

## 2.0 Chemicals Addressed in the CWC Negotiations

Article VI of the "rolling text" states that each State Party:

- "(a) has the right, subject to the provisions of this Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited by the Convention.
  
- (b) shall ensure that toxic chemicals and their precursors are not developed, produced, otherwise acquired, retained, transferred or used within its territory or anywhere under its jurisdiction or control for purposes prohibited by the Convention."

It is noteworthy that sub-paragraph (b) above would suggest that concerns and obligations in relation to toxic chemicals go beyond the three schedules of chemicals currently included under Article VI for international monitoring because of the particular risks they pose to the objectives of the Convention. The intention is that under the "general purpose criterion," discussed at length in the CD negotiations but no longer specifically included in the "rolling text," the overall prohibition would apply to the production, stockpiling and use of any toxic chemicals for chemical warfare. Such a notion is difficult to express in simple terms because there are usually legitimate civilian uses for many of the chemicals. In relation to the prohibition on use of chemical weapons, the "bottom line" is that it applies to any chemical substance used for the purpose that its toxic properties cause death or harm to man or animals. This places the burden of verification with regard to the alleged use of a novel agent on the body responsible for investigating any such allegations (or even concerns) which may arise. It is possible that unusual events involving sickness or death could lead to requests for