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A comprehensive approach for elaborating régimes for chemicals
in a future chemical weapons convention

For the purpose of the Convention the relevant chemicals have in CD/539 been divided into five categories, i.e. super-toxic lethal, other lethal and other harmful chemicals, key precursors including key components for binary and multicomponent chemical systems for chemical weapons, and, precursors. This has proved to be a very useful categorization. However, attempts to apply one and the same set of measures to all relevant chemicals in each one of the five categories have failed.

There is now a growing recognition that the diversity within a category and the different purposes for which these chemicals are produced need to be taken into account when elaborating the measures to be applied in order not to hamper the development of the peaceful chemical industry while at the same time ensuring that chemicals are not produced for chemical weapons purposes. There is also concern that one and the same chemical might be subject to qualitatively different measures depending on the purpose of its production and that this might create "loopholes" in the Convention. Time has therefore come to refine the concepts somewhat and to look for alternative ways of structuring the relationship between the categories of chemicals and the measures to be applied to them.

This paper suggests an alternative approach for the elaboration of régimes of measures to be applied to the different chemicals involved. This approach allows for bringing together chemicals from different categories under one and the same régime, as well as for applying different régimes to different chemicals within one and the same category. This could be achieved through a regrouping of the chemicals without in any way changing the definitions and the five categories already agreed upon.

Such a regrouping also opens the way for a comprehensive way of dealing with the chemicals, so that one and the same chemical would be subject to the same régime in all parts of the Convention (i.e. as regards declarations, elimination, permitted production and verification).

The philosophy of the approach is simple. Based on existing definitions the chemicals are arranged in three groups. To each group a régime for the declarations, elimination, production and verification is devised. Régime I is the most stringent and demanding one and applies to all Group I-chemicals. Régime II is also stringent but somewhat less burdensome and applies to all the Group II-chemicals. Régime III is the least stringent of the three and applies to the Group III-chemicals.