

"ANNEX

REPORT OF THE CO-ORDINATOR OF THE CONTACT GROUP ON THE SCOPE OF THE
CHEMICAL WEAPONS CONVENTION

"I. Basic positions:

"1. Text without a prohibition of use:

'Each State Party to this Convention undertakes, under no circumstances, to develop, produce, otherwise acquire, stockpile, retain or transfer chemical weapons, and to destroy or dispose for permitted purposes of existing stocks of such weapons, and also to destroy or dismantle facilities and means of production of such weapons.'

"2. Direct inclusion of a prohibition of the use of chemical weapons in Element I:

'Each State Party to this Convention undertakes never in any circumstances to develop, produce, otherwise acquire, stockpile, retain, transfer or use chemical weapons and to destroy or otherwise dispose of existing stocks of chemical weapons and means of production of such weapons.'

"II. Proposals for optional alternatives concerning the reaffirmation of the 'non-use' regime provided for in the 1925 Geneva Protocol, and its reinforcement through one or more of the following:

- (a) a preambular provision recalling the 1925 Geneva Protocol and reaffirming the prohibition of use;
- (b) a specific provision prohibiting use in situations not covered by the 1925 Geneva Protocol;
- (c) a provision stating that CW convention should not be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Geneva Protocol of 1925 (along the lines of existing Element VII);
- (d) a specific article in the body of the future convention recognizing that any use of chemical weapons will constitute a violation of the chemical weapons convention and stipulating that as a consequence the provisions on verification included in CW convention will apply to such situations as well;
- (e) a specific provision should be included in the section dealing with the 'complaints procedure' of the future Convention. Such a provision should recognize that any use of chemical weapons by a State Party or with the assistance of a State Party would indicate a violation of one or more of the obligations assumed under the scope of the Convention. The competence of the Consultative Committee would consequently be extended to the allegations of use.