

I. SCOPE OF PROHIBITION

Basic Prohibition

The Convention should require a party: (a) never to develop, produce, otherwise acquire, stockpile, retain, or transfer chemical weapons; (b) to eliminate existing stockpiles of chemical weapons; (c) to eliminate facilities for production or filling of chemical weapons; (d) not to conduct activities directly related to use of chemical weapons (for example, not to practice employment of chemical weapons - protective activities would be unaffected); (e) not to use chemical weapons in any circumstances where use is not already prohibited by the 1925 Geneva Protocol (according to the terms of the Protocol, its provisions apply, for example, only in "war" and only between Parties).

The provisions of the Convention should cover super-toxic lethal, other lethal, other harmful chemicals (such as incapacitating chemicals), and their precursor chemicals, but not riot-control agents or herbicides. Toxins would be included implicitly since they are toxic chemicals.

Non-Transfer/Non-Assistance

The Convention should prohibit:

- (a) transfer to anyone, directly or indirectly, of any chemical weapons;
- (b) transfer to anyone, directly or indirectly, other than another party, of any super-toxic lethal chemical or key precursor produced or otherwise acquired for protective purposes. Transfers would be limited to a maximum of 100 grams in any 12-month period. Advance notification of the Depositary (as specified in an annex) of any transfers of such a super-toxic lethal chemical or key precursor should be required.
- (c) assisting, encouraging, or inducing, directly or indirectly, anyone to engage in activities prohibited to a party under the Convention.

Terminology

Key terms used in the Convention should be carefully defined to ensure that the Convention's provisions are clear and precise. Important terms that need to be defined, and the United States understanding of them, are given below:

The term "chemical weapons" should be used to mean:

- (a) super-toxic lethal, other lethal, and other harmful chemicals, and their precursor chemicals, regardless of the method of production, except for those intended for permitted purposes as long as the types and quantities involved are consistent with such purposes; or
- (b) munitions or devices specifically designed to cause death or other harm through the toxic properties of chemicals 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.