COMMITTEE ON DISARMAMENT

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Working Paper on the Relation of Verification to the Scope of a Ban on Chemical Warfare Agents

The negotiations in the CCD and the CD for banning chemical weapons will soon have gone on for a decade and a half resulting in no agreement. The many consultations, working papers, and expert meetings have, however, shed light on the innumerable problems involved and consensus has been reached in several areas.

Over the last years the subject has also been dealt with in the bilateral consultations between the United States of America and the USSR, and special expectations have been placed in these negotiations. Here, too, the optimism has proved unfounded and the Joint reports promise no convention in the near future. The reports, latest (CD/112) in the summer of 1980, do augur some common understanding on many important points - mostly on the basis of earlier findings in the CCD or CD - which will give technical preparedness for a treaty as soon as the political understanding has been reached.

Firstly, it is most satisfying to note that the two sides believe that the future convention would be a comprehensive one with commitments never to develop, produce, otherwise acquire, stockpile or retain super-toxic lethal or harmful chemicals, or precursors of such chemicals, as well as chemical munitions or other means of chemical warfare. It also contains an undertaking to destroy all existing stocks.

Secondly, they proceed from the premises that the scope of the prohibition in any future convention would be determined on the basis of the general "purpose criterion". The goal of this is to give the treaty a fully unambigous content leaving no room for misinterpretation i.e. no violator can claim to have acted in ignorance.

Unfortunately outsiders cannot easily verify the purpose of the development and production of a chemical, thus condemning it as a chemical warfare agent on the basis of the purpose criterion is often impossible until the chemical has been used as such, or at least placed in munitions or army depositories, therefore, additional definitions for chemical agents have been found necessary for facilitating verification. As such additional definition, the two sides have first come to see the use of the toxicity criterion.