

III

Prohibition of transfer

Each State Party to this Convention should undertake:

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

(b) not to transfer to anyone, directly or indirectly, except to a State Party, any super-toxic lethal chemicals produced or otherwise acquired for permitted purposes, of types and in quantities which are suitable for chemical weapons purposes;

(c) not to assist, encourage or induce, directly or indirectly, anyone to engage in activities from which the State Party itself would be obliged to refrain under the Convention.

Comments

- Some delegations thought that the prohibition to transfer super-toxic lethal chemicals should be extended to other lethal chemicals. A delegation, however, felt that the prohibition on transfer of super-toxic lethal chemicals, except to State Parties, contained in (b) above, was subsumed under (c). No special provision therefore needed to be made with respect to super-toxic lethal chemicals, especially since this might imply less than strict application of the provision under (c).

- A delegation considered that the right implied in element III to transfer super-toxic lethal chemicals in types and quantities suitable for chemical weapons purposes to another State Party should only apply when these chemicals are intended for permitted purposes.

- Some delegations suggested that States Parties should be permitted to transfer to other States Parties their existing stocks of chemical weapons for the purpose of the destruction of these weapons.

- Some delegations felt that the wording of this prohibition was not sufficiently clear because of the ambiguity in the definition of chemical weapons.