

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

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General provision

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

Comments

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

- Some delegations felt that a convention, so as to be comprehensive in nature, should aim at prohibiting chemical weapons in all their aspects and therefore also include a prohibition of use of chemical weapons in the scope of a convention. They held, inter alia, that this would strengthen the prohibition contained in the 1925 Geneva Protocol by adding measures of verification to it and by enlarging it to cover some hostile situations which they deemed not to be covered by the Protocol, whose scope of prohibition, in their view, only covers the use of chemicals in war. Others felt that a comprehensive prohibition of use was already contained in the 1925 Protocol, and that it should therefore not be restated because it would lead to the weakening of that Protocol. According to some delegations the verification mechanism of a future convention would also entail the division of States Parties to the Protocol into two categories on the basis of their obligations, namely those who have become Parties to a convention, and thus accepted the obligations of verification under it and those who have not become Parties to a convention and therefore have no such obligations. It was further felt by some that restating the prohibition of use would cast doubts on the recognized value of the Protocol. All agreed however that nothing in this convention should detract from the effectiveness of the 1925 Protocol.