532."

Annex I, page 23, foot-note 3:
Last line: Replace the "full stop" by a "comma" and add the following words
"and in CD/532, pp.3 and 4."

Annex I, page 26, foot-note 2:
4th line: replace the word "and" by a "comma" before "pp.10 and 11".
5th line: replace the "full stop" by a "comma" and add the following words
"and p.3 (from CD/532, dated 8 August 1984)."

Annex III

Document CD/532 of 8 August 1984 should also be attached so that Annex III
contains the following documents: CD/294, CD/500 and CD/532.

GE.84-65248
Working Paper

submitted by a group of socialist States

The organization and functioning of the Consultative Committee

I. General provisions and structure

1. With a view to ensuring broader international consultations and co-operation, exchanging information and promoting verification in order to obtain compliance with the provisions of the Convention, a Consultative Committee shall be established by the States Parties to the Convention within 30 days after the Convention's entry into force.

2. Each State Party shall be entitled to designate a representative to the Consultative Committee who may be accompanied at the meetings by one or more advisers. The Chairman of the sessions of the Consultative Committee shall be elected by the Consultative Committee itself.

3. The Consultative Committee shall meet in regular sessions annually unless it decides otherwise. Every five years the Committee shall review the implementation of the Convention to ensure that its objectives and provisions are being fulfilled. An extraordinary (special) session of the Consultative Committee may be convened to consider matters of urgency at the substantiated request of any of the States Parties within 30 days of the receipt of such a request.

4. The Consultative Committee shall take its decisions on matters of substance by consensus. If consensus cannot be reached during the session, each State Party may record its opinion in the final report of the session for subsequent study by the Governments of the other States Parties to the Convention. Decisions on procedural matters related to the organization of work of the Committee shall be taken by consensus where possible, and otherwise by a majority of those present and voting.

5. The results of the sessions of the Consultative Committee shall be reflected in the records of its meetings and in the final report which shall be circulated to all the States Parties.

GE.84-64647
6. In the intervals between sessions, questions relating to promoting the implementation of and compliance with the Convention shall be dealt with by the Executive Council acting on behalf of the Consultative Committee.

The Executive Council shall be composed of 15 members representatives of the States Parties and a Chairman, who shall be the Chairman of the last session of the Consultative Committee. Ten members of the Council shall be elected by the Consultative Committee after consultation with the States Parties, taking into account the principle of equitable political and geographical representation, for a term of two years, five members being replaced each year. The remaining five seats shall be reserved for the permanent members of the Security Council parties to the Convention.

7. The Executive Council shall take its decisions on matters of substance by consensus. If consensus with regard to a request for on-site inspection cannot be reached within 24 hours, the State subject to the request shall be informed of the individual opinions expressed by all the members of the Executive Council on the matter. The Executive Council shall take its decisions on procedural matters related to the organization of its work by consensus where possible, and otherwise by a majority of those present and voting.

8. The Technical Secretariat shall be staffed proceeding from the principle of equitable political and geographical representation of States Parties. It shall be composed of inspectors and experts who shall be nationals of the States Parties.

9. The Consultative Committee may establish such subsidiary technical bodies as may be necessary.

II. Functions

The Consultative Committee shall:

1. Provide a forum for discussion by all the States Parties concerned of all issues related to implementation of and compliance with the Convention;

2. Co-ordinate all forms of verification and provide for communication between national and international verification bodies;

3. Elaborate, in agreement with all Parties, standard verification techniques;

4. Receive, store and disseminate information presented by the States Parties in accordance with the Convention, including declarations, notifications and statements on chemical weapon stockpiles and production facilities, plans for the destruction or diversion of such stockpiles and for the elimination (destruction, dismantling or diversion) of the facilities, and annual declarations concerning chemicals for permitted purposes that are produced, diverted from stockpiles, used, acquired or transferred;
5. Provide the States Parties, at their request, with services in respect of holding consultations among themselves on questions with regard to implementation of and compliance with the Convention, as well as in respect of exchanging information on a bilateral or multilateral basis or obtaining services from relevant international organizations;

6. Adopt, at its first session, the criteria that it will subsequently use to determine the modalities and time frames for on-site inspections at each facility for the destruction of stockpiles or for the production of supertoxic lethal chemicals for permitted purposes;

7. Verify, in accordance with the provisions of the Convention, reports on the use of chemical weapons;

8. Determine, on the basis of the information presented by the States Parties on chemical weapon stockpiles and the technical characteristics of the facilities for their destruction, as well as on the technical characteristics of the facilities for the production of supertoxic lethal chemicals for permitted purposes, the modalities and time frames for the implementation of international on-site inspections at each individual facility, proceeding from the agreed criteria;

9. Consider requests for on-site inspections filed by States Parties and, in the event of a positive decision, carry out the inspection, subject to the consent of the host State;

10. Assign, in cases of on-site inspections by challenge, conducted by agreement directly between the States Parties concerned, inspectors from its Technical Secretariat to participate in such inspections, if this is requested by one or several States Parties;

11. Approve the reports of the Executive Council containing information on implementation of and compliance with the Convention, recommendations on particular technical matters and the factual report on the work done by the Executive Council between the sessions of the Consultative Committee;

12. Consider and decide upon administrative and financial questions and approve the budget on the basis of an agreed scale of financial contributions.

III. Co-operation with the national verification bodies of the States Parties

The Consultative Committee shall:

1. Hold regular meetings on a bilateral or multilateral basis, with the national bodies of the States Parties in order to enhance the effectiveness of co-operation in ensuring compliance with the Convention;
2. Provide, within a specially established technical body, training for the personnel of the national verification bodies in standard international verification techniques and the use of the relevant equipment;

3. Elaborate, in agreement with the States Parties, procedures for sealing chemical weapon production facilities (or their key points), design the sealing devices and formulate recommendations for their possible use by the national verification bodies of the States Parties;

4. In the course of inspections the inspecting personnel shall have the right to request assistance from the officials of the national bodies in charge of the implementation of the Convention on any matters related to such inspections;

5. A State Party which has received a notification of a regular international systematic on-site inspection or of a challenge on-site inspection specifying the concrete purpose of such an inspection, the approximate time of the arrival of the inspection team at the point of entry into the territory of the State Party concerned and the qualifications and names of the inspectors and their nationalities, shall acknowledge receipt of the notification within two days and shall provide in its turn (in the case of a challenge inspection — subject to its agreement thereto) a list of officials representing the national body in charge of the implementation of the Convention who could, for their part, facilitate and provide support for the conduct of the inspection.
Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament

I. INTRODUCTION

1. At its 245th plenary meeting on 28 February 1984, the Conference on Disarmament adopted the following decision on the re-establishment of an ad hoc subsidiary body on chemical weapons (CD/440):

"The Conference on Disarmament, keeping in mind that the negotiation of a Convention should proceed with a view to its final elaboration at the earliest possible date, in accordance with United Nations General Assembly resolution 38/187/B; and in discharging its responsibility to conduct as a priority task the negotiations on a multilateral convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction, and to ensure the preparation of the convention, decides to re-establish, in accordance with its rules of procedure, for the duration of its 1984 session, an ad hoc subsidiary body to start the full and complete process of negotiations, developing and working out the convention, except for its final drafting, taking into account all existing proposals and drafts as well as future initiatives with a view to giving the Conference a possibility to achieve an agreement as soon as possible. This agreement, if possible, or a Report on the progress of the negotiations, should be recorded in the report which this ad hoc subsidiary body will submit to the Conference at the end of the second part of its 1984 session."

2. The term "ad hoc subsidiary body" was used in this connection pending a decision by the Conference on its designation. Subsequently, at its 248th plenary meeting on 8 March 1984, the Conference on Disarmament decided to designate as "Ad Hoc Committee on Chemical Weapons" the subsidiary body.

II. ORGANIZATION OF WORK AND DOCUMENTATION

3. In accordance with the decision mentioned above (CD/440), Ambassador Rolf Ekéus of Sweden was appointed Chairman of the Ad Hoc Committee. Mr. Abdelkader Bensmail, Senior Political Affairs Officer, Department for Disarmament Affairs, continued to serve as Secretary of the Committee.

4. The Ad Hoc Committee held 22 meetings from 29 February to 28 August 1984. The Ad Hoc Committee benefited from the inclusion in delegations of national experts. In addition, the Chairman held a number of informal consultations with delegations.
5. At the 250th plenary meeting on 15 March 1984 of the Conference on Disarmament, the Chairman of the Ad Hoc Committee reported on the progress of its work.

6. At their request, the Conference on Disarmament decided to invite the representatives of the following States not members of the Conference to participate in the work of the Ad Hoc Committee: Austria, Colombia, Democratic Yemen, Denmark, Ecuador, Finland, Greece, Ireland, New Zealand, Norway, Portugal, Senegal, Spain, Switzerland, Turkey and United Republic of Cameroon.

7. During the 1984 session, the following official documents dealing with chemical weapons were presented to the Conference on Disarmament:


   - CD/432, dated 13 February 1984, submitted by the Islamic Republic of Iran, entitled "Letter dated 30 January 1984 from the Permanent Representative of the Islamic Republic of Iran addressed to the President of the Conference on Disarmament transmitting a report containing a description of an attack with chemical weapons in Piranshahr, Iran"

   - CD/435, dated 20 February 1984, submitted by a group of socialist countries, entitled "Improved effectiveness of the work of the Conference on Disarmament in the field of the prohibition of chemical weapons"

   - CD/437, dated 23 February 1984, submitted by Czechoslovakia, entitled "Letter dated 23 February 1984 addressed to the President of the Conference on Disarmament from the Permanent Representative of Czechoslovakia transmitting a proposal of Warsaw Member States to the Member States of NATO on the question of freeing Europe from chemical weapons, presented at the USSR Ministry of Foreign Affairs on 10 January 1984"

   - CD/439, dated 24 February 1984, submitted by the Federal Republic of Germany, entitled "Proposals on 'Prohibition of Transfer' and 'Permitted Transfers' in a future CW agreement"

   - CD/440, dated 28 February 1984, entitled "Decision on the re-establishment of an ad hoc subsidiary body on chemical weapons"

   - CD/443, dated 5 March 1984, submitted by China, entitled "Proposals on Major Elements of a future Convention on the Complete Prohibition and Total Destruction of Chemical Weapons" (also issued as CD/CW/WP.68)

   - CD/444, dated 19 March 1984, submitted by the USSR, entitled "Letter dated 6 March 1984 from the Representative of the Union of Soviet Socialist Republics to the Conference on Disarmament, transmitting excerpts from the speech of the General Secretary of the Central Committee of the Communist Party of the Soviet Union, Mr. K.U. Chernenko, delivered on 2 March 1984 to voters of Moscow's Kuibyshev district"
CD/445, dated 7 March 1984, submitted by the Netherlands, entitled "Size and Structure of a Chemical Disarmament Inspectorate"

CD/446, dated 8 March 1984, entitled "Decision on the designation of ad hoc subsidiary bodies of the Conference on Disarmament"

CD/447, dated 9 March 1984, submitted by the Islamic Republic of Iran, entitled "Letter dated 2 March 1984 from the Permanent Representative of the Islamic Republic of Iran addressed to the President of the Conference on Disarmament containing information on missile attacks and bombardments in both military and civilian areas of the Islamic Republic of Iran"

CD/482, dated 26 March 1984, submitted by Yugoslavia, entitled "Working Paper - National verification measures" (also issued as CD/CW/WP.73)

CD/483, dated 27 March 1984, submitted by the Islamic Republic of Iran, entitled "Letter dated 20 March 1984 from the Permanent Representative of the Islamic Republic of Iran addressed to the President of the Conference on Disarmament containing proposals on some elements of a future convention on the complete prohibition and total destruction of chemical weapons" (also issued as CD/CW/WP.74)

CD/494, dated 3 April 1984, submitted by France, entitled "Elimination of stocks and of production facilities" (also issued as CD/CW/WP.79)

CD/496, dated 4 April 1984, submitted by the Federal Republic of Germany, entitled "Considerations on including a ban on the use of chemical weapons and the right of withdrawal in a future chemical weapons convention"

CD/497, dated 11 April 1984, submitted by the USSR, entitled "Letter dated 11 April 1984 from the Representative of the Union of Soviet Socialist Republics addressed to the President of the Conference on Disarmament transmitting the answers of the General Secretary of the CPSU Central Committee, K. U. Chernenko, to questions of the newspaper 'Pravda'"

CD/500, dated 18 April 1984, submitted by the United States, entitled "Draft convention on the prohibition of chemical weapons"

CD/501, dated 26 April 1984, submitted by Hungary, entitled "Letter dated 25 April 1984 from the Head of the Hungarian delegation to the Conference on Disarmament transmitting the text of the communiqué of the meeting of the Committee of Foreign Ministers of the States Parties to the Warsaw Treaty, held in Budapest on 19 and 20 April 1984"

CD/505, dated 13 June 1984, submitted by Finland, entitled "Letter dated 12 June 1984 addressed to the President of the Conference on Disarmament from the Permanent Representative of Finland, transmitting a document entitled 'Technical Evaluation of Selected Methods for the Verification of Chemical Disarmament'"

CD/508, dated 15 June 1984, submitted by Norway, entitled "Verification of a Chemical Weapons Convention. Sampling and Analysis of Chemical Warfare Agents under Winter Conditions"
- CD/509, dated 15 June 1984, submitted by Norway, entitled "Letter dated 13 June 1984 addressed to the President of the Conference on Disarmament from the Permanent Representative of Norway transmitting a research report entitled 'Verification of a Chemical Weapons Convention. Sampling and Analysis of Chemical Warfare Agents under Winter Conditions'"

- CD/514, dated 9 July 1984, submitted by the United Kingdom, entitled "Verification of non-production of chemical weapons"

- CD/516, dated 12 July 1984, submitted by the United States, entitled "The declaration and interim monitoring of chemical weapons stockpiles"

- CD/518, dated 17 July 1984, submitted by the Federal Republic of Germany, entitled "Verification of the Destruction of Chemical Weapons"

- CD/519, dated 18 July 1984, submitted by the Islamic Republic of Iran, entitled "Letter dated 16 July 1984 from the Permanent Representative of the Islamic Republic of Iran addressed to the President of the Conference on Disarmament transmitting the text of the response of His Excellency Seyyed Ali Khamenei, President of the Islamic Republic of Iran, to a message of the Secretary-General of the United Nations"

- CD/532, dated 8 August 1984, submitted by a group of socialist States, entitled "The Organization and Functioning of the Consultative Committee" (also issued as CD/CW/NP.84)

- CD/537, dated 15 August 1984, submitted by Denmark, entitled "Letter dated 14 August 1984 from the Chargé d'Affaires a.i. of the Permanent Mission of Denmark, transmitting a working paper on the verification of non-production of chemical weapons"

8. In addition, the following Working Papers were circulated to the Ad Hoc Committee:

- CD/CW/NP.67, dated 28 February 1984, entitled "Chairman's suggestion for a Working Structure for the negotiations on a Chemical Weapons Convention"

- CD/CW/NP.68, dated 5 March 1984, submitted by China, entitled "Proposals on Major Elements of a Future Convention on the Complete Prohibition and Total Destruction of Chemical Weapons" (also issued as CD/443)

- CD/CW/NP.69, dated 14 March 1984, entitled "Programme of work of the Ad Hoc Committee on Chemical Weapons for the first part of the 1984 session"

- CD/CW/NP.70, dated 9 March 1984, entitled "Outline for the organization of work"

- CD/CW/NP.71, dated 22 March 1984, submitted by Yugoslavia, entitled "Suggested alternative definitions"

- CD/CW/NP.72, dated 23 March 1984, submitted by the Union of Soviet Socialist Republics, entitled "Proposal concerning the content of the provision of the future convention on the prohibition of chemical weapons relating to the procedure to be followed in considering a request for an on-site inspection by the State which receives it (amendment to para. 4.3 of the Report of the Co-ordinator of Contact Group B (document CD/416, annex II, p.14))"
- CD/CW/WP.73, dated 26 March 1984, submitted by Yugoslavia, entitled "Working Paper - National verification measures" (also issued as CD/482)

- CD/CW/WP.74, dated 27 March 1984, submitted by the Islamic Republic of Iran, entitled "Letter dated 20 March 1984 from the Permanent Representative of the Islamic Republic of Iran addressed to the President of the Conference on Disarmament containing proposals on some elements of a future convention on the complete prohibition and total destruction of chemical weapons" (also issued as CD/483)

- CD/CW/WP.75, dated 26 March 1984, submitted by China, entitled "Some aspects on 'Small-Scale Production Facility'"

- CD/CW/WP.76, dated 30 March 1984, submitted by the Islamic Republic of Iran, entitled "Proposal concerning the content of chemical weapons relating to the procedure to be followed in considering a request by a Member State for an on-site inspection. (Amendment to Article 4 of the Report of the Co-ordinator of Contact Group B (document CD/416, annex II, p. 14))"

- CD/CW/WP.77, dated 2 April 1984, entitled "Programme of work of the Ad Hoc Committee for the month of April 1984"

- CD/CW/WP.77/Rev.1, dated 5 April 1984, entitled "Programme of work of the Ad Hoc Committee for the month of April 1984" (English only)

- CD/CW/WP.78, dated 2 April 1984, submitted by the USSR, entitled "Proposal concerning the content of procedures for the verification of the destruction of chemical weapons stockpiles"

- CD/CW/WP.79, dated 3 April 1984, submitted by France, entitled "Elimination of stocks and of production facilities" (also issued as CD/494)

- CD/CW/WP.80, dated 17 April 1984, entitled "Programme of work of the Ad Hoc Committee on Chemical Weapons for the second part of the 1984 session"

- CD/CW/WP.81, dated 26 April 1984, entitled "Proposals by the Chairman of the Ad Hoc Committee on Chemical Weapons for draft Articles for parts of a chemical weapons convention"

- CD/CW/WP.82, dated 6 July 1984, entitled "Preliminary structure of a Convention on chemical weapons"

- CD/CW/WP.82/Rev.1, dated 6 August 1984, entitled "Preliminary structure of a Convention on chemical weapons"

- CD/CW/WP.83, dated 16 July 1984, entitled "Programme of work of the Ad Hoc Committee on Chemical Weapons for the remainder of the 1984 session"

- CD/CW/WP.84, dated 8 August 1984, submitted by a group of socialist States entitled "The Organization and Functioning of the Consultative Committee" (also issued as CD/532)

- CD/CW/WP.85, dated 8 August 1984, entitled "Draft Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament"
III. SUBSTANTIVE WORK DURING THE 1984 SESSION

9. In accordance with its mandate, the Ad Hoc Committee started the full and complete process of elaboration and negotiation of the convention, except for its final drafting, on the basis of existing material and new proposals made by delegations. To this effect, the Ad Hoc Committee accepted the Chairman's proposal to set up three Working Groups which dealt with specific aspects of the following spheres of the Convention as follows:

(a) Working Group A: Scope
   (Chairman: Mr. S. Duarte, Brazil)

(b) Working Group B: Elimination
   (Chairman: Mr. R.J. Ackerman, The Netherlands)

(c) Working Group C: Compliance
   (Chairman: Mr. H. Thielicke, German Democratic Republic)

In addition, the Chairman of the Ad Hoc Committee was assisted by Ambassador J.A. Beesley (Canada) and Ambassador S. Turbanski (Poland) in dealing with the issues of prohibition of use of chemical weapons and the structure of the Convention.

10. On the basis of the results achieved in the Working Groups, and the proposals put forward by the Chairman, preliminary drafting was undertaken on some of the provisions of the Convention. These preliminary draft articles or parts thereof are included in Annex I and structured according to the preliminary structure of the Convention (CD/CW/WP.82/Rev.1). The Committee took note of the intention of the 1984 Chairman to revise the record of positions on substantive issues contained in CD/CW/WP.67 using material submitted by delegations concerned so as to reflect changes in positions. */ Annex II contains reports by the Working Group Chairmen. Annex III contains some proposals introduced during the 1984 session of the Conference on Disarmament as formulated and presented in Conference Documents.

*/ Some delegations expressed doubts about the necessity of updating this document.
IV. CONCLUSIONS AND RECOMMENDATIONS

11. The content of Annex I reflects the stage of negotiations on a Chemical Weapons Convention, but it does not bind any delegation.

12. The Ad Hoc Committee recommends to the Conference on Disarmament:

(a) that Annex I be used for further negotiation and drafting of the Convention;

(b) that the reports of the Chairmen of the Working Groups as contained in Annex II, including their proposed draft formulations, together with other relevant present and future documents of the Conference also be utilized in the further elaboration of the Convention;

(c) that the Ad Hoc Committee resume its work under the Chairmanship of Ambassador R. Ekéus (Sweden) and under its present mandate, for a session of limited duration during the period 14 January - 1 February 1985; that the work cover the two specific issues of Permitted Activities and Verification on challenge including related issues with regard to the Consultative Committee, as well as further negotiations on the material in Annex I which has been subject to preliminary drafting; furthermore that consultations be undertaken by the Chairman in the meantime in preparation for the resumed session, and that the Committee present to the Conference on Disarmament a report on its work during that period;

(d) that the Ad Hoc Committee be re-established before the end of the second week of the 1985 session with the 1984 mandate, and that Ambassador S. Turbanski (Poland) be appointed as its Chairman;

(e) that a decision be taken early in the first part of the 1985 session on the continuation of the process of negotiation on the Convention after the closure of the 1985 session, with a view to holding a resumed session of a duration which will ensure that the time available in the period between September 1985 and January 1986 is more fully utilized for negotiations.
ANNEX I

This Annex to the report of the 1984 session of the Ad Hoc Committee on Chemical Weapons has been structured so as to reflect the work accomplished by the Ad Hoc Committee in discharging its mandate (CD/440). The preliminary character of the texts presented is to be stressed. The different stages of the preliminary drafting process within the negotiations on the text of a Convention are reflected as texts having different status as explained below. In accordance with the mandate of the Committee, the texts, whatever their status, are not binding for any delegation. Due to the extensive and complicated nature of the substance and the limited time available, it was not possible to consider a number of the parts of the Convention during this session. The texts reproduced in this Annex therefore do not contain all positions or reflect changes in them.

The text is arranged following the preliminary structure of a future Convention in CD/CW/WP.82/Rev.1, which has been used on the understanding that it is still tentative. The placement of provisions within the structure has not been discussed in most cases. Thus Annex I does not reflect all proposals regarding placement which have been made; the issues remain open and will be discussed at a later stage.

In the texts, differing views appear within brackets in cases where alternative formulations were suggested. Other views, expressed in a more general way, are presented in footnotes.

The differing types of texts, reflecting the different stages of the preliminary drafting process within the negotiations are as follows:

1. On the basis of the reports of the Chairmen of the Working Groups and the proposals by the Chairman of the Committee, some texts have been subject to extensive consultations and drafting efforts conducted by the Chairman of the Committee. Such texts are marked with two lines in the margin.

2. Other texts, based on the same material, have not been subject to extensive drafting but the Chairman of the Committee or the Working Groups Chairmen were to a varying extent able to consult with delegations on substance but not necessarily on formulations. Such texts are marked with one line in the margin.

3. Some issues, dealt with in the report of the previous session (CD/416) which was re-edited at the beginning of the session as CD/CW/WP.67, have not been further considered during this session. These are indicated at appropriate places with the headings from CD/CW/WP.67 and marked "67" in the margin.
Preliminary structure of a Convention on chemical weapons*.

Preamble

I. General provisions on scope

II. Definitions and Criteria

III. Declarations

IV. Measures on chemical weapons

V. Measures on chemical weapons production facilities

VI. Permitted activities

VII. National implementation measures

VIII. Consultative Committee

IX. Consultations, co-operation and fact finding

X. Assistance

XI. Economic and technological development

XII. Relation to other international agreements

XIII. Amendments

XIV. Duration, withdrawal

XV. Signature, ratification, entry into force

XVI. Languages

Annexes and other documents

* Discussions are still continuing on where different issues like verification measures are to be placed under this structure.
Preamble

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Determined, for the sake of all mankind, to exclude completely and forever the possibility of chemical weapons [which utilize the toxic properties of toxic chemicals, to cause death, or temporary or permanent harm to man and animals,] being used.

********

I. GENERAL PROVISIONS ON SCOPE

Each State Party undertakes not to develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone.

Each State Party undertakes not to assist, encourage or induce, in any way, anyone to engage in activities prohibited to Parties under this Convention.

Each State Party undertakes not to use chemical weapons [in any armed conflict] [in any conflict*] [in any circumstances], and also not to use herbicides [for other than non-hostile/ permitted**/purposes] [for methods or means of warfare].

[Each State Party undertakes not to [conduct other activities in preparation for use of chemical weapons] [engage in any military preparations for use of chemical weapons].]

* With this alternative is suggested the following reservations:
  a) except for the use of irritants for the purpose of riot control;
  b) other exceptions.

** It was noted that the definition of "permitted purposes" refers only to the definition of chemical weapons. Such a reference may not be applicable in this context. In such a case the permitted purposes would have to be spelt out in full in these undertakings.
Each State Party undertakes to [destroy] [destroy or divert for permitted purposes] chemical weapons which are in its possession or under its [jurisdiction or] control.*/

Each State Party undertakes to [destroy] [destroy or dismantle] chemical weapons production facilities which are in its possession or under its [jurisdiction or] control.**/

XI. DEFINITIONS AND CRITERIA

For the purposes of this Convention:

1.***/ The term "chemical weapons" shall apply to the following, together or separately:

(i) toxic chemicals and their precursors, [including components of binary or multicomponent chemical weapons] except those intended for permitted purposes as long as the types and quantities involved are consistent with such purposes.****/

*/ An alternative formulation and placement of this undertaking is given under "Measures on chemical weapons" on page 15.

**/ An alternative formulation and placement of this undertaking is given under "Measures on chemical weapons production facilities" on page 19.

/*** The definitions of chemical weapons are presented on the understanding that problems related to irritants used for law enforcement and riot control, and also to chemicals intended to enhance the effect of the use of chemical weapons if their inclusion in the convention is agreed could be handled outside the definitions of chemical weapons if this will result in a more clear and understandable definition. Preliminary suggestions made to solve these problems are given below and consultations on them will be continued.

****/ Toxic chemicals and their key precursors not intended for permitted purposes are also called chemical warfare agents.
(ii) munitions and devices specifically designed to cause death or other harm through the toxic properties of those toxic chemicals referred to under (i) above which would be released as a result of the employment of such munitions and devices.

(iii) any equipment specifically designed for use directly in connection with the employment of such munitions or devices.

- [The term "chemical weapons" shall not apply to those chemicals which are not super-toxic lethal, or other lethal chemicals and which are used by a Party for domestic law-enforcement and domestic riot control purposes.]

- [States Parties agree not to [develop, produce, stockpile or] utilize for chemical weapons chemicals intended to enhance the effect of the use of such weapons.]

[2. "Toxic chemicals" means:

chemicals [regardless of the method of their production] [whether produced in plants, munitions or elsewhere] whose toxic properties can be utilized [in armed conflicts\*] to cause death or temporary or permanent harm, to man or animals [or plants], involving:]
Toxic chemicals are divided into the following categories:

(a) "super-toxic lethal chemicals", which have 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 an agreed method set forth in ....

(b) "other lethal chemicals", which have a median lethal dose which is greater than 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m³ (by inhalation) and less than or equal to 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m³ (by inhalation) when measured by an agreed method set forth in ....

(c) "other harmful chemicals", being any chemicals not covered by (a) or (b) above, including toxic chemicals which normally cause temporary incapacitation rather than death at similar doses to those at which super-toxic lethal chemicals cause death.

[and "other harmful chemical" has a median lethal dose which is greater than 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m³ (by inhalation).]

3. Permitted purposes means:

(a) industrial, agricultural, research, medical, law enforcement or other peaceful purposes; and

(b) protective purposes, namely those purposes directly related to [means of] protection against chemical weapons.

It was noted that after such measurements had actually been performed, the figures mentioned in this and the following section might be subject to slight changes in order to cover sulphur mustard gas under the first category.

The suggestion that such permitted protective purposes should relate only to "an adversary's use of" chemical weapons was removed pending a decision on where in the Convention the question of prohibiting other military preparations for use of chemical weapons than those mentioned under scope should be dealt with.
(c) military purposes which [are not related to the
use of chemical weapons] [do not rely upon the toxic
properties of toxic chemicals or which are purposes
otherwise permitted under sub-paragraphs (a) and (b)
of this paragraph].

4. "Precursor" means:

a chemical reagent which takes part in the production
of a toxic chemical.

5. "Key precursor" means

a precursor which poses a significant risk to the
objectives of the Convention by virtue of its
importance in the production of a toxic chemical.
It may possess[possesses] the following characteristics*:

(a) it may play [plays] an important role in determining
the toxic properties of a [toxic chemical]
[super-toxic lethal chemical].

(b) it may be used in one of the chemical reactions
at the final stage of production of the [toxic
chemical] [super-toxic lethal chemical], whether
in large scale production or in binary or multi-
component weapons [or elsewhere].

(b)' it may be[is] used [in one of the chemical reactions]
at the final stage of production of the [toxic
chemical] [super-toxic lethal chemical], whether
in a production facility, in a munition or
device, or elsewhere.

(b)'' it may be used in one of the chemical reactions
at the final stage of formation of the [toxic
chemical] [super-toxic lethal chemical].

* Although different opinions exist on the place for these characteristics,
there is no disagreement that they have to be taken into account when drawing up the
list of key precursors forming part of the Convention.
[(c) it may [be] not be used, or [be] used only in minimal quantities, for permitted purposes.]

Key precursors are listed in ....

[The list in ... shall be subject to revisions according to ... taking into account the above characteristics as well as any other relevant factor.]

[The list in ... may be subject to revisions according to ... taking into account the above characteristics.]

[For the purpose of the relevant provisions in a Chemical Weapons Convention key precursors should be listed according to the characteristics.]

[As an exception to the rule, chemicals which are not key precursors but are deemed to pose a threat particularly with regard to a Chemical Weapons Convention should be included in a list, if an understanding to this end can be reached.]

6. Chemical weapons production facility means:

[Chemical weapons production facility means any building or equipment designed, constructed or used (in any degree) for the production of chemical weapons or for filling chemical weapons.]

["Chemical weapons production facility" means any building or any equipment which in any degree was designed, constructed or used since 1 January 1946, for:

(a) the production for chemical weapons of any toxic chemical, except for those listed in (Schedule B), or the production for chemical weapons of any key precursor; or

(b) the filling of chemical weapons.]

*/ It seems generally acceptable that this para. could appear in the list of key precursors.
III. DECLARATIONS

Declarations of chemical weapons

Each State Party undertakes to submit not later than 30 days after entry into force for it of the Convention declarations to the Consultative Committee, stating:

- whether it possesses or does not possess any chemical weapons*;
- whether it has on its territory any chemical weapons under the [jurisdiction or] control of anyone else;
- the composition of stocks of chemical weapons, i.e.:**;
- toxic chemicals and their [key] precursors comprised in such stocks by their chemical names, [structural chemical formulae,] toxicities where applicable and weights in metric tons in bulk and filled munitions;
- munitions by types, calibres, quantities and chemical fill;
- [other delivery] devices by types, quantities, [volume], [size] and chemical fill;
- equipment [or chemical] specifically designed for use directly in connection with the employment of such munitions or [other delivery] devices;

[- the precise location of chemical weapons under its control and the detailed inventory of the chemical weapons at each location]

[Each State Party undertakes to submit to the Consultative Committee declarations stating the location of storage depots adjacent to destruction facilities [within 3 months after entry into force of the Convention].]***

* Regardles of quantity or location.
** It has been proposed that some of this material could be placed in an Annex.
*** [Within 6 months with respect to binary weapons and within 24 months for other chemical weapons.]
[Each State Party undertakes to submit to the Consultative Committee declarations on the detailed composition of each batch of chemical weapons to be destroyed upon arrival at the storage depot adjacent to the destruction facility.]

[Each State Party undertakes to submit to the Consultative Committee declarations on the detailed composition of each batch of chemical weapons to be diverted for permitted purposes before it is transported to the facility which will assure its diversion.]

Plans for [destruction] [destruction or diversion for permitted purposes] of chemical weapons

Each State Party undertakes to submit to the Consultative Committee, not later than [30 days] [3 months]/[6 months] after entry into force for it of the Convention, initial plans for the [destruction] [destruction or diversion for permitted purposes] of chemical weapons containing:

- types of operation;
- schedules with respect to quantities and types of chemical weapons to be [destroyed] [destroyed or diverted to permitted purposes] and end products;
- [location of destruction plants to be used] schedules for declaration within two years after entry into force for it of the location of destruction plants to be used]

Each State Party undertakes to submit to the Consultative Committee [three] [six] months before the [destruction] [destruction or diversion] operations are to begin detailed plans containing the information needed by the Consultative Committee as provided for in ....

*/ The [3 months] timeframe is a working variant subject to further consideration taking into account the results of elaboration of specific contents of the initial plans.

**/ To be based on agreed principles.

***/ It has been proposed that some of this material could be placed in an annex.
Each State Party undertakes to submit to the Consultative Committee [periodic] [annual] progress reports on implementation of plans for the [destruction] [destruction or diversion for permitted purposes] of chemical weapons and a notification of the completion of [destruction] [destruction or diversion] of chemical weapons within 30 days thereafter.

Old Stocks

Initial declaration of chemical weapons production facilities

Submission of plans and notifications

IV. MEASURES ON CHEMICAL WEAPONS

Each State Party undertakes to [destroy] [destroy or divert for permitted purposes as defined in ....] [1. to destroy and 2. have the right to divert for permitted purposes as provided for in ...] [as rapidly as possible] [all] chemical weapons if any under their [jurisdiction or] control. [All chemical weapons stocks should be totally destroyed except for dual purpose toxic chemical and dual purpose key precursors which, as agreed upon, may be diverted to permitted purposes.]

[[Destruction] [destruction or diversion for permitted purposes] shall commence within 6 months and be completed within ten years after the Convention's entry into force for the Party, in accordance with the schedule **/specified in ....]

[[Destruction] [destruction or diversion for permitted purposes] shall be carried out in accordance with the schedule specified in ... within the overall timeframe beginning from 6 months and ending within 10 years after the Convention's entry into force.]

*/ Diversion is suggested not to relate to super-toxic lethal chemicals and their key precursors, except as allowed in .... with respect to permitted activities admitting possession of an aggregate amount of up to one ton a year.

**/ It is understood that such a schedule is based on the principle that during the entire stage of [destruction] [destruction or diversion for permitted purposes] no Party that has declared the possession of chemical weapons shall gain any military advantage. Some delegations suggested that the most toxic chemicals such as VX, soman, sarin, tabun, mustard gas etc. shall be destroyed in the first place.
Elimination of stocks

[The Consultative Committee shall consult with Parties no later than [three months] [between three to ... months] after entry into force of the Convention with a view to co-ordinate their plans for destruction or diversion of chemical weapons submitted in accordance with...]

[Destruction] [destruction or diversion for permitted purposes] shall employ non-reversible procedures which will [allow] [not artificially hinder] the systematic international on-site inspection by the Consultative Committee provided under ...

Each State Party undertakes to protect population and environment in fulfilling the obligations connected with the [destruction] [destruction and the diversion for permitted purposes] of chemical weapons.*/

Each State Party undertakes

- to declare within... days any chemical weapons which might be found [after the initial declarations] [and which were left without its knowledge] [anywhere] [on its territory] under its [jurisdiction or] control, submitting to the Consultative Committee all relevant data in its possession about the found chemical weapons and planned methods, timetables and the place of their destruction, according to ....

*/ It is understood that the protection of population and environment should also be observed in the destruction of chemical weapons production facilities.
- to destroy such weapons in a manner
  which would ensure the safety of population
  and environment, taking into account the
  quantity and the state of the discovered
  chemical weapons.

Non-removal of stocks

Verification measures

V. MEASURES ON CHEMICAL WEAPONS PRODUCTION FACILITIES

Each State Party undertakes to destroy its chemical
weapons production facilities.*/

Destruction of production facilities can be carried**/ out by any of the following methods**/** alone, or as appropriate together:

1. dismantling and physical destruction of all components and structures;
2. dismantling and physical destruction of certain components, while reusing other components for permitted purposes;
3. dismantling and physical destruction of certain structures.

The specific method or combination of methods to be used in respect of each production facility shall be determined by each State Party according to the nature of the facility concerned and in accordance with the principles laid down in

Each State Party shall indicate in its plan(s) for destruction of production facilities the specific methods of destruction envisaged.

/* To be defined elsewhere; this text refers only to "single-purpose" facilities.

/** It has been proposed that this paragraph might be placed in an annex.

/*** It is an understanding that the methods mentioned may not be exhaustive and that further consideration should be given to this problem, taking into account the future definition of chemical weapons production facility.
Elimination of Production Facilities

Cessation of production activities

Non-construction and non-conversion of production facilities

Verification measures

VI. PERMITTED ACTIVITIES*/

Each State Party has the right, in accordance with the provisions of this Convention, to [develop], produce otherwise acquire, retain, transfer** and use toxic chemicals and their precursors*** for permitted purposes, in types and quantities consistent with such purposes, subject to the following [restrictions]****

*/ It is generally felt that a provision stating that nothing in the Convention should be interpreted as hampering the activities of Parties in the chemical field should be formulated. The precise formulation and placement of such provision should be further discussed. (Formulations on this matter appear under XI. "Economic and technological development")

**/ A provision on transfer should be elaborated.

***/ "Toxic chemicals and their precursors" used here with reference to the section on "definitions".

****/ In accordance with procedures set forth in ... and, as appropriate, on the basis of lists of chemicals, including those of particular risk, to be determined according to agreed criteria.
1. Super-toxic Lethal Chemicals
   
   (a) a limitation to an amount which is the lowest possible and in any case does not exceed one metric ton of the aggregate quantity of super-toxic lethal chemicals [and their precursors] [and key components of binary systems] produced, diverted from stocks, or otherwise acquired annually or possessed at any one time [for protective purposes] [for all permitted purposes];

   (b) a limitation of the production of these chemicals to a single small-scale facility having a capacity limit of ______;

   (c) a notification to the Consultative Committee of the location and capacity of the small-scale production facility within 30 days after entry into force for a State Party, or when constructed later ______ days before the date of commencement of operations;

   (d) monitoring of the small-scale production facility by annual data reporting with justification, on-site instruments, and systematic international on-site inspections [periodically] [on a quota basis].

+/ This material was put together by the Chairman of the Working Group following consultations with some delegations as a presentation of positions.
a prohibition of the production of compounds with methyl-phosphorus bond in commercial production facilities [and to restrict such production to the single small-scale facility].

(e) monitoring of all facilities producing super-toxic lethal chemicals by regular reporting which would include description/justification of the civil uses for which the chemical is produced and systematic international on-site inspection.

(f) a prohibition of production and use of listed super-toxic lethal chemicals, except for the production and use of such chemicals in laboratory quantities, for research, medical, or protective purposes at establishments approved by the Party.

3. Other Lethal and Other Harmful Chemicals

(a) monitoring of production and use by annual data reporting [according to the level of risk posed by particular chemicals whether per se or as precursors];

(b) a declaration to the Consultative Committee of the location of facilities for the production of certain other lethal and other harmful chemicals deemed to pose a particular risk.

4. Key precursors [which are not key components of binary systems and/or which do not contain methyl-phosphorus bond]

Monitoring by annual data reporting of production and use [and declaration to the Consultative Committee of the location of facilities for the production of key precursors] [and systematic international on-site inspection on a random basis].

5. Precursors (to be elaborated)

+ This material was put together by the Chairman of the Working Group following consultations with some delegations as a presentation of positions.
REstrictions on acquisition and transfer

Cessation of acquisition and transfer

Permitted Transfers

VII. National Implementation Measures

Each State Party undertakes to adopt measures 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 and to monitor compliance with the Convention anywhere under its [jurisdiction or] control.

It undertakes to inform the Consultative Committee*/ of the legislative and administrative measures taken to implement the Convention.

Each State Party undertakes to co-operate with the Consultative Committee in the exercise of all its functions and in particular to provide, through any national organization or authority assigned to implement the Convention, assistance to the Consultative Committee including data reporting, assistance for international on-site inspections and a prompt response to all requests for the provision of expertise, information and laboratory support.**

National Technical Means

*/ Any mentioning of the Consultative Committee may also relate to its appropriate subsidiary organ, whichever may be decided.

**/ It has been proposed to place this paragraph under Section VIII.
VIII. CONSULTATIVE COMMITTEE

1. For the purpose of facilitating the implementation of the Convention by assisting States Parties in consultations and cooperation, as well as by promoting verification of compliance with the Convention, a Consultative Committee shall be established. It shall consist of the representatives designated by the States Parties to the Convention.

2. The first session of the Committee shall be convened by the Depositary at [venue] not later than 30 days after the entry into force of the Convention.

3. The Committee shall
   a) consider any matter raised, related to the objectives or the implementation of the Convention;
   b) review scientific and technical developments [which could affect the operation of the Convention and consider other technical matters] related to the implementation of the Convention;
   c) consider measures to be taken by States Parties at the emergence of any situation which poses a threat to the Convention or impedes the achievement of its objectives;
   d) consider practical measures to be taken by States Parties in assistance of any endangered State Party.

*/ Further material on the Consultative Committee can be found in Annex II, pp. 11- and in Annex III, CD/294, p. 7, and CD/500, pp. 7-8 and annex I.

/** Concerning the participation in the Committee of States signatories to the Convention, it was suggested that an appropriate provision be included in the Convention. According to another view, this matter should be decided by the Committee itself.

*** The proposals are not thought to affect in any way the rights of States to have recourse to the Security Council as provided in the UN Charter. According to another view, however, it would be appropriate to consider these proposals in close connection with a possible role of the UN Security Council in the compliance procedure, especially concerning assistance for a State Party which has been harmed or is likely to be harmed as a result of violation of the Convention.
4. The Committee shall meet in regular sessions annually during the first ten years after the entry into force of the Convention. After that period, it may meet annually, unless States Parties decide otherwise.\footnote{It was suggested that the decision could be taken at the end of each session or the Chairman of the Committee could elicit the views of States Parties.} The Committee shall review the operation of the Convention at its regular sessions every 5 years.\footnote{It was suggested that in such a case the regular session may be divided into two parts: (a) normal regular session; (b) review session. According to another view, the possibility of holding regular review conferences should be considered in close connection with the procedure for amendments.}

An extraordinary session of the Committee may be convened at the request of any State Party or the Executive Council within 30 days after the receipt of such request.\footnote{It was suggested that the request forwarded by a State Party should be substantiated. According to another view, it should be supported by a certain number of States Parties (e.g. 5)}

5. The Committee shall take its decisions by consensus\footnote{It was suggested that decisions on all questions should be taken either by consensus or by a majority vote. It was furthermore suggested that there should be a clear understanding as to the difference between procedural and substantive matters.} [whenever possible] on matters of substance. If a consensus cannot be reached [within 24 hours, a decision may be taken by a majority of those present and voting. The report on a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.] [during the session, each State Party may record its opinion in the final report of the session for subsequent study by the Governments of the other States Parties to the Convention. Decisions on procedural matters related to the organization of work shall be taken by consensus, whenever possible, and otherwise by a majority of those present and voting.]

6. The Committee shall elect its Chairman at the beginning of each regular session.
7. The Committee shall, after each regular session, present to the States Parties a report on its activities.*/

8. The expenses for the activities of the Committee shall be borne by the States Parties to the Convention.**

9. Legal Status***

10. For the purpose of assisting the Committee in carrying out its functions, an Executive Council and a Technical Secretariat shall be established.

11. The Consultative Committee may set-up other [technical] subsidiary organs as may be necessary for its work.

12. The Executive Council shall have delegated authority to discharge the functions of the Consultative Committee set out in sub-para. 3 [..........] as well as any other functions which the Committee may delegate to it. The Council shall report to the Committee at its regular sessions on its exercise of these functions. [In the intervals between the sessions, questions with regard to promoting the implementation of and compliance with the Convention shall be dealt with by the Executive Council acting on behalf of the Consultative Committee.]


[Ten members of the Council shall be elected by the Consultative Committee upon consultation with the States Parties, taking into account the principle of equitable political and geographic representation, for a term of 2 years with an annual replacement of five members. The remaining five seats shall be reserved for the permanent members of the Security Council participating in the Convention.]

[Based on the principle of the sovereign equality of States, members shall be elected by the Consultative Committee from among all States Parties. Elections could be made on the basis of a regional allocation of seats or on any other adequate basis that will be agreed upon, excluding the possibility of institutional permanent membership of any State Party.]

*/ It is understood that the report might consist of the proceedings of the regular session and the final document of the session. In case there is no annual regular session of the Consultative Committee, the Executive Council may present a technical report to States Parties.

**/ It is understood that the Preparatory Commission would make a recommendation concerning the financing of the activities of the Committee.

/*** It was suggested that the Technical Secretariat should be able to enter into the legal contracts necessary to fulfil its functions. This matter should be addressed in a comprehensive way after agreement is reached on the conduct of activities by the Consultative Committee and its subsidiary organs.
14. The Council shall take its decisions by consensus*/[whenever possible] [on matters of substance]. If a consensus cannot be reached within [24 hours] [a decision may be taken by a majority of those present and voting. The report on a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.] [with regard to a request for on-site inspection, the State subject to the request shall be informed of the individual opinions expressed by all the Members of the Executive Council on the matter. The Council shall take its decisions on procedural matters related to the organization of its work by consensus whenever possible, and otherwise by a majority of those present and voting.]

[ A fact-finding team shall be automatically sent out by the Executive Council in response to the request made by a State Party for inspection to be carried out in territories under its control.]

15. [The Council shall be able to be convened on short notice and to function continuously. Each member of the Council shall for this purpose be represented at all times at the seat of the Consultative Committee.]

16. The Chairman of the previous regular session of the Consultative Committee shall serve as Chairman of the Council.

17. The Executive Council may set-up such subsidiary organs as may be necessary for its work.

18. A Fact-Finding Panel subordinate to the Executive Council shall be established. The Panel shall be responsible for conducting fact-finding inquiries, including the oversight of challenge on-site inspection.]

*/ It was suggested that decisions on all questions should be taken either by consensus or a majority vote.

**/ Different suggestions have been made with regard to such an organ:
a) It would not be necessary to provide for such a body, since the three bodies already envisaged would suffice;
b) Panel with political and technical functions as subsidiary organ to the Executive Council, composed of
   i) five members; or
   ii) technical experts belonging to the delegations to the Executive Council.
c) Staff of technical experts which would provide technical advice and carry out inspections. The following forms are envisaged:
   i) permanent unit in the Secretariat;
   ii) roster of quickly available experts.
19. The Technical Secretariat shall
a) provide administrative support to the Consultative Committee and the Executive Council;
b) render technical assistance to States Parties, the Consultative Committee and the Executive Council;
c) carry out international on-site inspections as provided for in the Convention;
d) assist the Consultative Committee and the Executive Council in tasks related to information and fact-finding as well as in other tasks provided to it by those organs.*/

20. [The staff of the Secretariat shall be appointed on the basis of the principle of just political and geographical representation of States Parties to the Convention. It shall be composed of inspectors and experts who shall be nationals of the States Parties.]

[The paramount consideration in the employment of the staff of the Secretariat and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible among States Parties to the Convention.]**

21.***/

*/ The functions of the Technical Secretariat might be specified further.

**/ It was suggested that other questions connected with the establishment of the Secretariat should be considered by the Preparatory Commission, which should make appropriate recommendations to the Consultative Committee.

***/ Material on cooperation between the Consultative Committee and the national verification bodies can be found in Annex II, p.18 and Annex III, CD/294, pp. 6 and 7.
IX. CONSULTATION, CO-OPERATION AND FACT-FINDING

Each State Party undertakes to consult and co-operate in any matter related to the implementation of the Convention, directly among themselves or through appropriate procedures, including the services or good offices of the Consultative Committee*/(or its subsidiary organs) as well as of appropriate international organizations.

Each State Party shall endeavour to clarify and resolve, through bilateral consultation, any situation which may give cause to doubts about compliance with the Convention, or which gives rise to concerns about a related situation which may be considered ambiguous. A State Party seized with a request from another State Party for clarification of a particular situation shall [within 7 days] [as soon as possible] provide the requesting State Party with relevant information in order to dispel doubts and to clarify the situation [as a final, or, as an exception, a preliminary answer. A preliminary answer should give the reasons for the delay, and should be followed by a final answer within ...]

Systematic International Procedures

*/ Any mention of the Consultative Committee may also relate to its appropriate subsidiary organ, whichever may be decided.
Fact-Finding

General Provisions

1. [Each State Party undertakes to ensure non-routine verification of compliance with the Convention by the application of fact-finding procedures including on-site inspection on the basis of obligations as set forth in ..., arranged bilaterally, or by a request to the Consultative Committee as provided for in paragraph 3 of this Article.]

2. Any State Party may at any time request the Consultative Committee (or its appropriate subsidiary organ) to carry out, in the exercise of its functions, appropriate procedures with regard to itself or another State Party to clarify and resolve any situation which may give cause to doubt about compliance with the Convention, or which gives rise to concerns about a related situation which may be considered ambiguous. Such a request may include a request for an on-site inspection.

3. Requests sent to the Consultative Committee (or its subsidiary organ) under Paragraph 2 of this Article should contain objective and concrete elements supporting doubts and concern of the compliance with the Convention and should be directly relevant to such doubts and concerns. (Requests should specify the action the Executive Council is requested to take).
4. Each State Party undertakes to co-operate [fully] with the Consultative Committee and its subsidiary organs and/or international organizations, which may, as appropriate, give scientific, technical and administrative assistance to the Consultative Committee in order to facilitate fact-finding activities so as to ensure the speedy clarification of the situation which gave rise to the original request.

5. The Consultative Committee shall notify all States Parties of the initiation of any fact-finding procedures as provided for in .. in which it will be involved and shall provide soon as possible [with the consent of the Parties concerned*] all available information related thereto to all State Parties.

6. Any State Party which has reason to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may have recourse to appropriate procedures under the Charter of the United Nations [and that nothing in this Article should be interpreted as affecting the rights and duties of Parties under the Charter of the United Nations.]

* It should be observed that a request by one Party for information from another Party transmitted by the Technical Secretariat need not constitute initiation of a fact-finding process.
Provisions for requests for fact-finding

Upon receipt of a request from a State Party for clarification and fact-finding the Technical Secretariat shall, on behalf of the Executive Council, transmit within [....] [2 days] the request to the State Party giving rise to the doubt or concern.

The Party which was asked for clarification shall within .... provide its information to the requesting Party, sending it directly to the requesting State Party or to it via the Technical Secretariat [within ... days].

The requesting State Party, upon receipt of the clarification, will decide if the doubts or concern have been resolved. If it finds that its doubts and concerns have not been resolved it can request the Executive Council to start a fact-finding procedure.

Upon receipt of such a request the Executive Council shall within... initiate the requested fact-finding procedure which will be conducted as specified in ....

A report on the requested fact-finding procedure, whether interim or final, shall be presented to the Executive Council within [2 months].
The report shall contain the information and the views presented during the requested fact-finding procedure.*

On-site inspection by Challenge**

Verification of the Prohibition of Use

X. ASSISTANCE***

Assistance

XI. ECONOMIC AND TECHNOLOGICAL DEVELOPMENT

Promotion of Development Goals

XII. RELATION TO OTHER INTERNATIONAL AGREEMENTS

Preamble

XIII. AMENDMENTS

XIV. DURATION, WITHDRAWAL

Withdrawal

* Regarding possible further actions which could be taken by a State Party not satisfied with the outcome of the requested fact-finding report the State Party could ask for the convening of a special meeting of the Consultative Committee. A State Party would have such a right under the part of the Convention regulating the functions and procedures of the Consultative Committee. Whether a specific provision is needed in the section of fact-finding is still under discussion.

** Material on on-site inspection by challenge can be found in Annex II, pp. 21-23, which contains the relevant part of the Report of the Chairman of Working Group C, dated 16 April 1984, and in Annex III, pp. 7 and 8 (from CD/294 dated 21 July 1982) and pp. 10 and 11 and annex II, pp. 7 and 8 (from CD/500, dated 18 April 1984).

*** See 3 c and d under Consultative Committee
XV. SIGNATURE, RATIFICATION, ENTRY INTO FORCE

Depositary

"67"

XVI. LANGUAGES
ANNEXES AND OTHER DOCUMENTS

Preparatory Commission*/*

1. For the purpose of carrying out the necessary administrative and technical preparations for the effective operation of the provisions of the Convention and for preparing for the first meeting of the Consultative Committee, the Depositary of the Convention shall convene a Preparatory Commission as soon as possible and in any case not later than 60 days after the Convention has been signed by ... States**/*

2. The Commission shall consist of the representatives designated by the States which have signed the Convention. Any State which has not signed the Convention may apply to the Commission for observer status which will be accorded on the decision of the Commission. The Commission may designate an observer to the Commission. Participation of intergovernmental organizations,

3. The Commission shall be convened at Geneva, New York or Vienna and shall remain in existence until the Convention comes into force and thereafter until the Consultative Committee has convened.

4. All decisions of the Commission shall be made by consensus.

5. The Commission shall adopt its own rules of procedures and appoint an executive secretary and staff, as shall be necessary.

6. The expenses of the Commission shall be met from the regular budget of the United Nations, subject to the approval of the General Assembly of the United Nations. By a loan provided by the United Nations which shall be repaid by the Consultative Committee. By the States signatories to the Convention.

*/* There have been a number of suggestions on the format of the document on the Preparatory Commission which should be further explored. It was proposed that provisions on the Commission could be contained in

- a resolution of the UNGA commending the Convention;

- an Annex to the Convention which would enter into force before the Convention

- any other separate document (e.g. as part of the report of the CD to the UNGA containing the draft Convention)

**/* The figure should be identical with the number of States provided for in the Article of the Convention dealing with ratification and entry into force.
Convention, participating in the Commission, in accordance with the United Nations scale of assessment, adjusted to take into account differences between the United Nations membership and the participation of States signatories in the Commission.

7. The Commission shall have the following functions:
   a) make arrangements for the first meeting of the Consultative Committee, including the preparation of a provisional agenda and draft rules of procedure and choosing the site for the first meeting of the Consultative Committee;
   b) make studies, reports and recommendations for the first meeting of the Consultative Committee on subjects of concern requiring immediate action, including
      (i) the financing of the activities for which the Consultative Committee is responsible;
      (ii) the programme of work and the budget for the first year of the activities of the Consultative Committee;
      (iii) the establishment of the Technical Secretariat;
      (iv) the location of the permanent offices of the Consultative Committee.

8. In the exercise of its functions, the Commission may have recourse, as appropriate, to the services of appropriate international organizations within the UN system.

9. The Commission shall report on its activities to the first meeting of the Consultative Committee.
### ANNEX II

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Report of the Chairman of Working Group A

Working Group A held seven meetings between 18 June and 30 July. In the course of its work, and in accordance with its mandate, it had before it the questions of scope, definitions and non-production of chemical weapons, with a view to finding generally acceptable formulations for the articles in the Convention dealing with those subjects. Work was based on CD/CW/M.67 as well as on proposals presented by delegations.

I. Scope:

There were still divergences of view on the way in which the matters which appear under the title "Purpose and Commitments" in WP.67 (page 4) should be finally drafted for inclusion in the Convention and whether they should be contained in a single article or in more than one article. This did not, however, prevent the Working Group from discussing possible formulations relating to such matters. Several proposals were made in this connection.

The tentative heading for the first article ("Basic Undertakings") was found to be subject to widely different interpretations. It was generally felt that an appropriate heading could best be chosen once the content of the article is agreed.

The Working Group agreed that the prohibitions to develop, produce, otherwise acquire, stockpile and retain chemical weapons, to transfer such weapons, and to assist, encourage or induce anyone to engage in activities prohibited to parties, should be included in the first article. Views differed on the inclusion of other obligations.

The Working Group agreed that there should be a clear prohibition of use of chemical weapons, but decided not to discuss its formulation due to the fact that this particular question was being dealt with in another framework of the negotiations.

Regarding the proposals for a prohibition of "other activities in preparation for use of chemical weapons", three main trends emerged: some of the proponents of the inclusion of such a provision stated their willingness to discuss the

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\# A delegation proposed the inclusion, as a "basic undertaking" of an additional provision stating the obligation of parties to "provide access to relevant facilities and locations for the purpose of international verification of compliance". Other delegations did not believe that such a provision should be included.
possibility of its incorporation elsewhere in the Convention; other proponents stated that they were prepared to present their position in further detail; other delegations did not think that such a prohibition should be included in the Convention as they considered that the existing proposals were unclear and could be subject to different interpretations.

Views differed on the need to include a destruction obligation in the first article. Some considered this necessary, others questioned its need.

Taking into account the discussions held, as well as of the proposals made, the Chairman submits the following formulations for further elaboration.

Each State Party undertakes, in accordance with the relevant provisions of this Convention, not to:
- develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;
- assist, encourage or induce, in any way, anyone to engage in activities prohibited to parties under this Convention;
- use chemical weapons (in any armed conflict);
- (conduct other activities in preparation for use of chemical weapons);

and to:
- destroy (or divert for permitted purposes) chemical weapons and chemical weapons production facilities which are in its possession or under its jurisdiction or control (alternative): under its control.

II. Definitions:

Working Group A devoted three meetings to the question of the definition of "chemical weapons production facility". At the close of the discussion, the Chairman presented an informal working paper, dated 29 June, which is attached to this report.

III. Non-production of chemical weapons:

Working Group A was unable to hold discussions on this question. The Chairman undertook to hold informal consultations, the results of which are not yet available at the time of this report.

#/ Documents CD/97, CD/142, CD/CW/CRP.29 and CD/426 were mentioned by those delegations as intended to clarify their views on this question.
Chairman's Paper of 29 June 1984 on
PRODUCTION FACILITIES

This paper is intended to summarize the discussions within Working Group A on 11, 25 and 27 June 1984 on the question of production facilities for chemical weapons. It does not engage any delegation and does not prejudice their positions. It represents the Chairman's understanding of the results of the discussion and its purpose is to provide a focus for further work on the matter. The paper draws both on the discussion and on proposals presented by individual delegations.

I. Definition.

Alternative A: a simple definition based on the definition of chemical weapons, e.g.,

Chemical weapons production facility means any building or equipment (any facility) designed and constructed, or used (exclusively) for the production of chemical weapons as defined in this Convention.

Alternative B: a definition based on the types of chemicals produced by the facility, and containing a cut-off date, e.g.: (CD/500)

Chemical weapons production facility means any building or any equipment which in any degree was designed, constructed or used since 1 January 1946, for

(a) the production for chemical weapons of any toxic chemical, except for those listed in Schedule B, or the production of any key precursor; or
(b) the filling of chemical weapons.

II. Consequences.

1. Under the approach envisaged in Alternative A, measures to be taken regarding production facilities would be specified in the appropriate section of the Convention. Facilities would be categorized and measures would be specified accordingly. Categories would take into account factors such as the types of chemicals, munitions, etc., produced at the facility, the potential threat of chemical weapons produced, the purpose of the production, the practicability of verification, etc.

   Production facilities would be subject to:

   (a) declaration, as provided for in the Convention;
   (b) total destruction;
   (c) partial destruction (or conversion);
   (d) verification, as provided for in the Convention.

2. Under the approach envisaged in Alternative B, all production facilities so defined would be completely destroyed.
3. Common features of both approaches:

Under both approaches, facilities to be destroyed would include:

(i) facilities designed and built, or used, solely for production of chemicals defined in the Convention as chemical weapons, and which have no use for purposes not prohibited by the Convention;

(ii) facilities designed and built, or used, for filling chemical weapons;

(iii) facilities designed and built, or used, exclusively for the production of shell casings and similar metal components for chemical weapons.

III. Topics for further discussion and clarification: (in Working Group A or elsewhere)

1. Whether a definition such as Alternative A is needed, once facilities can be categorized and specific measures agreed for each category.

2. Types of specific measures; nature and scope of such measures.

3. Which types of facilities would fall under the scope of Alternative B.

4. Need for a cut-off date (as in Alternative B); consequences of its adoption.

5. Verification measures.

6. Types and categories of facilities (illustrative list):

   (i) facilities designed and built solely for purposes not prohibited by the Convention but which have been used at least once for production of a chemical for chemical weapons (common commercial chemicals or chemicals that have little use except for chemical weapons);

   (ii) facilities designed and built both for purposes not prohibited by the Convention and for production of chemicals that have little use except for chemical weapons;

   (iii) facilities designed and built, or initially used, for production of a chemical that has little use except for chemical weapons, but later converted to purposes not prohibited by the Convention; possibility and speed of their reconversion to CW production;

   (iv) facilities designed and built, or used, solely for production of chemicals that have little use except for chemical weapons;

   (v) facilities designed and built, or used, for filling chemical weapons;

   (vi) facilities designed and built, or used, for production of shells and casings for chemical weapons exclusively, or also for the production of other weapons;

   (vii) facilities designed and built, or used, for the production of chemicals which may be used as precursors in binary or multi-component chemical weapons;

   (viii) facilities designed and built, or used, for the production of chemicals which may bring harm to the environment in case they are used as chemical weapons.
Report of the Chairman of Working Group B

Working Group B held seven meetings from 20 June to 3 August 1984. In the course of its work and in accordance with its mandate, it considered the issues of elimination of stocks of chemical weapons and elimination of production facilities, with a view to finding generally acceptable formulations for the articles in the Convention dealing with these issues. Work was based on CD/CW/WP.67 as well as on proposals presented by delegations and by the Chairman.

Stockpile Declarations

There remains a difference of views as regards declarations of locations of chemical weapons.

According to one view a State Party should declare the locations of all its chemical weapons to the Consultative Committee within 30 days after entry into force for it of the Convention. (International on-site verification should in the same view be enabled at the site of declaration immediately following declarations.)

According to another view a State Party would be under an obligation to submit to the Consultative Committee detailed declarations including their locations on each batch of chemical weapons that would be relocated for subsequent destruction. (Declarations and international on-site verification of the declarations would thus be implemented gradually over a period of up to approximately eight years.)

According to yet another view, a State Party would be under obligation to submit to the Consultative Committee within 30 days, a detailed declaration of all its stocks of chemical weapons as well as its destruction facilities and their storage areas where the chemical weapons will be progressively grouped in order to be destroyed. (An international on-site inspection should take place within three months after the declaration of stocks and the grouping sites.)

Those however who held different views on declarations of locations of chemical weapons agreed that, depending on the timeframe, States Parties may redeploy chemical weapons before declaration of their locations, so as to avoid compromising their security due to collocation of chemical weapons with other military objects to which the Convention bears no relation.

Another difference of views concerns the question of whether all precursors of toxic chemicals in chemical weapons stocks should be declared or key precursors only.

Further deliberations are necessary on whether there is a need to include in stockpile declarations "chemicals specifically designed for use directly in connection with munitions or other delivery devices".
Initial Plans

The differences of views on time limits within which a State Party should submit to the Consultative Committee its initial plans now range between one month and three months; related to this difference of views is the question whether a State Party should include in its initial plans the locations of the destruction plants to be used or (only) schedules for declarations, within two years after entry into force for it of the Convention, of such locations of destruction plants to be used.

Verification Measures

The differing positions with respect to declarations of locations of chemical weapons have their consequences on positions as regards (on-site) verification of stocks of chemical weapons. The differing positions are reflected hereunder, marked with 1, 2, and 3 respectively. 1 + 2 + 3 indicates where the positions are identical.

\[
\begin{align*}
\text{Verification of initial declarations of stocks, their storage, destruction and diversion for permitted purposes} \\
\text{Initial declaration} \\
1 \quad \text{[to submit the initial declaration of stocks of chemical weapons to verification by means of systematic international on-site inspection on an immediate basis]} \\
3 \quad \text{to submit the initial declaration of stocks of chemical weapons to verification by means of systematic international on-site inspection within three months} \\
\text{Storage} \\
1 \quad \text{to monitor the stocks at their location upon entry into force of the Convention with monitoring instruments installed by international inspectors following verification of the initial declaration and systematic international on-site inspection on a periodic basis and to monitor, within three months after entry into force of the Convention, the stocks at their relocation sites with monitoring instruments installed by international inspectors following verification of the initial declaration and systematic international on-site inspection on a periodic basis and]}
3 \quad \text{to submit stocks to verification between the declarations and the commencement of destruction [or diversion for permitted purposes] by continuous monitoring* with on-site instruments and by systematic international on-site inspection on a periodic basis as from the moment of their arrival at the storage site adjacent to the specialized facilities for the destruction.}
\end{align*}
\]

* This concept needs further study and elaboration in the framework of the Conference on Disarmament.
destruction or diversion

to submit the destruction [or the diversion for permitted purposes] of chemical weapons to systematic international verification by on-site monitoring with instruments throughout the process and by systematic international on-site inspection throughout the time the facility is in operation [for the most dangerous chemical weapons, including supertoxic lethal chemical weapons; and for all other chemical weapons by combination of permanent on-site monitoring and systematic international on-site inspection on a periodic basis or on a quota basis].

Production facilities

Attention was also devoted to the elimination of production facilities, notwithstanding the absence, for the time being, of agreement on a definition of production facilities.

For practical purposes the discussion focused on facilities dedicated to production for hostile purposes only.

Although the discussion helped clarify the methods to be used in eliminating chemical weapons production facilities, as reflected in the Chairman's proposal in this respect, it was not possible, within the time available, to narrow down the divergences with respect to declarations, plans and notifications, and verification measures. The positions in this regard remain as reflected in CD/5W/MP.67.

* * *

On the basis of the discussions in the Working Group, the Chairman drafted proposals for articles of the Convention that are reflected hereunder. These proposals represent the Chairman's understanding of the results of the discussions and their purpose is to provide a focus for further work on these issues; they in no way commit delegations nor do they prejudice their positions.

Proposals by the Chairman of the Working Group:

Stockpile declarations

Each State Party undertook to submit not later than 30 days after entry into force for it of the Convention declarations to the Consultative Committee, stating:

- whether it possesses or does not possess any chemical weapons*/
- whether it has on its territory any chemical weapons under the jurisdiction or control of anyone else;

*/ (regardless of quantity or location)
the composition of stocks of chemical weapons, i.e.:
- toxic chemicals and their [key] precursors comprised in such stocks by their chemical names, structural chemical formulae, toxicities where applicable and weights in metric tons in bulk and filled munitions;
- munitions by types, calibres, quantities and chemical fill;
- other delivery devices by types, quantities, size and chemical fill;
- equipment [or chemical] specifically designed for use directly in connection with munitions or other delivery devices;
[- the precise location of chemical weapons under its control and the detailed inventory of the chemical weapons at each location]

[Each State Party undertakes to submit to the Consultative Committee declarations stating the location of storage depots adjacent to destruction facilities when the first batch of chemical weapons to be destroyed has arrived there.]

Each State Party undertakes to submit to the Consultative Committee declarations stating the location of storage depots adjacent to destruction facilities within three months after entry into force of the Convention.

Each State Party undertakes to submit to the Consultative Committee declarations on the detailed composition of each batch of chemical weapons to be destroyed upon arrival at the storage depot adjacent to the destruction facility.

Each State Party undertakes to submit to the Consultative Committee declarations on the detailed composition of each batch of chemical weapons to be diverted for permitted purposes before it is transported to the facility which will assure its diversion.]

Initial plans

Each State Party undertakes to submit to the Consultative Committee, not later than [30 days] [three months]*/ after entry into force for it of the Convention, initial plans for the destruction [or diversion for permitted purposes] of chemical weapons containing:
- types of operation;
- schedules with respect to quantities and types of chemical weapons to be destroyed [or diverted for permitted purposes] and end products
- [schedules for declaration within two years after entry into force for it of the] location of destruction plants to be used

*/ The [three months] timeframe is a working variant subject to further consideration taking into account the results of elaboration of specific contents of the initial plans.
Detailed Plans

Each State Party undertakes to submit to the Consultative Committee six months before the destruction or diversion operations are to begin detailed plans containing the information needed by the Consultative Committee for adequately preparing itself for its task.

Progress Reports

Each State Party undertakes to submit to the Consultative Committee annual reports of progress on implementation of plans for the destruction or diversion for permitted purposes of chemical weapons and a notification of the completion of destruction or diversion of chemical weapons within thirty days thereafter.

Verification Measures

In view of the fact that the consideration of the verification of stockpile declaration was not exhausted, no proposals for draft articles are at this stage included.

Elimination of production facilities

Each State Party undertakes to destroy production facilities.*/

In relation to production facilities destruction can mean any of the following methods:

1. dismantling and physical destruction of all components and structures (= razing to the ground);
2. dismantling and physical destruction of certain components, while reusing other components for permitted purposes;
3. dismantling and physical destruction (razing) of certain structures;
4. a combination of 2 and 3.

The specific method or combination of methods to be used in respect of each production facility shall be determined according to the nature of the facility concerned and in accordance with the principles laid down in ....

Each State Party shall indicate in its plan(s) for destruction of production facilities the specific methods of destruction envisaged.

*/* to be defined elsewhere
Report of the Chairman of Working Group C

Working Group C held seven meetings between 22 June and 10 August 1984. It did not consider matters that had already been dealt with in the first part of the session.

In the course of its work and in accordance with its mandate, it considered mainly institutional issues concerning a Chemical Weapons Convention, including the Consultative Committee and the Preparatory Commission, with a view to finding generally acceptable formulations for relevant articles in the Convention and other documents connected with the Convention.

Work was based on CD/3W/WT.57 as well as on proposals presented by delegations and by the Chairman.

I. Consultative Committee

Appendix I to this report contains preliminary formulations of individual provisions on the Consultative Committee as well as indications of where differences lie, as a departure for further work.

Whereas the Working Group agreed on the general concept of the Consultative Committee and a number of detailed ideas, major differences prevailed especially with regard to the following questions:

- decision-making process in the Consultative Committee and the Executive Council;
- composition of the Executive Council;
- functions of the Consultative Committee and its subsidiary organs.

These questions should receive attention in future work with a view to elaborating generally acceptable formulae. It was proposed to consider whether there is a need to setting-up a Fact-Finding Panel.

It was also proposed to consider procedures for the co-operation between the Committee and national authorities of States Parties assigned to implement the Convention and to elaborate illustrative guidelines for the national authorities.

II. Preparatory Commission

Appendix II contains preliminary formulations of individual provisions concerning the Preparatory Commission as well as indications as to where differences lie, as a departure for further work. This matter might be taken up at a later stage of negotiations on a Chemical Weapons Convention, especially after agreement has been reached on the provisions on the Consultative Committee.

*/  See document CD/500.

**/  See document CD/532.
III. National technical means of verification

Working Group C was unable to hold discussions on this matter. Positions of delegations remain the same and are reflected in CD/CW/WP.67, p.20.

IV. United Nations

Positions as reflected in CD/CW/WP.67, p.23, remained the same.

V. Other questions

Issues pertaining to:
- the Depositary of the Convention
- the procedure for amendments

should be taken up in the further work at the Ad-Hoc Committee's level.
APPENDIX I
Chairman's Paper
Consultative Committee

1. For the purpose of facilitating the implementation of the Convention by assisting States Parties in consultations and co-operation, as well as by promoting verification of compliance with the Convention, a Consultative Committee shall be established. It shall consist of the representatives designated by the States Parties to the Convention.

2. The first session of the Committee shall be convened by the Depositary at [venue] not later than 30 days after the entry into force of the Convention.

3. The Committee shall
   (a) consider any matter raised, related to the objectives or the implementation of the Convention;
   (b) review scientific and technical developments [which could affect the operation of the Convention and consider other technical matters] related to the implementation of the Convention;
   (c) consider measures to be taken by States Parties at the emergence of any situation which poses a threat to the Convention or impedes the achievement of its objectives;
   (d) consider practical measures to be taken by States Parties in assistance of any endangered State Party.

*/ Concerning the participation in the Committee of States signatories to the Convention, it was suggested that an appropriate provision be included in the Convention. According to another view, this matter should be decided by the Committee itself.

/** The proposals are not thought to affect the rights the Security Council has under the United Nations Charter. According to another view, however, it would be appropriate to consider these proposals in close connection with a possible role of the United Nations Security Council in the compliance procedure, especially concerning assistance for a State Party which has been harmed or is likely to be harmed as a result of violation of the Convention.
(e) obtain, keep and disseminate information presented by States Parties including ...*/

and revise the procedures for the exchange of such information, as necessary;

(f) co-ordinate all forms of verification and co-operate with the national authorities of States Parties assigned to implement the Convention; ***/

(g) oversee and conduct international systematic on-site inspections, including:

(i) elaborate standard verification techniques;

(ii) adopt, at its first session, criteria it will subsequently use to determine the modalities and time frames for international systematic on-site inspections at ... */

(iii) determine the modalities and time frames for international systematic on-site inspections at ... */ proceeding from the agreed criteria;

(iv) carry out international systematic on-site inspections with regard to ... */

(h) receive and consider requests for fact-finding procedures, including requests for on-site inspections, and carry out the inspections, if they are agreed upon: ***

(i) facilitate consultations and co-operation among States Parties at their request, by means of rendering services to them with regard to:

(i) holding consultations among them;

(ii) exchanging information;

(iii) obtaining services from appropriate international organizations

(iv) participating in on-site inspections arranged among the States Parties;

(j) oversee the activities of its subsidiary organs;

(k) consider and approve the reports of the Executive Council;

(l) consider and approve the budget.

*/ Should be further specified in accordance with the relevant provisions of the Convention.

***/ It was suggested to elaborate procedures for the co-operation between the Consultative Committee and national authorities in the conduct of verification activities.

****/ Should be regarded in close connection with the fact-finding procedures outlined in the Convention; includes verification of reports on use of chemical weapons.

+/- The material was put together by the Chairman of the Working Group on the basis of proposals made by delegations.
4. The Committee shall meet in regular sessions annually during the first ten years after the entry into force of the Convention. After that period, it may meet annually, unless States Parties decide otherwise.* The Committee shall review the operation of the Convention at its regular sessions every five years.**

An extraordinary session of the Committee may be convened at the request of any State Party or the Executive Council within 30 days after the receipt of such request.***

5. The Committee shall take its decisions by consensus**** [whenever possible] [on matters of substance]. If a consensus cannot be reached [within 24 hours, a decision may be taken by a majority of those present and voting. The report on a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention]. During the session, each State Party may record its opinion in the final report of the session for subsequent study by the Governments of the other States Parties to the Convention. Decisions on procedural matters related to the organization of work shall be taken by consensus, whenever possible, and otherwise by a majority of those present and voting.]

6. The Committee shall elect its Chairman at the beginning of each regular session.

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* It was suggested that the decision could be taken at the end of each session or the Chairman of the Committee could elicit the views of States Parties.

** It was suggested that in such a case the regular session may be divided into two parts: (a) normal regular session; (b) review session. According to another view, the possibility of holding regular review conferences should be considered in close connection with the procedure for amendments.

*** It was suggested that the request forwarded by a State Party should be substantiated. According to another view, it should be supported by a certain number of States Parties (e.g. 5).

**** It was suggested that decisions on all questions should be taken either by consensus or by a majority vote. It was furthermore suggested that there should be a clear understanding as to the difference between procedural and substantive matters.
7. The Committee shall, after each regular session, present to the States Parties a report on its activities. */

8. The expenses for the activities of the Committee shall be borne by the States Parties to the Convention. /**

9. Legal Status***/

10. For the purpose of assisting the Committee in carrying out its functions, an Executive Council and a Technical Secretariat shall be established.

11. The Consultative Committee may set-up other [technical] subsidiary organs as may be necessary for its work.

12. The Executive Council shall have delegated authority to discharge the functions of the Consultative Committee set out in subparagraphs 3 [............] as well as any other functions which the Committee may delegate to it. The Council shall report to the Committee at its regular sessions on its exercise of these functions. [In the intervals between the sessions, questions with regard to promoting the implementation of and compliance with the Convention shall be dealt with by the Executive Council acting on behalf of the Consultative Committee.]


[Ten members of the Council shall be elected by the Consultative Committee upon consultation with the States Parties, taking into account the principle of equitable political and geographic representation, for a term of two years with an annual replacement of five members. The remaining five seats shall be reserved for the permanent members of the Security Council participating in the Convention.]

[Based on the principle of the sovereign equality of States, members shall be elected by the Consultative Committee from among all States Parties. Elections could be made on the basis of a regional allocation of seats or on any other adequate basis that will be agreed upon, excluding the possibility of institutional permanent membership of any State Party.]

*/ It is understood that the report might consist of the proceedings of the regular session and the final document of the session. In case there is no annual regular session of the Consultative Committee, the Executive Council may present a technical report to States Parties.

/** It is understood that the Preparatory Commission would make a recommendation concerning the financing of the activities of the Committee.

***/ It was suggested that the Technical Secretariat should be able to enter into the legal contracts necessary to fulfill its functions. This matter should be addressed in a comprehensive way after agreement is reached on the conduct of activities by the Consultative Committee and its subsidiary organs.
14. The Council shall take its decisions by consensus\*/ [whenever possible] [on matters of substance]. If a consensus cannot be reached within [24 hours] [a decision may be taken by a majority of those present and voting. The report on a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.] [with regard to a request for on-site inspection, the State subject to the request shall be informed of the individual opinions expressed by all the Members of the Executive Council on the matter. The Council shall take its decisions on procedural matters related to the organization of its work by consensus whenever possible, and otherwise by a majority of those present and voting.]

[A fact-finding team shall be automatically sent out by the Executive Council in response to the request made by a State Party for inspection to be carried out in territories under its control.]

15. [The Council shall be able to be convened on short notice and to function continuously. Each member of the Council shall for this purpose be represented at all times at the seat of the Consultative Committee.]

16. The Chairman of the previous regular session of the Consultative Committee shall serve as Chairman of the Council.

17. The Executive Council may set-up such subsidiary organs as may be necessary for its work.

18. A Fact-Finding Panel subordinate to the Executive Council shall be established. The Panel shall be responsible for conducting fact-finding inquiries, including the oversight of challenge on-site inspection.\*/\*/

\*/ It was suggested that decisions on all questions should be taken either by consensus or a majority vote.

\*/\*/ Different suggestions have been made with regard to such an organ:

(a) It would not be necessary to provide for such a body, since the three bodies already envisaged would suffice;

(b) Panel with political and technical functions as subsidiary organ to the Executive Council, composed of

(i) five members; or

(ii) technical experts belonging to the delegations to the Executive Council.

(c) Staff of technical experts which would provide technical advice and carry out inspections. The following forms are envisaged:

(i) permanent unit in the secretariat;

(ii) roster of quickly available experts.
19. The Technical Secretariat shall
   (a) provide administrative support to the Consultative Committee and the
       Executive Council;
   (b) render technical assistance to States Parties, the Consultative
       Committee and the Executive Council;
   (c) carry out international on-site inspections as provided for in the
       Convention;
   (d) assist the Consultative Committee and the Executive Council in tasks
       related to information and fact-finding as well as in other tasks provided to it
       by those organs.*/

20. [The staff of the secretariat shall be appointed on the basis of the
    principle of just political and geographical representation of States Parties to
    the Convention. It shall be composed of inspectors and experts who shall be
    nationals of the States Parties.]
    [The paramount consideration in the employment of the staff of the
    secretariat and in the determination of the conditions of service shall be the
    necessity of securing the highest standards of efficiency, competence, and
    integrity. Due regard shall be paid to the importance of recruiting staff on as
    wide a geographical basis as possible among States Parties to the Convention.]**

21. Co-operation between the Consultative Committee and the national verification
    bodies of the States Parties by, inter alia:
    - holding regular meetings between the Consultative Committee and the
      national bodies;
    - training of the personnel of the national bodies in standard
      verification techniques by the Consultative Committee;
    - elaborating by the Consultative Committee of procedures for the sealing
      of the chemical weapons production facilities;
    - assistance to be provided by national bodies to the international
      inspectors.]

*/ The functions of the Technical Secretariat might be specified further.
**/ It was suggested that other questions connected with the establishment of
    the secretariat should be considered by the Preparatory Commission, which should
    make appropriate recommendations to the Consultative Committee.
APPENDIX II

Chairman's Paper
Preparatory Commission*

1. For the purpose of [carrying out the necessary administrative and technical preparations for the effective operation of the provisions of the Convention and for] preparing for the first meeting of the Consultative Committee, the Depository of the Convention shall convene a Preparatory Commission as soon as possible and in any case not later than 60 days after the Convention has been signed by ... States.**

2. The Commission shall consist of the representatives designated by the States which have signed the Convention. Any State which has not signed the Convention [may apply to the Commission for observer status which will be accorded on the decision of the Commission.][may designate an observer to the Commission.]

[Participation of intergovernmental organizations]

3. The Commission shall be convened at [Geneva][Geneva, New York or Vienna] and shall remain in existence until the Convention comes into force and thereafter until the Consultative Committee has convened.

4. All decisions of the Commission shall be made by consensus.

5. The Commission shall adopt its own rules of procedures and appoint an executive secretary and staff, as shall be necessary.

6. The expenses of the Commission shall be met [from the regular budget of the United Nations, subject to the approval of the General Assembly of the United Nations.][by a loan provided by the United Nations which shall be repaid by the Consultative Committee.][by the States signatories to the Convention, participating in the Commission, in accordance with the United Nations scale of assessment, adjusted to take into account differences between the United Nations membership and the participation of States signatories in the Commission.]

*/ There have been a number of suggestions on the format of the document on the Preparatory Commission which should be further explored. It was proposed that provisions on the Commission could be contained in

- a resolution of the United Nations General Assembly commending the Convention;
- an Annex to the Convention which would enter into force before the Convention
- any other separate document (e.g. as part of the report of the CD to the United Nations General Assembly containing the draft Convention)

**/ The figure should be identical with the number of States provided for in the Article of the Convention dealing with ratification and entry into force.
7. The Commission shall have the following functions:
   (a) make arrangements for the first meeting of the Consultative Committee, including the preparation of a provisional agenda and draft rules of procedure [and choosing the site for the first meeting of the Consultative Committee];
   (b) make [studies, reports and] recommendations for the first meeting of the Consultative Committee on subjects of concern requiring immediate action, including
       (i) the financing of the activities for which the Consultative Committee is responsible;
       (ii) [the programme of work and] the budget for the first year of the activities of the Consultative Committee;
       (iii) the establishment of the Technical Secretariat;
       (iv) the location of the permanent offices of the Consultative Committee.

8. In the exercise of its functions, the Commission may have recourse, as appropriate, to the services of appropriate international organizations [within the United Nations system].

9. The Commission shall report on its activities to the first meeting of the Consultative Committee.
Report of the Chairman of Working Group C to the Ad Hoc Committee on Chemical Weapons

dated 16 April 1984

The Working Group held five meetings from 23 March to 16 April 1984. The Chairman also conducted a number of consultations with delegations. Proceeding from the mandate of the Ad Hoc Committee on Chemical Weapons (CD/440) and on the basis of existing material and new proposals made by delegations, the Working Group dealt with Elements concerning Compliance to be included in a convention on the prohibition of chemical weapons and on their destruction. In particular the Working Group considered:

I. National Implementation Measures
II. Consultation and Co-operation
III. Fact-finding
IV. On-site Inspection by Challenge

The Annex to this report contains preliminary formulations of individual provisions for the above-mentioned Elements as well as indications of where differences lie, as a departure for further work.
IV. On-site inspection by challenge

1. [Each State Party to the Convention] [An understanding that each State Party to the Convention] may at any time submit a [motivated/substantiated] request to the Consultative Committee or its appropriate subsidiary body to carry out an on-site inspection to clarify and resolve any situation which may give cause to doubt about compliance with the Convention, or which gives rise to concerns about a related situation which may be considered ambiguous.

2. Upon receipt of a request from a State Party for an on-site inspection, the Consultative Committee or its appropriate subsidiary organ shall as soon as possible and in any case within ... day(s) conduct a prima facie assessment of the request. If the Consultative Committee or its appropriate subsidiary organ concludes that the request contains objective and concrete elements supporting a suspicion of non-compliance with the Convention, it shall forward [the request] [its decision] to the State Party in question.

3. Such a [request] [mandatory decision] for an on-site inspection by the Consultative Committee or its appropriate subsidiary organ shall be treated favourably and in good faith by the State Party which receives it.

4. A report on the on-site inspection shall be transmitted to the Consultative Committee within ...

5. A refusal by a State Party to agree to an on-site inspection shall be [well-founded and] accompanied by the submission of a prompt, factual and exhaustive explanation of its reasons [and shall be made only for the most exceptional reasons].

   The Consultative Committee or its subsidiary organ shall assess the explanation submitted and may [send another request] [cancel or confirm the decision], taking into account all relevant elements, including possible new elements received by the Consultative Committee after the original request.

   [A refusal to accept a challenge on-site inspection would, as a first step, automatically require the challenged party to propose within ... days of such a refusal, some alternative on-site inspection measures which could establish beyond reasonable doubt whether or not a case of non-compliance had occurred.]

*/* The decision-making procedure of the Consultative Committee will be dealt with in the Element on the Consultative Committee.
6. [If a second request is refused, the State Party which originated the request may have recourse to appropriate procedures under the Charter of the United Nations.] [This provision is without prejudice of any other relevant provisions of the Charter of the United Nations.*]

[If the decision is not complied with, the Secretary-General of the United Nations will be requested to have recourse to appropriate procedures under the Charter of the United Nations, on behalf of all Parties to the Convention.]

[Nothing in the Convention shall be interpreted as in any way limiting or detracting from the rights and obligations assumed by any State under the Charter of the United Nations.]

* - Some delegations deemed that mention of the procedures under the United Nations Charter is not necessary.

- Other delegations proposed to include into the Convention special provisions concerning a complaints procedure with the United Nations Security Council.
ANNEX III

This Annex contains proposals introduced by delegations as formulated and presented in Conference documents. At appropriate places in Annex I reference is made to this Annex.
Basic provisions of a convention on the prohibition of the development, production and stockpiling of chemical weapons and on their destruction

Proposal of the USSR

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

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

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

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

I. SCOPE OF THE PROHIBITION

General provisions

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

Definition of chemical weapons

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

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

(b) Munitions or devices specifically designed to cause death or other harm through the toxic properties of the chemicals released as a result of the
employment of such munitions or devices, including those with binary or multicomponent charges;

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

Other definitions

For the purposes of the Convention:

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

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

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

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

Prohibition of transfer

Each State Party to the Convention undertakes:

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

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

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

Non-stationing

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

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

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

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

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

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

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

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

Permitted activities

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

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

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

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

Promotion of development goals

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

II. DECLARATIONS AND CONFIDENCE-BUILDING MEASURES

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

- Whether or not it possesses chemical weapons and capacities for their production;

- The magnitude of its accumulated stocks of chemical weapons and capacities for their production;

- The volume of transfers to anyone of chemical weapons, of technological equipment for their production, and of relevant technical documentation which took place after 1 January 1946;

- Whether or not there exist in its territory stocks of chemical weapons, and in what quantities, or facilities for the production of chemical weapons, and with what capacities, which are under the control of, or have been left by, any other State, group of States, organization or private person.

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

3. Each State Party undertakes to declare, not later than 6 months after the Convention's entry into force or the State Party's accession to it, its plan for the destruction or diversion to permitted purposes of stocks of chemical weapons, and to declare, not later than one year before the commencement of the destruction or dismantling of facilities which provide capacities for producing chemical weapons, its plans for their destruction and dismantling, stating the location of the facilities.
4. Each State Party which carries out the destruction of stocks of chemical weapons at a facility (facilities) temporarily converted for such purposes or at a specialized facility shall declare the location of the said facility (facilities) within the time period provided for in the plan for the destruction of the said stocks.

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

6. Each State Party shall undertake:

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

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

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

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

   - Super-toxic lethal, other lethal and harmful chemicals for purposes directly connected with protection against chemical weapons;

   - Super-toxic lethal chemicals for industrial, agricultural, research, medical or other peaceful purposes and for military purposes not connected with the use of chemical weapons;

   - Other lethal and harmful chemicals for industrial, agricultural, research, medical or other peaceful purposes and irritants for purposes of law enforcement.

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

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

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

III. ENSURING COMPLIANCE WITH THE CONVENTION

General provisions on verification

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

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

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

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

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

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

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

/...
Consultation and co-operation

1. The States Parties undertake to consult one another and co-operate in solving any problems which may arise in relation to the objectives of the Convention or in connexion with the application of its provisions.

2. The States Parties shall exchange, bilaterally or through the Consultative Committee, information which they consider necessary to provide assurance of fulfilment of the obligations assumed under the Convention.

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

4. In the interests of enhancing the effectiveness of the Convention, the States Parties shall agree in due form to prevent any actions aimed at deliberately falsifying the actual state of affairs with regard to compliance with the Convention by other States Parties.

Consultative Committee of States Parties to the Convention

1. For the purpose of carrying out broader international consultation and co-operation, exchanging information and promoting verification in the interests of compliance with the provisions of the Convention, the States Parties shall establish a Consultative Committee within 30 days after the Convention's entry into force. Any State Party shall have the right to appoint its representative to the Committee.

2. The Consultative Committee shall be convened as necessary and also at the request of any State Party to the Convention within 30 days after the request is received.

3. Other questions relating to the organization and procedures of the Consultative Committee, its possible subsidiary bodies, their functions, rights, duties and methods of work, its role in on-site inspections, forms of co-operation with national verification organizations and other matters are to be elaborated.

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

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

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

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

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


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

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

3. Each State Party to the Convention undertakes to provide assistance or support assistance being provided, in accordance with the provisions of the Charter of the United Nations, to any State Party which requests it if the Security Council decides that such Party has been exposed or is possibly being exposed to danger as a result of the violation by another State Party of obligations assumed under this Convention.
Relationship with the Geneva Protocol of 1925

Nothing in this Convention shall be interpreted as in any way limiting, or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous of Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, or under the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.

IV. CONCLUDING PROVISIONS OF THE CONVENTION

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

DRAFT CONVENTION ON THE PROHIBITION OF CHEMICAL WEAPONS
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Document Regarding the Preparatory Commission
CONVENTION ON THE PROHIBITION OF CHEMICAL WEAPONS

The States Parties to this Convention,

Reaffirming their adherence to the objective of complete and general disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction,

Desiring to contribute to the realization of the purposes and principles of the United Nations, as set forth in its Charter,

Recalling the significance of 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, and also of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at Washington, London and Moscow on 10 April 1972, and calling upon all States to comply strictly with the said agreements,

Determined, for the sake of all mankind, to exclude completely the possibility of toxic chemicals 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,

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

Convinced that the complete and effective prohibition of the development, production and stockpiling of chemical weapons, and their destruction, represents a necessary step towards the achievement of these common objectives,

Fulfilling the commitment under Article IX of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction with regard to the effective prohibition of chemical weapons,

Have agreed as follows:

Article I

Basic Prohibition

Each Party undertakes not to:

(a) develop, produce, otherwise acquire, stockpile, or retain chemical weapons, or transfer chemical weapons to anyone;

(b) conduct other activities in preparation for use of chemical weapons;

(c) use chemical weapons in any armed conflict; or

(d) assist, encourage, or induce, directly or indirectly, anyone to engage in activities prohibited to Parties under this Convention.
Article II

Definitions

For the purposes of this Convention:

1. "Chemical weapons" means,

(a) super-toxic lethal, other lethal, and other harmful chemicals, and their precursors, except for those chemicals intended solely for permitted purposes as long as the types and quantities involved are consistent with such purposes and except for those chemicals which are not super-toxic lethal, or other lethal, chemicals and which are used by a Party for domestic law-enforcement and riot control purposes or used as a herbicide; or

(b) munitions or devices specifically designed to cause death or other harm through the toxic properties of any chemical which is defined as a chemical weapon under subparagraph (a) of this paragraph and which would be released as a result of the employment of such munitions and devices; or

(c) any equipment or chemical specifically designed for use directly in connection with the employment of such munitions or devices.

2. "Super-toxic lethal chemical" means 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/m³ (by inhalation), when measured by the standard methods specified in Schedule D.

3. "Other lethal chemical" means any toxic chemical 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 standard methods specified in Schedule D.

4. "Other harmful chemical" means any toxic chemical not covered under the terms "super-toxic lethal chemical" or "other lethal chemical", including chemicals which normally cause incapacitation rather than death.

5. "Toxic chemical" means any chemical substance, regardless of its origin or method of production, which through its-chemical action can interfere directly with normal functioning of man or animals so as to cause death, temporary incapacitation or permanent damage.

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

7. "Key precursor" means any precursor that is listed in Schedule C.

8. "Permitted purposes" means industrial, agricultural, research, medical or other peaceful purposes; protective purposes; or military purposes that do not make use of the chemical action of a toxic chemical to interfere directly with normal functioning of men and animals so as to cause death, temporary incapacitation or permanent damage.
9. "Protective purposes" means purposes directly related to protection against chemical weapons, but does not mean purposes directly related to the development, production, other acquisition, stockpiling, retention or transfer of chemical weapons.

10. "Chemical weapons production facility" means any building or any equipment which in any degree was designed, constructed or used since 1 January 1946, for:

(a) the production for chemical weapons of any toxic chemical, except for those listed in Schedule B, or the production for chemical weapons of any key precursor; or

(b) the filling of chemical weapons.

11. "Other activities in preparation for use of chemical weapons" means (to be elaborated), but does not mean activities directly related to protective purposes.

Article III

Permitted Activities

1. Subject to the limitations contained in this Convention, each Party may retain, produce, acquire, transfer or use toxic chemicals, and their precursors, for permitted purposes, of types and in quantities consistent with such purposes.

2. The following measures shall apply to toxic chemicals for protective purposes:

(a) The retention, production, acquisition, and use of super-toxic lethal chemicals and key precursors for protective purposes shall be strictly limited to those amounts which can be justified for such purposes. At no time shall the aggregate amount possessed by a Party exceed one metric ton, nor shall the aggregate amount acquired by a Party in any calendar year through production, withdrawal from chemical weapons stocks, and transfer exceed one metric ton. Once a Party has reached the aggregate one metric ton permitted per year, it must not acquire any further such super-toxic lethal chemicals until the next year, at which time it may then acquire only those amounts of such chemicals to replace amounts used or transferred to another Party for protective purposes.

(b) Each Party which produces super-toxic lethal chemicals or key precursors for protective purposes shall carry out the production at a single specialized facility, the capacity of which shall not exceed (an spread limit). Information on the facility and its operations shall be provided in accordance with Annex II. The facility shall be subject to systematic international on-site verification, through on-site inspection and continuous monitoring with on-site instruments in accordance with Annex II.

(c) Each Party shall, in accordance with Annex II, make an annual declaration regarding all key precursors devoted to protective purposes and all toxic chemicals that can be used as chemical weapons but are devoted to protective purposes, as well as provide other specified information on its protective activities.
(d) The provisions of the Convention do not preclude transfer for protective purposes of super-toxic lethal chemicals or key precursors produced or otherwise acquired for such purposes. Such transfers may be made only to another Party. The maximum quantity transferred to any Party shall not exceed (quantity) in any 12-month period, nor shall it cause the receiving Party to exceed the aggregate limit specified in subparagraph 2 (e) of this Article. Prior to any transfer of such a super-toxic lethal chemical or key precursor, the transferring Party shall provide the information specified in Annex II. Items transferred may not be retransferred to another State.

3. In view of the particular risk they pose to achieving the objectives of the Convention, the chemicals listed in Schedules A, B and C shall be subject to the special measures specified in Annex III.

(a) In respect of chemicals in Schedule A, each Party shall prohibit all production and use except for production and use of laboratory quantities for research, medical, or protective purposes at establishments approved by the Party; and

(b) Facilities producing chemicals listed in Schedule C for permitted purposes shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments, as specified in Annex II.

4. A Party in a position to do so may assist another Party in destruction of chemical weapons, including shipment of chemical weapons to its territory for the purpose of destroying them, or in destruction of chemical weapons production facilities.

5. This Convention shall be implemented in a manner designed in so far as possible to avoid hampering the economic or technological activities of Parties to the Convention or international co-operation in the field of peaceful chemical activities including the international exchange of toxic chemicals and equipment for the production, processing, or use of toxic chemicals for peaceful purposes in accordance with the provisions of the Convention.

Article IV

Declaration of Chemical Weapons, Chemical Weapons Production Facilities and Past Transfers

1. Each Party shall file a declaration, within 30 days after the Convention enters into force for it, stating whether it has under its control anywhere, any chemical weapons, any chemical weapons production facility, any super-toxic lethal chemicals or key precursors for protective purposes, or any production facility for super-toxic lethal chemicals and key precursors for protective purposes. The declaration shall also state whether the Party has on its territory, under the control of others, including a State not party to this Convention, any of the foregoing and their locations.

2. The declaration filed by each Party shall comply with the requirements of Annex II and shall state:

(a) the precise location of any chemical weapons under its control and the detailed inventory of the chemical weapons at each location;
(b) its general plans for destruction of any chemical weapons under its control;

(c) the precise location, nature, and capacity of any chemical weapons production facility under its control at any time since 1 January 1946;

(d) its plans for closing and eventually destroying any chemical weapons production facilities under its control;

(e) the precise location and capacity of the single specialized production facility, if any, for super-toxic lethal chemicals and key precursors permitted by subparagraph 2 (b) of Article III;

(f) the precise location and nature of any other facility under its control designed, constructed or used, since (date) for the production of chemicals listed in Schedules B and C;

(g) the precise location and nature of any facility under its control designed, constructed, or used since (date), for development of chemical weapons, including test and evaluation sites; and

(h) whether the Party has transferred control of chemical weapons or equipment for their production since (date) or has received such weapons or equipment since that date. If so, specific information shall be provided in accordance with Annex II.

Article V

Chemical Weapons

1. Each Party shall, in accordance with Annex II:

(a) provide information on the location and composition of any chemical weapons, pursuant to Article IV;

(b) provide a general plan for destroying its chemical weapons, pursuant to Article IV and, subsequently, provide more detailed plans;

(c) ensure access to its chemical weapons immediately after the declaration is filed, for the purpose of systematic international on-site verification of the declaration, through on-site inspection;

(d) ensure, through access to its chemical weapons for the purpose of systematic international on-site verification, and through on-site inspection and continuous monitoring with on-site instruments, that the chemical weapons are not removed except to a destruction facility;

(e) destroy its chemical weapons, pursuant to the time-table specified in Annex II, beginning not later than 12 months, and finishing not later than 10 years, after the Convention enters into force for it;

(f) provide access to the destruction process for the purpose of systematic international on-site verification of destruction, through the continuous presence of inspectors and continuous monitoring with on-site instruments;
(g) provide information annually during the destruction process regarding implementation of its plan for destruction of chemical weapons; and

(h) certify, not later than 30 days after the destruction process has been completed, that its chemical weapons have been destroyed.

2. All locations where chemical weapons are stored or destroyed shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments in accordance with Annex II.

3. Old chemical weapons found after the declarations required by Article IV and this Article have been filed shall be subject to the provisions of Annex II regarding notification, interim storage, and destruction, as well as systematic international on-site verification of these actions. These provisions shall also apply to chemical weapons which were inadequately disposed of in the past and are subsequently retrieved. A detailed explanation shall be given as to why these chemical weapons were not declared in the declarations filed pursuant to Article IV and this Article.

4. Any Party which has on its territory chemical weapons which are under the control of a State which is not a Party to this Convention shall ensure that such weapons are removed from its territory not later than ____ months after the date on which the Convention entered into force for it.

Article VI

Chemical Weapons Production Facilities

1. Each Party shall, in accordance with Annex II,

(a) cease immediately all activity at each of its chemical weapons production facilities, except that required for closure;

(b) close each of its chemical weapons production facilities within three months after the Convention enters into force for it in a manner that will render those facilities inoperable;

(c) provide information on the location, nature and capacity of any chemical weapons production facility, pursuant to Article IV;

(d) provide a general plan for destroying its chemical weapons production facilities, pursuant to Article IV and, subsequently, provide more detailed plans;

(e) provide access to each chemical weapons production facility immediately after the declaration is filed, for the purpose of systematic international on-site verification of the declaration through on-site inspection;

(f) provide access to each chemical weapons production facility for the purpose of systematic international on-site verification to ensure that the facility remains closed and is eventually destroyed, through periodic on-site inspection and continuous monitoring by on-site instruments;
(g) destroy its chemical weapons production facilities, pursuant to the
time-table specified in Annex II, beginning not later than 12 months, and finishing
not later than 10 years, after the Convention enters into force for it;

(h) provide information annually during the destruction period regarding the
implementation of its plan for destruction of chemical weapons production
facilities; and

(i) certify, not later than 30 days after the destruction process has been
completed, that its chemical weapons production facilities have been destroyed.

2. All chemical weapons production facilities shall be subject to systematic
international on-site verification, through on-site inspection and monitoring
with on-site instruments in accordance with Annex II.

3. No Party shall construct any new chemical weapons production facilities, or
modify any existing facilities, for purposes prohibited by the Convention.

4. A chemical weapons production facility may be temporarily converted for
destruction of chemical weapons. Such a converted facility must be destroyed as
soon as it is no longer in use for destruction of chemical weapons and, in any
case, not later than the deadline for destruction of chemical weapons production
facilities set forth in subparagraph 1 (g) of this Article.

Article VII
Consultative Committee

1. A Consultative Committee shall be established upon entry into force of this
Convention. Each Party shall be entitled to designate a representative to the
Consultative Committee.

2. The Consultative Committee shall oversee the implementation of the
Convention, promote the verification of compliance with the Convention, and
carry out international consultations and co-operation among Parties to the
Convention. For these purposes it shall:

(a) carry out systematic international on-site verification, through
on-site inspection and monitoring with on-site instruments, of:

(i) chemical weapons,

(ii) destruction of chemical weapons,

(iii) closure and destruction of chemical weapons production facilities,

(iv) permitted single specialized facilities for production of super-
toxic lethal chemicals and key precursors for protective purposes,
and

(v) production for permitted purposes of the chemicals specified in
Schedule C;
(b) provide a forum for discussion of any questions raised relating to the objectives, or the implementation, of the Convention;

(c) conduct special on-site inspections under Article X and ad hoc on-site inspections under Article XI;

(d) participate in any inspections agreed among two or more Parties as referred to in paragraph 2 of Article IX, if requested to do so by one of the Parties involved;

(e) develop, and revise as necessary, detailed procedures for exchange of information, for declarations and for technical matters related to the implementation of the Convention;

(f) review scientific and technical developments which could affect the operation of the Convention;

(g) meet in regular session annually; and

(h) review the operation of the Convention at five-year intervals unless otherwise agreed by a majority of the Parties.

3. The Consultative Committee shall establish an Executive Council which shall have delegated authority to discharge the functions of the Committee set out in subparagraphs 2 (a), 2 (c), 2 (g) and 2 (e) of this Article, and any other functions which the Committee may from time to time delegate to it. The Council shall report to the Committee at its regular sessions on its exercise of these functions.

4. Each Party shall co-operate fully with the Consultative Committee in the exercise of its verification responsibilities.

5. Further functions and the organization of the Consultative Committee, the Executive Council, the Fact-Finding Panel, the Technical Secretariat and other subsidiary organs are specified in Annex I.

Article VIII

Non-Interference with Verification

A Party shall not interfere with the conduct of verification activities. This shall apply to verification activities conducted in accordance with the Convention by the designated representatives of the Consultative Committee or by Parties, and shall include verification activities conducted by national technical means in a manner consistent with generally recognized principles of international law.

Article IX

Consultation and Co-operation: Resolving Compliance Issues

1. Parties shall consult and co-operate, directly among themselves, or through the Consultative Committee or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the objectives or the implementation of the provisions of this Convention.
2. Parties shall make every possible effort to clarify and resolve, through bilateral consultation, any matter which may cause doubts about compliance with this Convention or which gives rise to concerns about a related matter which may be considered ambiguous. A Party which receives a request from another Party for clarification of any matter which the requesting Party believes causes such doubts or concerns shall provide the requesting Party, within seven days of the request, with information sufficient to answer the doubts or concerns raised along with an explanation of how the information provided resolves the matter. Nothing in this Convention affects the right of any two or more Parties to arrange by mutual consent for inspections among themselves to clarify and resolve any matter which may cause doubts about compliance or gives rise to concerns about a related matter which may be considered ambiguous. Such arrangements shall not affect the rights and obligations of any Party under other provisions of this Convention.

3. In order to facilitate satisfactory resolution of matters raised, the Parties concerned may request the assistance of the Consultative Committee or its subsidiary organs. Any Party may request the Executive Council to conduct fact-finding procedures with regard to the Party's own activities or the activities of another Party in order to clarify and resolve any matter which may cause doubts about compliance with the Convention or gives rise to concerns about a related matter which may be considered ambiguous.

   (a) Requests sent to the Executive Council under this Article shall state the doubts or concerns, the specific reasons for the doubts or concerns, and the action that the Council is being requested to undertake.

   (b) Within two days of receipt of such a request, the Technical Secretariat shall, on behalf of the Council, request the Party whose activities create the doubts or concerns to clarify the state of affairs.

   (c) If the doubts or concerns which gave rise to the request have not been resolved within 10 days of the receipt of the request by the Council, its Fact-Finding Panel shall immediately initiate a fact-finding inquiry, and transmit to the Chairman of the Council a report on its work, whether interim or final, within two months of the date of the request. Reports of the Panel shall include all views and information presented during its proceedings.

   (d) All requests for special on-site inspections shall be governed by Article X and all requests for ad hoc on-site inspections by Article XI.

4. Any Party whose doubts or concerns about compliance have not been resolved within two months or any Party which has doubts or concerns it believes warrant urgent consideration by all Parties regarding compliance or regarding other matters directly related to the objectives of the Convention may request the Chairman of the Consultative Committee to convene a special meeting of the Committee. The Chairman of the Committee shall convene such a meeting as soon as possible and in any case within one month of the receipt of the request. Each Party may participate in such a meeting, whose functions and rules of procedures are established in Annex I.

5. All Parties shall co-operate fully with the Consultative Committee and its subsidiary organs, as well as with international organizations, which may, as appropriate, give scientific, technical and administrative support in order to facilitate fact-finding activities and thereby help to ensure the speedy resolution of the matter which gave rise to the original request.
6. The Executive Council shall promptly notify all Parties of the initiation of any fact-finding procedures and shall provide all available information related thereto to any Party upon request. All Parties shall also be promptly notified of the refusal by a Party of any request made by the Committee or its subsidiary organs as part of a fact-finding inquiry. All reports regarding the fact-finding activities conducted under this Article, as well as on-site inspections under Articles X and XI shall be distributed promptly to all Parties.

7. The provisions of this Article shall not be interpreted as affecting the rights and duties of Parties under Articles X and XI or under the Charter of the United Nations.

**Article X**

**Special On-Site Inspection**

1. In accordance with the provisions of this Article and Annex II, each member of the Fact-Finding Panel shall have the right to request at any time a special on-site inspection of any other Party, through the Technical Secretariat, to clarify and resolve any matter which may cause doubts about compliance or gives rise to concerns about a related matter which may be considered ambiguous, of:

   (a) any location or facility subject to systematic international on-site inspection pursuant to Articles III, V and VI; or

   (b) any military location or facility, any other location or facility owned by the Government of a Party, and as set forth in Annex II, locations or facilities controlled by the Government of a Party.

2. A request shall be handled in the following manner:

   (a) Within 24 hours of the request, the Technical Secretariat shall notify the Party to be inspected and designate an inspection team in accordance with paragraph 4 of this Article; and

   (b) Within 24 hours after the receipt of such notification, the Party to be inspected shall provide the inspection team unimpeded access to the location or facility.

3. Each Party may solicit from any member of the Fact-Finding Panel a request for an inspection of any other Party under this Article.

4. Any special on-site inspection requested through the Technical Secretariat shall be carried out by inspectors designated from among the full-time inspectors of the Secretariat. Each inspection team shall consist of one inspector from each member State of the Fact-Finding Panel, except that if the Party to be inspected is a member State of the Panel, the team shall not include any inspector from that State. The team shall promptly provide a written report to the requesting Party, the inspected Party; and the Fact-Finding Panel. Each inspector shall have the right to have his individual views included in the report.
Article XI

Ad Hoc On-Site Inspection

1. In accordance with the provisions of this Article and Annex II, each Party shall have the right to request, at any time, the Consultative Committee to conduct an ad hoc on-site inspection, to clarify and resolve any matter which may cause doubts about compliance or gives rise to concerns about a related matter which may be considered ambiguous, of any location or facility not subject to Article X.

2. A request shall be handled in the following manner:

(a) The Fact-Finding Panel shall meet within 24 hours to determine whether to request such an ad hoc on-site inspection using the guidelines in Section H of Annex II.

(b) If the Fact-Finding Panel decides to request an ad hoc inspection, the Party to be inspected shall, except for the most exceptional reasons, provide access within 24 hours of the Panel’s request.

(c) If the Party to be inspected refuses such a request it shall provide a full explanation of the reasons for the refusal and a detailed, concrete proposal for an alternative means of resolving the concerns which gave rise to the request. The Fact-Finding Panel shall assess the explanation and alternative submitted, and may send another request, taking into account all relevant elements, including possible new elements received by the Panel after the original request.

(d) If the request is again rejected, the Chairmen shall immediately inform the Security Council of the United Nations.

Article XII

Domestic Implementation Measures

Each Party shall:

(a) take any measures necessary in accordance with its constitutional processes to implement this Convention and, in particular, to prohibit and prevent any activity that a Party is prohibited from conducting by this Convention anywhere under its jurisdiction or control, and

(b) inform the Consultative Committee of the measures it has taken to implement the Convention.

Article XIII

Assistance to Parties Endangered by Chemical Weapons

Each Party undertakes, to the extent it deems appropriate, to render assistance to any Party to this Convention that the Security Council of the United Nations decides has been exposed to danger as a result of a violation of the Convention.
Article XIV
Non-Interference with Other Agreements

1. Nothing in this Convention shall be interpreted as in any way limiting or deterring 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, signed at Washington, London and Moscow on 10 April 1972.

2. Each Party to this Convention that is also a Party 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, affirms that the obligation set forth in subparagraph (c) of Article I supplements its obligations under the Protocol.

Article XV
Amendments

Any Party may propose amendments to this Convention. Amendments shall enter into force for Parties ratifying or acceding to them on the thirtieth day following the deposit of instruments of ratification or accession by a majority of the Parties to the Convention and thereafter for each remaining party on the thirtieth day following the deposit of its instrument of ratification or accession.

Article XVI
Duration; Withdrawal

1. This Convention shall be of unlimited duration.

2. Every Party to this Convention shall, 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 the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Convention, to the Depository and to the Security Council of the United Nations three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article XVII
Signature; Ratification; Entry into Force

1. This Convention shall be open to all States for signature.

2. Any State which does not sign the Convention before its entry into force in accordance with paragraph 4 of this Article may accede to it at any time.
3. This Convention and its Annexes, which form an integral part thereof, shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations, hereby designated as the Depositary.

4. This Convention shall enter into force 30 days after the date of deposit of the (fortieth) instrument of ratification.

5. For each State ratifying or acceding after the deposit of the (fortieth) instrument of ratification or accession, the Convention shall enter into force on the thirtieth day following the deposit of the instrument of ratification or accession.

6. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices. The Depositary shall immediately upon receipt transmit any notices required by this Convention to every Party.

7. This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

Article XVIII

Languages

This Convention, the English, Arabic, Chinese, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.
Annex I

CONSULTATIVE COMMITTEE

Provisions should be included along the following lines:

Section A. General Provisions

1. The Consultative Committee established pursuant to Article VII should convene in (venue) not later than 30 days after the Convention enters into force.

2. The Consultative Committee should subsequently meet in regular sessions annually for the first 10 years after the Convention enters into force, and annually thereafter unless a majority of Parties agrees that a meeting is unnecessary. A special meeting may be convened at the request of any Party or of the Executive Council.

3. In order to assist it in carrying out its functions, the Consultative Committee should establish an Executive Council, as provided in Section B of this Annex, as well as a Fact-Finding Panel, a Technical Secretariat and such other subsidiary bodies as may be necessary for its work.

4. The Executive Council should be responsible for carrying out the functions of the Consultative Committee specified in paragraph 2 of Article VII during the period when the latter is not in session. In particular, it shall be responsible for the activities in paragraph 1 of Section B of this Annex.

5. Except as specified elsewhere, the Committee and its subordinate bodies should take decisions where possible by consensus. If consensus cannot be reached within 24 hours, a decision may be taken by a majority of those present and voting. The report on a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.

6. The chairman of the Committee should be chosen by the Committee itself.

7. The Committee should present an annual report on its activities to the Parties.

8. The expenses of the Committee should be met by (_________).

9. The question of international legal personality of the Committee and its subsidiary organs should be addressed.

Section B. Executive Council

1. In carrying out its responsibilities, the Executive Council should, in particular, be responsible for:

2/ This paper presents current United States views on the contents of the annexes of a chemical weapons convention. It is subject to further modification, elaboration and refinement.
(a) carrying out systematic international on-site verification;
(b) ensuring the implementation of, and compliance with, the Convention;
(c) obtaining, keeping and disseminating information submitted by Parties regarding matters pertaining to the Convention;
(d) rendering services to Parties and facilitating consultations among them;
(e) receiving requests from Parties, including requests for fact-finding;
(f) deciding and overseeing specific action to be taken regarding such requests;
(g) overseeing the activities of the other subordinate bodies of the Consultative Committee, including ensuring the proper execution of the functions of the Technical Secretariat, including the carrying out of systematic international on-site verification pursuant to Articles III, V, VI; the carrying out of special on-site inspections pursuant to Article X; and the carrying out of ad hoc on-site inspections pursuant to Article XI;
(h) reporting to the Consultative Committee; and

(i) requesting, when it deems necessary, a special meeting of the Consultative Committee.

2. (a) The Executive Council should be established within 45 days after entry into force of the Convention and should be composed of one representative from each of not more than 15 Parties, plus a non-voting chairman.

(b) Ten members should be elected by the Consultative Committee after nominations by the chairman based on consultation with the Parties. In selecting these members, due regard should be given to ensuring an appropriate geographic balance. These members should serve for a two-year period, with five of these members replaced each year.

(c) In addition, those permanent members of the Security Council of the United Nations who are Parties to the Convention should be represented.

(d) Each member may be assisted at meetings by one or more technical or other advisers.

(e) The chairman of the Consultative Committee should serve as chairman of the Executive Council.

Section C. Fact-Finding Panel

1. Within 45 days after entry into force of the Convention, the Consultative Committee should establish a Fact-Finding Panel subordinate to the Executive Council, which should be responsible for conducting fact-finding inquiries pursuant to Article IX, considering reports on special on-site inspections pursuant to Article X, and overseeing ad hoc inspections pursuant to Article XI.

2. (a) The Fact-Finding Panel should consist of diplomatic representatives of five Parties, plus a non-voting chairman.
5. The detailed plan for destruction of any chemical weapons production facility, to be provided pursuant to Article VI, should be submitted six months before destruction operations are to begin and should contain agreed information necessary for the planning and carrying out of systematic international on-site verification.

6. As specified in Articles V and VI, notifications should be provided annually regarding the implementation of plans for destruction of chemical weapons and chemical weapons production facilities, respectively. These notifications should contain agreed information on activities actually conducted in the past year and those planned for the coming year. Information should also be provided on any changes in the detailed plans for destruction.

7. Should any Party discover or retrieve any old chemical weapons (e.g., weapons found on World War I battlefields or dumped at sea after World War II) anywhere under its jurisdiction or control after the declarations required by Articles IV and V have been filed, it should:

   (a) notify the Consultative Committee promptly of the approximate quantity and type of the chemical weapons found. The notification should also specify how, where, and when the chemical weapons were found, why they were previously undeclared, and where they are located. The notification should be filed within 45 days of the discovery. In the case of multiple and frequent discoveries of small quantities, a notification may cover a one-month period; such a notification should be made within 30 days of the end of the reporting month; and

   (b) notify the Consultative Committee, within five months of the first notification, regarding the exact quantity and type of chemical weapon found, including the scientific chemical name and chemical structural formula of any toxic chemical found and its quantity. The notification should specify plans for the destruction of the chemical weapons.

   (c) In the event that some of the information stipulated under subparagraphs (a) and (b) of this paragraph cannot be provided within the periods specified, submit as much information as possible, specify the reasons the remainder is unavailable, and give an estimate of when such information might be provided.

Section B. On-Site Verification

A. General Provisions

1. All on-site verification, whether systematic international verification, special on-site inspection or ad hoc on-site inspection, under the auspices of the Consultative Committee should be carried out according to procedures which are agreed in advance and based on this Annex.

2. On-site verification should make use of both on-site inspectors and on-site instruments.

3. The Executive Council and the host Party should promptly agree upon subsidiary arrangements, which specify in detail, to the extent necessary, to permit the Committee to fulfill its verification responsibilities in an effective and efficient manner, how the on-site verification provisions will be implemented at each of the locations subject to systematic international on-site verification.
4. The privileges and immunities which should be granted to inspectors to ensure that they can discharge their functions effectively should be specified. The steps that a Party should take to ensure that inspectors can effectively discharge their functions in its territory should also be specified.

5. Certain rights of a Party with respect to the conduct of verification in its territory should be specified. For example, although it should not be required, host Party representatives should be allowed to accompany international inspectors during on-site inspections.

6. Pursuant to the obligation in Article VIII not to interfere in any manner with the conduct of verification activities:

(a) entry visas for inspectors should be issued promptly;

(b) host Party representatives should be ready to accompany the inspectors immediately. No delays in carrying out the inspections should be allowed to occur under the guise of the unavailability of appropriate host Party representation;

(c) no bureaucratic constraints (e.g., governmental travel approval) should be imposed which would interfere with the inspection or provide the host Party with sufficient advance notification of the site to be inspected so that the host Party could cover up possible prohibited activities prior to the inspection.

7. The Consultative Committee and the Party concerned should be required to co-operate to facilitate the implementation of the verification measures specified by the Convention.

8. Verification measures should be implemented in a manner designed:

(a) to avoid hampering the economic and technological activities of Parties; and

(b) to be consistent with management practices required for the safe conduct of the activities subject to verification.

9. On-site instruments should incorporate a capability for remote monitoring. They should also incorporate data protection and tamper-detecting devices and be serviced only by international inspectors.

10. Full account should be taken of technological developments in order to ensure optimum effectiveness of verification.

11. An agreed timetable for destruction activities should be included to facilitate verification and to ensure that no Party gains military advantage during the destruction period.

B. Inspection and Interim Monitoring of Stocks

1. After a Party has filed its declarations pursuant to Articles IV and V, chemical weapons should be subject to inspection immediately, under agreed procedures, to confirm the accuracy of the declarations. These inspections should be completed within (number) days after the filing of the declarations.

2. To ensure that a Party does not move chemical weapons to a deployment site or to a clandestine site prior to destruction, the storage facilities should be equipped with monitoring instruments by international inspectors immediately following the confirmatory inspection.
3. During confirmatory inspection of chemical weapons, an on-site survey of each location should be made to determine what preagreed types of instruments would be emplaced to monitor the chemical weapons there prior to removal for destruction. The instruments should be installed and tested by the inspecting team, in the presence of host Party personnel, before the site and facility are declared secure. After emplacement of instruments is complete, on-site inspection should be repeated to confirm that no chemical weapons had been removed from that location since the initial confirmatory inspection. An additional set of agreed procedures should be developed for the removal of chemical weapons from each storage site for transfer to a destruction facility. Until all chemical weapons have been removed for destruction, the storage site should be visited periodically by an international inspection team for routine monitoring and maintenance purposes, e.g., testing the system of instruments.

C. Verification of the Destruction of Chemical Weapons

1. The verification procedures should be designed to confirm that chemical weapons are not diverted during transport or any phase of the destruction process and to confirm that the type and quantity of materials destroyed correspond to the declarations and that all materials are actually destroyed.

2. Transport of chemical weapons from storage sites and their destruction should be verified by systematic, international on-site procedures. International inspectors should be present at the storage facility when chemical weapons are removed for shipment to declared destruction facilities. The inspectors should verify the chemical weapons being moved and resecure the storage facility once they have been loaded on transports. (However, inspectors would not need to accompany the shipments.) Inspectors should verify that the chemical weapons are received at the destruction facility and placed in interim storage there. On-site instruments, as well as inspectors, should be utilized for verification of destruction. Inspectors should be present in the destruction facility continuously when the facility is operating.

3. The destruction procedures should permit systematic international on-site verification. The following procedures should not be used for the destruction of chemical weapons: dumping in any body of water, land burial, or open-air burning. The destruction process should, for practical purposes, be irreversible.

D. Closure, Inspection, and Interim Monitoring of Chemical Weapons Production Facilities

1. After a Party has filed its declaration pursuant to Articles IV and VI, chemical weapons production facilities should be immediately subject to inspection to confirm the accuracy of the declaration, and to confirm the implementation of agreed procedures for closure. These inspections should be completed within (number) days after the filing of the declaration. Subsequent verification procedures should be implemented to confirm that Parties have not resumed production or filling at the facility and to confirm that equipment has not been removed.

2. An inventory of key equipment should be prepared, and its accuracy verified by international inspectors during confirmatory inspection. At the same time, the inspector should survey the facility to determine which of the pre-agreed types of instruments should be emplaced to monitor the facility until it is destroyed. The instruments should be installed and tested by the inspecting team, in the presence of host Party personnel, before the facility is declared secure. During the interim between securing the facility and actually destroying it, the facility should be visited periodically by an international inspection team for routine monitoring and maintenance purposes, e.g., testing the system of instruments.
E. Verification of the Destruction of Chemical Weapons Production Facilities

1. The verification procedures should be designed to confirm that chemical weapons production facilities have been destroyed.

2. International inspectors should be present at the facility to be destroyed prior to beginning destruction to verify that the inventory of structures, equipment, parts, etc., at the facility is consistent with the inventory prepared when the facility was secured. During destruction, inspectors need not be present continuously, provided agreed procedures, including the use of on-site instruments, are implemented to ensure that the facility remains inoperative during the destruction phases. On-site inspections would be conducted periodically throughout the destruction process.

3. Equipment specifically designed for chemical weapons production should be destroyed. All items to be destroyed should be destroyed according to agreed procedures which permit systematic international on-site verification. No equipment may be removed from the site prior to check-off from the original inventory by the inspectors. Structures should be destroyed completely, by razing, and a final international inspection performed.

F. Inspection and Monitoring of the Permitted Single Specialized Production Facility

1. The verification procedures should be designed to confirm that the production of super-toxic lethal chemicals and key precursors in quantities significantly in excess of one ton does not occur at the single specialized production facility.

2. The precise location of the facility should be declared and the facility should be inspected by international inspectors before it is used to ensure that its capacity will not permit the production, on an annual basis, of quantities significantly in excess of one ton. On-site instruments should be installed which will signal whether the facility is active or inactive. An annual declaration should be made about planned production activities. International inspectors should have the right to visit the facility periodically to enable them to monitor production activities, as well as inactive periods, through on-site inspection.

G. Verification Measures Applicable to Production for Permitted Purposes of Chemicals Listed in Schedule C

1. The verification procedures should be designed to confirm that these facilities are not used to produce chemical weapons.

2. Inspections should occur periodically on a random basis. Such inspections should be conducted under agreed procedures which provide protection for proprietary information.

3. During an inspection, international inspectors should have the right to review certain agreed plant records and interview personnel under agreed procedures. Inspectors should be allowed to view agreed areas; take samples from agreed points, such as finished product storage containers and waste treatment areas; and analyse them using agreed methods. Inspectors would not have the right to interfere with plant operations more than necessary to carry out their agreed functions.

4. Use of special instruments (e.g., end product samplers) between inspections should be permitted when deemed necessary by the inspectors.
5. Plans to change the end product of the facility or substantially change its capacity should be reported in advance to international authorities. Details of process modification need not be disclosed; however, final products and estimated time for completing the work should be provided. International inspectors should be permitted to view agreed areas soon after completion of the modifications. At that time, new or altered instruments should be installed, as required.

H. On-site Inspections under Articles X and XI

1. Agreed procedures for conducting on-site inspections under Articles X and XI should be specified in this Annex, including:

   (a) a requirement for definition of the area to be inspected;

   (b) time limits for providing access to the area to be inspected;

   (c) the maximum number of personnel on an inspection team;

   (d) length of service requirements for designation of inspectors;

   (e) routes of access and means of transportation;

   (f) types of experimental and support equipment which may be employed and who shall furnish specific types of equipment;

   (g) procedures for making observations and measurements, including collecting samples and taking photographs;

   (h) protection of proprietary and confidential information including liability for unauthorized disclosure of such information;

   (i) services to be furnished by the host Party;

   (j) rights of inspection personnel, including privileges and immunities;

   (k) certain rights of the host Party;

   (l) allocation of expenses;

   (m) preparation of reports;

   (n) dissemination of findings;

   (o) additional rights to be exercised in specific situations; and

   (p) duration of an inspection.

2. With regard to "locations or facilities controlled by the Government of a Party," referred to in Article X, subparagraph 1(b), this Annex should provide the means of specifying those categories of locations or facilities which shall be subject to special on-site inspections, including the relevant facilities used for the provision of goods and services to the Government of a Party. It is intended that this provision reach any location or facility that in the future might be suspected of being used for activities in violation of this Convention. The specification of such locations and facilities should be a reasonable one.
3. The Committee should use the following guidelines in determining whether to request a Party to permit an ad hoc inspection pursuant to Article XI:

(a) whether the information available to it causes any doubts about compliance with the Convention or gives rise to any concerns about a related matter which may be considered ambiguous;

(b) whether the proposed inspection would assist in determining the facts;

(c) whether the locations to be inspected are clearly defined and limited to places relevant to determination of the facts; and

(d) whether the proposed arrangements will limit intrusion to the level necessary to determine the facts.

4. The Technical Secretariat should ensure that sufficient inspectors will always be readily available to carry out special on-site inspections pursuant to Article X and ad hoc on-site inspections pursuant to Article XI.
Annex III

SCHEDULES: CHEMICALS SUBJECT TO SPECIAL MEASURES;
METHODS FOR MEASURING TOXICITY

Provisions along the following lines should be included:

1. Schedule A should contain super-toxic lethal chemicals, key precursors, and other particularly dangerous chemicals, which have been stockpiled as chemical weapons or which pose particular risk of such stockpiling. Information on the persons authorized to possess such chemicals, the quantity produced and used at each location and the end uses should be reported annually.

2. Schedule B should contain chemicals which are produced in large quantities for permitted purposes but which pose a particular risk of diversion to chemical weapons purposes. In respect of each chemical in Schedule B, every Party should report annually the location of each production facility and statistical data on the aggregate quantities produced, imported, and exported, and on the end uses of the chemical.

3. Schedule C should contain chemicals whose production for permitted purposes should be subject to systematic international on-site verification, including key precursors. In respect of each chemical listed in Schedule C, every Party should report annually, for each chemical which is produced, imported or exported in an aggregate amount greater than (quantity), the location of each production facility and statistical data on the aggregate quantities produced, imported, and exported, and on the end uses of the chemical. Plans to establish a new production facility or to change substantially the capacity of an existing production facility should be reported ninety days in advance. Production facilities should be subject to systematic international on-site inspection, pursuant to Article III.

4. Schedule D should contain agreed methods for measuring lethal toxicity.

5. If a Party has information which in its opinion may require a revision of Schedules A, B, C, or D, it should provide the information to the Chairman of the Consultative Committee who should transmit the information to all Parties. The Technical Secretariat should also submit any such information to the Committee.

6. The Executive Council should promptly examine, in the light of all information available to it, whether the Schedule in question should be revised. The Council may recommend that the Schedule be revised or it may recommend that no revision be made. Any recommendation should be communicated promptly to all Parties.

7. Any recommendation by the Executive Council should be reviewed by the Consultative Committee at its next regularly scheduled meeting. The Committee may decide to accept the recommendation as stated, or in revised form, or it may decide to reject the recommendation. If requested by five or more Parties, a special meeting of the Committee should be held to review the recommendation. A two-thirds vote of the Committee should be required to revise a Schedule.
SCHEDULE A

1. Ethyl S-2-diisopropylaminoethyl methylphosphonothioate (VX)
2. Ethyl N,N-dimethylphosphoramidocyanidate (Tabun)
3. iso-Propyl methylphosphonofluoridate (Sarin)
4. 1,2,2-Trimethylpropyl methylphosphonofluoridate (Soman)
5. Bis(2-chloroethyl)sulphide (Mustard gas)
6. 3-Quisqualidinyl benzilate (RZ)
7. Saxitoxin
8. 3,3-Dimethylbutanol-2 (Pinacolyl alcohol)
9. Methylphosphonyl difluoride
SCHEDULE B

1. Carbonyl chloride (phosgene)
2. Cyanogen chloride
3. Hydrogen cyanide
4. Phosphorus oxychloride
5. Phosphorus trichloride
6. Trichloronitromethane (chloropicrin)
7. Thiodiglycol
SCHEDULE C

Key precursors for super-toxic lethal chemicals

1. Chemicals containing the P-methyl, P-ethyl or P-propyl bond
2. Methyl and/or ethyl esters of phosphorous acid
3. 3,3-dimethyl butanol-2 (pinacolyl alcohol)
4. N,N disubstituted-B-amino ethanols
5. N,N disubstituted-B-amino ethane thiols
6. N,N disubstituted-B-aminoethyl halides
   (halide = Cl, Br or I)

Key Precursors for other toxic chemicals

1. Phenyl-, alkyl- or cycloalkyl-substituted glycollic acids
2. 3- or 4-hydroxypiperidine and their derivatives

Toxic chemicals

(To be discussed)
Lethal toxicity should be measured by the procedures specified below:

(text of procedures contained in document CD/CW/WP.30, Annexes III and IV; 22 March 1982)
ANNEX III.

RECOMMENDED STANDARDIZED OPERATING PROCEDURES FOR ACUTE SUBCUTANEOUS TOXICITY DETERMINATIONS

1. Introduction

Three categories of agents were defined on the basis of their toxicity:

(i) super-toxic lethal chemicals;
(ii) other lethal chemicals;
(iii) other harmful chemicals.

Lethality limits in terms of LD50 for subcutaneous administration were established to separate three toxic categories at 0.5 mg/kg and 10 mg/kg.

2. Principles of the test method

The test substance is administered to a group of animals in doses corresponding exactly to the category limits (0.5 or 10 mg/kg respectively). If in an actual test the death rate was greater than 50 per cent, then the material would fall into the higher toxicity category; if it was lower than 50 per cent the material would fall into the lower toxicity category.

3. Description of the test procedure

3.1 Experimental animal Healthy young adult male albino rats of Wistar strain weighing 200 ± 20 g should be used. The animals should be acclimatized to the laboratory conditions for at least five days prior to the test. The temperature of the animal room before and during the test should be 22 ± 3 °C and the relative humidity should be 50-70 per cent. With artificial lighting, the sequence should be 12 hours light, 12 hours dark. Conventional laboratory diets may be used for feeding with an unlimited supply of drinking water. The animals should be group-caged but the number of animals per cage should not interfere with proper observation of each animal. Prior to the test, the animals are randomized and divided into two groups; twenty animals in each group.

3.2 Test substance Each test substance should be appropriately identified (chemical composition, origin, batch number, purity, solubility, stability etc.) and stored under conditions ensuring its stability. The stability of the substance under the test conditions should also be known. A solution of the test substance should be prepared just before the test. Solutions with concentrations of 0.5 mg/ml and 10 mg/ml should be prepared. The preferable solvent is 0.85 per cent saline. Where the solubility of the test substance is a problem, a minimum amount of an organic solvent such as ethanol, propylene glycol or polyethylene glycol may be used to achieve solution.
3.3 Test method Twenty animals receive in the back region 1 ml/kg of the solution containing 0.5 mg/ml of the test substance. The number of dead animals is determined within 48 hours and again after seven days. If the death rate is lower than ten animals, another group of twenty animals should be injected by the same way with 1 ml/kg of the solution containing 10 mg/ml of the test substance. The number of dead animals should be determined within 48 hours and again after seven days. If the result is doubtful (e.g. death rate = 10), the test should be repeated.

3.4 Evaluation of the results If the death rate in the first group of animals (receiving a solution containing 0.5 mg/ml) is equal to or higher than 50 per cent, the test substance will fall into the "super-toxic lethal chemical" category. If the death rate in the second group (receiving a solution containing 10 mg/ml) is equal to or higher than 50 per cent, the test substance will fall into the "other lethal chemical" category; if lower than 50 per cent, the test substance will fall into the "other harmful chemical".

4. Data reporting

A test report should include the following information:

(i) test conditions: date and hour of the test; air temperature and humidity;

(ii) animal data: strain, weight and origin of the animals;

(iii) test substance characterization: chemical composition, origin, batch number and purity (or impurities) of the substance; date of receipt, quantities received and used in the test; conditions of storage, solvent used in the test;

(iv) results: the number of dead animals in each group, evaluation of results.
ANNEX IV

RECOMMENDED STANDARDIZED OPERATING PROCEDURES FOR ACUTE INHALATION TOXICITY CRITERIA

1. In the assessment and evaluation of the toxic characteristics of chemicals in a vapour state determination of acute inhalation toxicity is necessary. In every case, when it is possible, this test should be preceded by subcutaneous toxicity determination. Data from these studies constitute the initial steps in the establishing of a dosage regimen in subchronic and other studies and may provide additional information on the mode of toxic action of a substance.

Three categories of agents were defined on the basis of their toxicity:

(i) super-toxic lethal chemicals;
(ii) other lethal chemicals;
(iii) other harmful chemical.

Lethality limits in terms of $L_C^{50}$ for inhalatory application were established to separate three toxic categories at $2,000 \text{ mg min/m}^3$ and $20,000 \text{ mg min/m}^3$.

2. Principles of the test method

A group of animals is exposed for a defined period to the test substance in concentration corresponding exactly to the category limits ($2,000 \text{ mg min/m}^3$ or $20,000 \text{ mg min/m}^3$ respectively). If in an actual test the death rate was greater than 50 per cent, then the material would fall into the higher toxicity category; if it was lower than 50 per cent, the material would fall into the lower toxicity category.

3. Description of the test procedure

3.1 Experimental animal. Healthy young adult male albino rats of Wistar strain weighing $200 \pm 20 \text{ g}$ should be used. The animals should be acclimatized to the laboratory conditions for at least five days prior to the test. The temperature of the animal room before and during the test should be $22 \pm 3^\circ\text{C}$ and the relative humidity should be 50-70 per cent. With artificial lighting, the sequence should be 12 hours light, 12 hours dark. Conventional laboratory diets may be used for feeding with an unlimited supply of drinking water. The animals should be group-caged but the number of animals per cage should not interfere with proper observation of each animal. Prior to the test the animals are randomized and divided into two groups, twenty animals in each group.

3.2 Test substance. Each test substance should be appropriately identified (chemical composition, origin, batch number, purity, solubility, stability, boiling point, flash point, vapour pressure etc) and stored under conditions ensuring its stability. The stability of the substance under the test conditions should also be known.
3.3 **Equipment.** A constant vapour concentration may be produced by one of several methods.

(i) by means of an automatic syringe which drops the material onto a suitable heating system (e.g. hot-plate),

(ii) by sending airstream through a solution containing the material (e.g. bubbling chamber),

(iii) by diffusion of the agent through a suitable material (e.g. diffusion chamber).

A dynamic inhalation system with a suitable analytical concentration control system should be used. The rate of air flow should be adjusted to ensure that conditions throughout the equipment are essentially the same. Both a whole body individual chamber exposure or head only exposure may be used.

3.4 **Physical measurements.** Measurements or monitoring should be conducted of the following parameters:

(i) the rate of air flow (preferably continuously),

(ii) the actual concentration of the test substance during the exposed period,

(iii) temperature and humidity.

3.5 **Test method.** Twenty animals are exposed for 10 minutes to the concentration of 200 mg/m³ and then removed from the chamber. The number of dead animals is determined within 48 hours and again after 7 days. If the death rate is lower than 10 animals, another group of twenty animals should be exposed for 10 minutes to the concentration of 2,000 mg/m³. The number of dead animals should be determined within 48 hours and again after 7 days. If the result is doubtful (e.g. death rate = 10), the test should be repeated.

3.6 **Evaluation of results.** If the death rate in the first group of animals (exposed to the concentration of 200 mg/m³) is equal to or higher than 50 per cent, the test substance will fall into the “super-toxic lethal chemical” category. If the death rate in the second group (exposed to the concentration of 2,000 mg/m³) is equal to or higher than 50 per cent, the test substance will fall into the “other legal chemical” category; if it is lower than 50 per cent, the test substance will fall into the “other harmful chemical”.

4. **Data reporting**

A test report should include the following information:

(i) **Test conditions.** date and hour of the test, description of exposure chamber (type, dimensions, source of air, system for generating the test substance, method of conditioning air, treatment of exhaust air etc) and equipment for measuring temperature, humidity, air flow and concentration of the test substance.
(ii) **Exposure data:** air flow rate, temperature and humidity of air, nominal concentration (total amount of test substance fed into the equipment divided by volume of air), actual concentration in test breathing zone.

(iii) **Animal data:** strain, weight and origin of animals.

(iv) **Test substance characterization:** chemical composition, origin, batch number and purity (or impurities) of the substance; boiling point, flash point, vapour pressure; date of receipt, quantities received and used in the test; condition of storage, solvent used in the test.

(v) **Results:** number of dead animals in each group, evaluation of results.
Document Regarding Action Prior to Entry into Force of the Convention: Detailed Views

A document containing the following should be associated with the Convention:

1. When signing the Convention, every State should declare whether chemical weapons stocks or chemical weapons production facilities are under its control anywhere or located within its territory.

2. Not less than 90 days after the Convention is opened for signature a Preparatory Commission, composed of representatives of all signatory States, should be convened for the purpose of carrying out necessary preparations for the coming into force of the Convention's provisions, including preparing the first session of the Consultative Committee.

3. The Commission should include one representative from each signatory. All decisions should be made by consensus. The Preparatory Commission should remain in existence until the Convention comes into force and thereafter until the first meeting of the Consultative Committee. Its actions must be consistent with the provisions of the Convention.

4. The expenses of the Preparatory Commission should be met as follows (details).

5. The Preparatory Commission should:

(a) elect its own officers, adopt its own rules of procedure, meet as often as necessary, determine its own place of meeting and establish such committees as it deems necessary;

(b) appoint an executive secretary and staff, who shall exercise powers and perform such duties as the Commission determines;

(c) make arrangements for the first session of the Consultative Committee, including preparing a provisional agenda, drafting rules of procedure, and choosing the site; and

(d) make studies, reports, and recommendations for the consideration of the Consultative Committee at its first meeting on procedural matters of concern to the Committee which would require immediate attention, including:

(1) financing of the activities for which the Committee is responsible;

(2) the programs and budget for the first year of the Committee's activities;

(3) staffing of the Secretariat; and

(4) the location of the permanent offices of the Committee.

6. The Preparatory Commission should submit a comprehensive report on its activities to the Consultative Committee at the Committee's first session.