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CM
Foreign and Commonwealth Office

London SW1A 2AH

14 December 1984

Dear Charles,

US Draft CW Convention: Article X

/ As requested, I enclose the full text of the US draft
/ Convention on Chemical Weapons, together with the text of
Article X (compulsory acceptance of challenge inspection)
in a separate format, for ease of reference. I also enclose
the text of alternative language on challenge inspection
which we have proposed to the Americans in an extended
process of consultation in which the French and Germans are
also involved.

Yours ever,

L V Appleyard

(L V Appleyard)
Private Secretary

C D Powell Esq
10 Downing Street

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ANNEX B

ARTICLE X

CHALLENGE INSPECTION

1. In accordance with the relevant provisions of this Convention and Annex II thereto, each State Party shall have the right to request, through the relevant organs of the Convention, at any time, a challenge inspection of any location or facility under the jurisdiction of another State Party to clarify and resolve any matter which may cause doubts about compliance or which gives rise to concern about a related matter which may be considered ambiguous.

2. Each State Party shall accede to such a request, within 24 hours of its receipt, and make the necessary arrangements to allow an inspection to be carried out immediately.

3. In the event of a failure to implement a challenge inspection, the following procedures shall apply and shall be completed within the prescribed time limits below:-

(a) the Director General of the Organisation shall require, on behalf of the Executive Council, the challenged State Party to propose, within the following 24 hours, alternative on-site inspection measures, in accordance with the provisions of the Convention which will establish whether that State has complied with its obligations under this Convention. If the challenged State Party fails to comply with the Director General's request within 24 hours, the challenging State Party may supply to the Director General for transmission to the Executive Council more detailed information relating to its request for an on-site inspection;

(b) at the same time, the challenging State may supply to all States Parties to the Convention, through the Director General of the Organisation, its detailed reasons for requesting an on-site inspection;

(c) upon receipt of the more detailed information from the challenging State, the Director General shall, within 24 hours of its receipt, renew his request to the challenged State on behalf of the Executive Council for an alternative on-site inspection;

(d) in the event of the continued failure by the challenged State Party to implement the renewed request for an alternative on-site inspection within 48 hours of its receipt, the Executive Council (convened by the Director General) may recommend immediately to the Consultative Committee, upon the evidence available and the repeated refusal of the challenged State to permit an on-site inspection, that the challenged State Party's rights and privileges of membership of the Organisation should be suspended. The Committee's decision to suspend shall be taken by a two thirds majority of Members present and voting. The Committee shall report a decision to suspend to the Security Council of the United Nations;

(e) following the decision to deprive a State Party of its rights and privileges of membership under sub-paragraph (d) of para 3 of this Article, the other States Parties may, together or individually, regard the continued failure to implement the requested on-site inspection as a material breach of the Convention, entitling them to suspend the operation of the Convention, in whole or in part, in relations between themselves and the defaulting State; and to take whatever other measures they consider appropriate in the light of their continued right to provide for self-defence under Article 51 of the UN Charter.

4. The penalties contained in paragraph 3 of this article would not apply in the event that a challenged state had proposed an alternative on-site inspection on a basis acceptable to the Executive Council.

Article XSpecial On-Site Inspection

1. In accordance with the provisions of this Article and Annex II, each member of the Fact-Finding Panel shall have the right to request at any time a special on-site inspection of any other Party, through the Technical Secretariat, to clarify and resolve any matter which may cause doubts about compliance or gives rise to concerns about a related matter which may be considered ambiguous, of:

(a) any location or facility subject to systematic international on-site inspection pursuant to Articles III, V, and VI; or

(b) any military location or facility, any other location or facility owned by the Government of a Party, and as set forth in Annex II, locations or facilities controlled by the Government of a Party.

2. A request shall be handled in the following manner:

(a) Within twenty-four hours of the request, the Technical Secretariat shall notify the Party to be inspected and designate

an inspection team in accordance with paragraph 4 of this Article; and

- (b) Within twenty-four hours after the receipt of such notification, the Party to be inspected shall provide the inspection team unimpeded access to the location or facility.

3. Each Party may solicit from any member of the Fact-Finding Panel a request for an inspection of any other Party under this Article.

4. Any special on-site inspection requested through the Technical Secretariat shall be carried out by inspectors designated from among the full-time inspectors of the Secretariat. Each inspection team shall consist of one inspector from each member State of the Fact-Finding Panel, except that if the Party to be inspected is a member State of the Panel, the team shall not include any inspector from that State. The team shall promptly provide a written report to the requesting Party, the inspected Party, and the Fact-Finding Panel. Each inspector shall have the right to have his individual views included in the report.

UNITED STATES OF AMERICA

DRAFT CONVENTION ON THE PROHIBITION OF CHEMICAL WEAPONS

Table of Contents

	<u>Page</u>
Preamble	1
I Basic Prohibition	1
II Definitions	2
III Permitted Activities	3
IV Declaration of Chemical Weapons, Chemical Weapons Production Facilities and Past Transfers	4
V Chemical Weapons	5
VI Chemical Weapons Production Facilities	6
VII Consultative Committee	7
VIII Non-Interference with Verification	8
IX Consultation and Co-operation; Resolving Compliance Issues . .	8
X Special On-Site Inspection	10
XI <u>Ad hoc</u> On-Site Inspection	11
XII Domestic Implementation Measures	11
XIII Assistance to Parties Endangered by Chemical Weapons	11
XIV Non-Interference with Other Agreements	12
XV Amendments	12
XVI Duration; Withdrawal	12
XVII Signature; Ratification; Entry into Force	12
XVIII Languages	13

Detailed United States Views on the Contents of the Annexes to the
Convention

Annex I - Consultative Committee

- Section A. General Provisions
- Section B. Executive Council
- Section C. Fact-Finding Panel
- Section D. Technical Secretariat
- Section E. Special Meeting of the Consultative Committee

Annex II - Verification

- Section A. Declarations
- Section B. On-Site Verification

Annex III - Schedules: Chemicals Subject to Special Measures;
Methods for Measuring Toxicity

- Schedule A
- Schedule B
- Schedule C
- Schedule D

CONVENTION ON THE PROHIBITION OF CHEMICAL WEAPONS

The States Parties to this Convention,

Reaffirming their adherence to the objective of general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction,

Desiring to contribute to the realization of the purposes and principles of the United Nations, as set forth in its Charter,

Recalling the significance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and also of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at Washington, London and Moscow on 10 April 1972, and calling upon all States to comply strictly with the said agreements,

Determined, for the sake of all mankind, to exclude completely the possibility of toxic chemicals being used as weapons,

Convinced that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimize this risk,

Considering that achievements in the field of chemistry should be used exclusively for the benefit of mankind,

Convinced that the complete and effective prohibition of the development, production and stockpiling of chemical weapons, and their destruction, represents a necessary step towards the achievement of these common objectives,

Fulfilling the commitment under Article IX of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction with regard to the effective prohibition of chemical weapons,

Have agreed as follows:

Article I

Basic Prohibition

Each Party undertakes not to:

- (a) develop, produce, otherwise acquire, stockpile, or retain chemical weapons, or transfer chemical weapons to anyone;
- (b) conduct other activities in preparation for use of chemical weapons;
- (c) use chemical weapons in any armed conflict; or
- (d) assist, encourage, or induce, directly or indirectly, anyone to engage in activities prohibited to Parties under this Convention.

Article II

Definitions

For the purposes of this Convention:

1. "Chemical weapons" means,
 - (a) super-toxic lethal, other lethal, and other harmful chemicals, and their precursors, except for those chemicals intended solely for permitted purposes as long as the types and quantities involved are consistent with such purposes and except for those chemicals which are not super-toxic lethal, or other lethal, chemicals and which are used by a Party for domestic law-enforcement and riot control purposes or used as a herbicide; or
 - (b) munitions or devices specifically designed to cause death or other harm through the toxic properties of any chemical which is defined as a chemical weapon under subparagraph (a) of this paragraph and which would be released as a result of the employment of such munitions and devices; or
 - (c) any equipment or chemical specifically designed for use directly in connection with the employment of such munitions or devices.
2. "Super-toxic lethal chemical" means any toxic chemical with a median lethal dose which is less than or equal to (0.5) mg/kg (subcutaneous administration) or (2,000) mg-min/m³ (by inhalation), when measured by the standard methods specified in Schedule D.
3. "Other lethal chemical" means any toxic chemical with a median lethal dose which is greater than (0.5) mg/kg (subcutaneous administration) or (2,000) mg-min/m³ (by inhalation) and which is less than or equal to 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m³ (by inhalation), when measured by the standard methods specified in Schedule D.
4. "Other harmful chemical" means any toxic chemical not covered under the terms "super-toxic lethal chemical" or "other lethal chemical", including chemicals which normally cause incapacitation rather than death.
5. "Toxic chemical" means any chemical substance, regardless of its origin or method of production, which through its chemical action can interfere directly with normal functioning of man or animals so as to cause death, temporary incapacitation or permanent damage.
6. "Precursor" means any chemical which may be used in production of a super-toxic lethal chemical, other lethal chemical, or other harmful chemical.
7. "Key precursor" means any precursor that is listed in Schedule C.
8. "Permitted purposes" means industrial, agricultural, research, medical or other peaceful purposes; protective purposes; and military purposes that do not make use of the chemical action of a toxic chemical to interfere directly with normal functioning of man and animals so as to cause death, temporary incapacitation or permanent damage.

9. "Protective purposes" means purposes directly related to protection against chemical weapons, but does not mean purposes directly related to the development, production, other acquisition, stockpiling, retention or transfer of chemical weapons.

10. "Chemical weapons production facility" means any building or any equipment which in any degree was designed, constructed or used since 1 January 1946, for:

(a) the production for chemical weapons of any toxic chemical, except for those listed in Schedule B, or the production for chemical weapons of any key precursor; or

(b) the filling of chemical weapons.

11. "Other activities in preparation for use of chemical weapons" means (to be elaborated), but does not mean activities directly related to protective purposes.

Article III

Permitted Activities

1. Subject to the limitations contained in this Convention, each Party may retain, produce, acquire, transfer or use toxic chemicals, and their precursors, for permitted purposes, of types and in quantities consistent with such purposes.

2. The following measures shall apply to toxic chemicals for protective purposes:

(a) The retention, production, acquisition, and use of super-toxic lethal chemicals and key precursors for protective purposes shall be strictly limited to those amounts which can be justified for such purposes. At no time shall the aggregate amount possessed by a Party exceed one metric ton, nor shall the aggregate amount acquired by a Party in any calendar year through production, withdrawal from chemical weapons stocks, and transfer exceed one metric ton. Once a Party has reached the aggregate one metric ton permitted per year, it must not acquire any further such super-toxic lethal chemicals until the next year, at which time it may then acquire only those amounts of such chemicals to replace amounts used or transferred to another Party for protective purposes.

(b) Each Party which produces super-toxic lethal chemicals or key precursors for protective purposes shall carry out the production at a single specialized facility, the capacity of which shall not exceed (an agreed limit). Information on the facility and its operations shall be provided in accordance with Annex II. The facility shall be subject to systematic international on-site verification, through on-site inspection and continuous monitoring with on-site instruments in accordance with Annex II.

(c) Each Party shall, in accordance with Annex II, make an annual declaration regarding all key precursors devoted to protective purposes and all toxic chemicals that can be used as chemical weapons but are devoted to protective purposes, as well as provide other specified information on its protective activities.

(d) The provisions of the Convention do not preclude transfer for protective purposes of super-toxic lethal chemicals or key precursors produced or otherwise acquired for such purposes. Such transfers may be made only to another Party. The maximum quantity transferred to any Party shall not exceed (quantity) in any 12-month period, nor shall it cause the receiving Party to exceed the aggregate limit specified in subparagraph 2 (e) of this Article. Prior to any transfer of such a super-toxic lethal chemical or key precursor, the transferring Party shall provide the information specified in Annex II. Items transferred may not be retransferred to another State.

3. In view of the particular risk they pose to achieving the objectives of the Convention, the chemicals listed in Schedules A, B and C shall be subject to the special measures specified in Annex III.

(a) In respect of chemicals in Schedule A, each Party shall prohibit all production and use except for production and use of laboratory quantities for research, medical, or protective purposes at establishments approved by the Party; and

(b) Facilities producing chemicals listed in Schedule C for permitted purposes shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments, as specified in Annex II.

4. A Party in a position to do so may assist another Party in destruction of chemical weapons, including shipment of chemical weapons to its territory for the purpose of destroying them, or in destruction of chemical weapons production facilities.

5. This Convention shall be implemented in a manner designed in so far as possible to avoid hampering the economic or technological activities of Parties to the Convention or international co-operation in the field of peaceful chemical activities including the international exchange of toxic chemicals and equipment for the production, processing, or use of toxic chemicals for peaceful purposes in accordance with the provisions of the Convention.

Article IV

Declaration of Chemical Weapons, Chemical Weapons Production Facilities and Past Transfers

1. Each Party shall file a declaration, within 30 days after the Convention enters into force for it, stating whether it has under its control anywhere, any chemical weapons, any chemical weapons production facility, any super-toxic lethal chemicals or key precursors for protective purposes, or any production facility for super-toxic lethal chemicals and key precursors for protective purposes. The declaration shall also state whether the Party has on its territory, under the control of others, including a State not party to this Convention, any of the foregoing and their locations.

2. The declaration filed by each Party shall comply with the requirements of Annex II and shall state:

(a) the precise location of any chemical weapons under its control and the detailed inventory of the chemical weapons at each location;

- (b) its general plans for destruction of any chemical weapons under its control;
- (c) the precise location, nature, and capacity of any chemical weapons production facility under its control at any time since 1 January 1946;
- (d) its plans for closing and eventually destroying any chemical weapons production facilities under its control;
- (e) the precise location and capacity of the single specialized production facility, if any, for super-toxic lethal chemicals and key precursors permitted by subparagraph 2 (b) of Article III;
- (f) the precise location and nature of any other facility under its control designed, constructed or used, since (date) for the production of chemicals listed in Schedules B and C;
- (g) the precise location and nature of any facility under its control designed, constructed, or used since (date), for development of chemical weapons, including test and evaluation sites; and
- (h) whether the Party has transferred control of chemical weapons or equipment for their production since (date) or has received such weapons or equipment since that date. If so, specific information shall be provided in accordance with Annex II.

Article V

Chemical Weapons

1. Each Party shall, in accordance with Annex II:
 - (a) provide information on the location and composition of any chemical weapons, pursuant to Article IV;
 - (b) provide a general plan for destroying its chemical weapons, pursuant to Article IV and, subsequently, provide more detailed plans;
 - (c) ensure access to its chemical weapons immediately after the declaration is filed, for the purpose of systematic international on-site verification of the declaration, through on-site inspection;
 - (d) ensure, through access to its chemical weapons for the purpose of systematic international on-site verification, and through on-site inspection and continuous monitoring with on-site instruments, that the chemical weapons are not removed except to a destruction facility;
 - (e) destroy its chemical weapons, pursuant to the time-table specified in Annex II, beginning not later than 12 months, and finishing not later than 10 years, after the Convention enters into force for it;
 - (f) provide access to the destruction process for the purpose of systematic international on-site verification of destruction, through the continuous presence of inspectors and continuous monitoring with on-site instruments;

(g) provide information annually during the destruction process regarding implementation of its plan for destruction of chemical weapons; and

(h) certify, not later than 30 days after the destruction process has been completed, that its chemical weapons have been destroyed.

2. All locations where chemical weapons are stored or destroyed shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments in accordance with Annex II.

3. Old chemical weapons found after the declarations required by Article IV and this Article have been filed shall be subject to the provisions of Annex II regarding notification, interim storage, and destruction, as well as systematic international on-site verification of these actions. These provisions shall also apply to chemical weapons which were inadequately disposed of in the past and are subsequently retrieved. A detailed explanation shall be given as to why these chemical weapons were not declared in the declarations filed pursuant to Article IV and this Article.

4. Any Party which has on its territory chemical weapons which are under the control of a State which is not a Party to this Convention shall ensure that such weapons are removed from its territory not later than () months after the date on which the Convention entered into force for it.

Article VI

Chemical Weapons Production Facilities

1. Each Party shall, in accordance with Annex II,

(a) cease immediately all activity at each of its chemical weapons production facilities, except that required for closure;

(b) close each of its chemical weapons production facilities within three months after the Convention enters into force for it in a manner that will render those facilities inoperable;

(c) provide information on the location, nature and capacity of any chemical weapons production facility, pursuant to Article IV;

(d) provide a general plan for destroying its chemical weapons production facilities, pursuant to Article IV and, subsequently, provide more detailed plans;

(e) provide access to each chemical weapons production facility immediately after the declaration is filed, for the purpose of systematic international on-site verification of the declaration through on-site inspection;

(f) provide access to each chemical weapons production facility for the purpose of systematic international on-site verification to ensure that the facility remains closed and is eventually destroyed, through periodic on-site inspection and continuous monitoring by on-site instruments;

(g) destroy its chemical weapons production facilities, pursuant to the time-table specified in Annex II, beginning not later than 12 months, and finishing not later than 10 years, after the Convention enters into force for it;

(h) provide information annually during the destruction period regarding the implementation of its plan for destruction of chemical weapons production facilities; and

(i) certify, not later than 30 days after the destruction process has been completed, that its chemical weapons production facilities have been destroyed.

2. All chemical weapons production facilities shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments in accordance with Annex II.

3. No Party shall construct any new chemical weapons production facilities, or modify any existing facilities, for purposes prohibited by the Convention.

4. A chemical weapons production facility may be temporarily converted for destruction of chemical weapons. Such a converted facility must be destroyed as soon as it is no longer in use for destruction of chemical weapons and, in any case, not later than the deadline for destruction of chemical weapons production facilities set forth in subparagraph 1 (g) of this Article.

Article VII

Consultative Committee

1. A Consultative Committee shall be established upon entry into force of this Convention. Each Party shall be entitled to designate a representative to the Consultative Committee.

2. The Consultative Committee shall oversee the implementation of the Convention, promote the verification of compliance with the Convention, and carry out international consultations and co-operation among Parties to the Convention. For these purposes it shall:

(a) carry out systematic international on-site verification, through on-site inspection and monitoring with on-site instruments, of:

- (i) chemical weapons,
- (ii) destruction of chemical weapons,
- (iii) closure and destruction of chemical weapons production facilities,
- (iv) permitted single specialized facilities for production of super-toxic lethal chemicals and key precursors for protective purposes, and
- (v) production for permitted purposes of the chemicals specified in Schedule C;

(b) provide a forum for discussion of any questions raised relating to the objectives, or the implementation, of the Convention;

(c) conduct special on-site inspections under Article X and ad hoc on-site inspections under Article XI;

(d) participate in any inspections agreed among two or more Parties as referred to in paragraph 2 of Article IX, if requested to do so by one of the Parties involved;

(e) develop, and revise as necessary, detailed procedures for exchange of information, for declarations and for technical matters related to the implementation of the Convention;

(f) review scientific and technical developments which could affect the operation of the Convention;

(g) meet in regular session annually; and

(h) review the operation of the Convention at five-year intervals unless otherwise agreed by a majority of the Parties.

3. The Consultative Committee shall establish an Executive Council which shall have delegated authority to discharge the functions of the Committee set out in subparagraphs 2 (a), 2 (c), 2 (d) and 2 (e) of this Article, and any other functions which the Committee may from time to time delegate to it. The Council shall report to the Committee at its regular sessions on its exercise of these functions.

4. Each Party shall co-operate fully with the Consultative Committee in the exercise of its verification responsibilities.

5. Further functions and the organization of the Consultative Committee, the Executive Council, the Fact-Finding Panel, the Technical Secretariat and other subsidiary organs are specified in Annex I.

Article VIII

Non-Interference with Verification

A Party shall not interfere with the conduct of verification activities. This shall apply to verification activities conducted in accordance with the Convention by the designated representatives of the Consultative Committee or by Parties, and shall include verification activities conducted by national technical means in a manner consistent with generally recognized principles of international law.

Article IX

Consultation and Co-operation; Resolving Compliance Issues

1. Parties shall consult and co-operate, directly among themselves, or through the Consultative Committee or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the objectives or the implementation of the provisions of this Convention.

2. Parties shall make every possible effort to clarify and resolve, through bilateral consultation, any matter which may cause doubts about compliance with this Convention or which gives rise to concerns about a related matter which may be considered ambiguous. A Party which receives a request from another Party for clarification of any matter which the requesting Party believes causes such doubts or concerns shall provide the requesting Party, within seven days of the request, with information sufficient to answer the doubts or concerns raised along with an explanation of how the information provided resolves the matter. Nothing in this Convention affects the right of any two or more Parties to arrange by mutual consent for inspections among themselves to clarify and resolve any matter which may cause doubts about compliance or gives rise to concerns about a related matter which may be considered ambiguous. Such arrangements shall not affect the rights and obligations of any Party under other provisions of this Convention.

3. In order to facilitate satisfactory resolution of matters raised, the Parties concerned may request the assistance of the Consultative Committee or its subsidiary organs. Any Party may request the Executive Council to conduct fact-finding procedures with regard to the Party's own activities or the activities of another Party in order to clarify and resolve any matter which may cause doubts about compliance with the Convention or gives rise to concerns about a related matter which may be considered ambiguous.

(a) Requests sent to the Executive Council under this Article shall state the doubts or concerns, the specific reasons for the doubts or concerns, and the action that the Council is being requested to undertake.

(b) Within two days of receipt of such a request, the Technical Secretariat shall, on behalf of the Council, request the Party whose activities create the doubts or concerns to clarify the state of affairs.

(c) If the doubts or concerns which gave rise to the request have not been resolved within 10 days of the receipt of the request by the Council, its Fact-Finding Panel shall immediately initiate a fact-finding inquiry, and transmit to the Chairman of the Council a report on its work, whether interim or final, within two months of the date of the request. Reports of the Panel shall include all views and information presented during its proceedings.

(d) All requests for special on-site inspections shall be governed by Article X and all requests for ad hoc on-site inspections by Article XI.

4. Any Party whose doubts or concerns about compliance have not been resolved within two months or any Party which has doubts or concerns it believes warrant urgent consideration by all Parties regarding compliance or regarding other matters directly related to the objectives of the Convention may request the Chairman of the Consultative Committee to convene a special meeting of the Committee. The Chairman of the Committee shall convene such a meeting as soon as possible and in any case within one month of the receipt of the request. Each Party may participate in such a meeting, whose functions and rules of procedures are established in Annex I.

5. All Parties shall co-operate fully with the Consultative Committee and its subsidiary organs, as well as with international organizations, which may, as appropriate, give scientific, technical and administrative support in order to facilitate fact-finding activities and thereby help to ensure the speedy resolution of the matter which gave rise to the original request.

6. The Executive Council shall promptly notify all Parties of the initiation of any fact-finding procedures and shall provide all available information related thereto to any Party upon request. All Parties shall also be promptly notified of the refusal by a Party of any request made by the Committee or its subsidiary organs as part of a fact-finding inquiry. All reports regarding the fact-finding activities conducted under this Article, as well as on-site inspections under Articles X and XI shall be distributed promptly to all Parties.

7. The provisions of this Article shall not be interpreted as affecting the rights and duties of Parties under Articles X and XI or under the Charter of the United Nations.

Article X

Special On-Site Inspection

1. In accordance with the provisions of this Article and Annex II, each member of the Fact-Finding Panel shall have the right to request at any time a special on-site inspection of any other Party, through the Technical Secretariat, to clarify and resolve any matter which may cause doubts about compliance or gives rise to concerns about a related matter which may be considered ambiguous, of:

(a) any location or facility subject to systematic international on-site inspection pursuant to Articles III, V and VI; or

(b) any military location or facility, any other location or facility owned by the Government of a Party, and as set forth in Annex II, locations or facilities controlled by the Government of a Party.

2. A request shall be handled in the following manner:

(a) Within 24 hours of the request, the Technical Secretariat shall notify the Party to be inspected and designate an inspection team in accordance with paragraph 4 of this Article; and

(b) Within 24 hours after the receipt of such notification, the Party to be inspected shall provide the inspection team unimpeded access to the location or facility.

3. Each Party may solicit from any member of the Fact-Finding Panel a request for an inspection of any other Party under this Article.

4. Any special on-site inspection requested through the Technical Secretariat shall be carried out by inspectors designated from among the full-time inspectors of the Secretariat. Each inspection team shall consist of one inspector from each member State of the Fact-Finding Panel, except that if the Party to be inspected is a member State of the Panel, the team shall not include any inspector from that State. The team shall promptly provide a written report to the requesting Party, the inspected Party, and the Fact-Finding Panel. Each inspector shall have the right to have his individual views included in the report.

Article XI

Ad Hoc On-Site Inspection

1. In accordance with the provisions of this Article and Annex II, each Party shall have the right to request, at any time, the Consultative Committee to conduct an ad hoc on-site inspection, to clarify and resolve any matter which may cause doubts about compliance or gives rise to concerns about a related matter which may be considered ambiguous, of any location or facility not subject to Article X.

2. A request shall be handled in the following manner:

(a) The Fact-Finding Panel shall meet within 24 hours to determine whether to request such an ad hoc on-site inspection using the guidelines in Section H of Annex II.

(b) If the Fact-Finding Panel decides to request an ad hoc inspection, the Party to be inspected shall, except for the most exceptional reasons, provide access within 24 hours of the Panel's request.

(c) If the Party to be inspected refuses such a request it shall provide a full explanation of the reasons for the refusal and a detailed, concrete proposal for an alternative means of resolving the concerns which gave rise to the request. The Fact-Finding Panel shall assess the explanation and alternative submitted, and may send another request, taking into account all relevant elements, including possible new elements received by the Panel after the original request.

(d) If the request is again rejected, the Chairman shall immediately inform the Security Council of the United Nations.

Article XII

Domestic Implementation Measures

Each Party shall:

(a) take any measures necessary in accordance with its constitutional processes to implement this Convention and, in particular, to prohibit and prevent any activity that a Party is prohibited from conducting by this Convention anywhere under its jurisdiction or control, and

(b) inform the Consultative Committee of the measures it has taken to implement the Convention.

Article XIII

Assistance to Parties Endangered by Chemical Weapons

Each Party undertakes, to the extent it deems appropriate, to render assistance to any Party to this Convention that the Security Council of the United Nations decides has been exposed to danger as a result of a violation of the Convention.

Article XIV

Non-Interference with Other Agreements

1. Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, or under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at Washington, London and Moscow on 10 April 1972.

2. Each Party to this Convention that is also a Party to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, affirms that the obligation set forth in subparagraph (c) of Article I supplements its obligations under the Protocol.

Article XV

Amendments

Any Party may propose amendments to this Convention. Amendments shall enter into force for Parties ratifying or acceding to them on the thirtieth day following the deposit of instruments of ratification or accession by a majority of the Parties to the Convention and thereafter for each remaining Party on the thirtieth day following the deposit of its instrument of ratification or accession.

Article XVI

Duration; Withdrawal

1. This Convention shall be of unlimited duration.

2. Every Party to this Convention shall, in exercising its national sovereignty, have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject-matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Convention, to the Depositary and to the Security Council of the United Nations three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article XVII

Signature; Ratification; Entry into Force

1. This Convention shall be open to all States for signature.

2. Any State which does not sign the Convention before its entry into force in accordance with paragraph 4 of this Article may accede to it at any time.

3. This Convention and its Annexes, which form an integral part thereof, shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations, hereby designated as the Depositary.
4. This Convention shall enter into force 30 days after the date of deposit of the (fortieth) instrument of ratification.
5. For each State ratifying or acceding after the deposit of the (fortieth) instrument of ratification or accession, the Convention shall enter into force on the thirtieth day following the deposit of the instrument of ratification or accession.
6. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices. The Depositary shall immediately upon receipt transmit any notices required by this Convention to every Party.
7. This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

Article XVIII

Languages

This Convention, the English, Arabic, Chinese, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

DETAILED UNITED STATES VIEWS ON THE CONTENTS
OF THE ANNEXES TO THE CONVENTION */

Annex I

CONSULTATIVE COMMITTEE

Provisions should be included along the following lines:

Section A. General Provisions

1. The Consultative Committee established pursuant to Article VII should convene in (venue) not later than 30 days after the Convention enters into force.
2. The Consultative Committee should subsequently meet in regular sessions annually for the first 10 years after the Convention enters into force, and annually thereafter unless a majority of Parties agrees that a meeting is unnecessary. A special meeting may be convened at the request of any Party or of the Executive Council.
3. In order to assist it in carrying out its functions, the Consultative Committee should establish an Executive Council, as provided in Section B of this Annex, as well as a Fact-Finding Panel, a Technical Secretariat and such other subsidiary bodies as may be necessary for its work.
4. The Executive Council should be responsible for carrying out the functions of the Consultative Committee specified in paragraph 2 of Article VII during the period when the latter is not in session. In particular, it shall be responsible for the activities in paragraph 1 of Section B of this Annex.
5. Except as specified elsewhere, the Committee and its subordinate bodies should take decisions where possible by consensus. If consensus cannot be reached within 24 hours, a decision may be taken by a majority of those present and voting. The report on a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.
6. The chairman of the Committee should be chosen by the Committee itself.
7. The Committee should present an annual report on its activities to the Parties.
8. The expenses of the Committee should be met by (_____).
9. The question of international legal personality of the Committee and its subsidiary organs should be addressed.

Section B. Executive Council

1. In carrying out its responsibilities, the Executive Council should, in particular, be responsible for:

*/ This paper presents current United States views on the contents of the annexes of a chemical weapons convention. It is subject to further modification, elaboration and refinement.

- (a) carrying out systematic international on-site verification;
- (b) ensuring the implementation of, and compliance with, the Convention;
- (c) obtaining, keeping and disseminating information submitted by Parties regarding matters pertaining to the Convention;
- (d) rendering services to Parties and facilitating consultations among them;
- (e) receiving requests from Parties, including requests for fact-finding;
- (f) deciding and overseeing specific action to be taken regarding such requests;
- (g) overseeing the activities of the other subordinate bodies of the Consultative Committee, including ensuring the proper execution of the functions of the Technical Secretariat, including the carrying out of systematic international on-site verification pursuant to Articles III, V, VI; the carrying out of special on-site inspections pursuant to Article X; and the carrying out of ad hoc on-site inspections pursuant to Article XI;
- (h) reporting to the Consultative Committee; and
- (i) requesting, when it deems necessary, a special meeting of the Consultative Committee.

2. (a) The Executive Council should be established within 45 days after entry into force of the Convention and should be composed of one representative from each of not more than 15 Parties, plus a non-voting chairman.

(b) Ten members should be elected by the Consultative Committee after nominations by the chairman based on consultation with the Parties. In selecting these members, due regard should be given to ensuring an appropriate geographic balance. These members should serve for a two-year period, with five of these members replaced each year.

(c) In addition, those permanent members of the Security Council of the United Nations who are Parties to the Convention should be represented.

(d) Each member may be assisted at meetings by one or more technical or other advisers.

(e) The chairman of the Consultative Committee should serve as chairman of the Executive Council.

Section C. Fact-Finding Panel

1. Within 45 days after entry into force of the Convention, the Consultative Committee should establish a Fact-Finding Panel subordinate to the Executive Council, which should be responsible for conducting fact-finding inquiries pursuant to Article IX, considering reports on special on-site inspections pursuant to Article X, and overseeing ad hoc inspections pursuant to Article XI.

2. (a) The Fact-Finding Panel should consist of diplomatic representatives of five Parties, plus a non-voting chairman.

(b) Three Parties should be selected by the Consultative Committee by a four-fifths vote after nominations by the chairman based on consultations with Parties. These member States should serve for a six-year period, with one Party being replaced every other year. Of these three Parties, one should represent the (Western group), one the (Eastern group), and one the (neutral/non-aligned group).

(c) In addition there should be one diplomatic representative each from the United States and the Soviet Union.

(d) The chairman of the Executive Council should serve as chairman of the Fact-Finding Panel.

3. (a) The Panel should convene within 10 days after receipt of a request from a Party for a fact-finding inquiry, within 24 hours after a request for an ad hoc on-site inspection pursuant to Article XI, or immediately on completion of a special on-site inspection by inspectors from the Technical Secretariat pursuant to Article X, to review the information available, conduct necessary inquiries, and make appropriate findings of fact.

(b) The work of the Fact-Finding Panel should be organized in such a way as to permit it to perform its functions.

(c) The Panel should transmit to the chairman of the Executive Council its findings of fact, whether interim or final, within two months of the date of the convening of the Panel. Reports of the Panel's findings should include all views and information presented during the Panel's proceedings.

(d) Each member should have the right, through the chairman, to request from Parties and from international organizations such information and assistance as the member considers desirable for the accomplishment of the work of the Panel.

(e) The first meeting of the Panel should be held not later than 60 days after entry into force of the Convention to agree on its organization and rules of procedure. At this meeting the chairman should submit recommendations, based on consultations with Parties and signatories.

Section D. Technical Secretariat

1. The Technical Secretariat should:

(a) conduct on-site inspections pursuant to Articles III, V, VI, X, and XI;

(b) provide the necessary administrative support to the Consultative Committee, the Executive Council, the Fact-Finding Panel and such other subsidiary bodies as may be established;

(c) render appropriate technical assistance to Parties and to the Executive Council in implementing the provisions of the Convention, such as reviewing Schedules A, B, C, and D, developing technical procedures, and improving the effectiveness of verification methods;

(d) receive from Parties and distribute to them data relevant to the implementation of the Convention;

(e) negotiate the subsidiary arrangements for systematic international on-site inspections provided for in Annex II, section B, subsection A, paragraph 3; and

(f) assist the Executive Council on such other tasks as may be agreed.

2. The composition of the Technical Secretariat should be elaborated by the Preparatory Commission.

3. All inspectors should be technically qualified and acceptable to their governments.

Section E. Special Meeting of the Consultative Committee

1. The special meeting of the Consultative Committee provided for in Article IX should undertake to solve any problem which may be raised by the Party requesting the meeting. For this purpose, the assembled Parties should be entitled to request and receive any information which a Party is in a position to communicate.

2. The work of the special meeting should be organized in such a way as to permit it to perform its functions.

3. Any Party should be able to participate in the meeting. The meeting should be chaired by the chairman of the Committee.

4. Each Party should have the right, through the chairman, to request from States and from international organizations such information and assistance as the Party considers desirable for the accomplishment of the work of the meeting.

5. A summary of the meeting, incorporating all views and information presented during the meeting, should be prepared promptly and distributed to all Parties.

Annex II

VERIFICATION

Provisions along the following lines should be included:

Section A. Declarations

A. General Provisions

1. Unless otherwise stipulated, information required to be provided should be submitted to the Depositary until the Consultative Committee is established and thereafter to the Committee. The information should be provided according to a standard format, which should be specified by the Depositary, after consultation with signatories, for information submitted before establishment of the Committee, or specified by the Committee for information submitted after its establishment. The information should be made available to Parties.
2. Locations should be specified with sufficient precision to permit unambiguous identification of sites and facilities. For this reason all locations should be specified by geographical place name and co-ordinates, as well as by any other official or commonly used designation, and should be clearly marked on maps of a suitable scale. For facilities within complexes, the exact position within the complex should be specified.
3. The accuracy and completeness of all declarations should be subject to the procedures specified in Articles IX, X and XI. As specified in subsections B and C, declarations should also be subject to systematic international on-site verification.

B. Contents of the declarations required by Articles IV, V and VI

1. Chemicals should be declared by scientific chemical name, chemical structural formula, toxicity and weight. The fraction in munitions and devices should be given. Munitions and devices should be declared by type and quantity. "Specifically-designed" equipment and chemicals, referred to in Article II, subparagraph 1(c), should be declared by type and quantity.
2. The exact location of chemical weapons within a site and form of storage (bulk, cylinder, etc.) should be declared, and storage standards should be provided.
3. The general plan for destruction of chemical weapons should include the type of operation, schedules of quantities and types of chemical weapons to be destroyed, and products.
4. Chemical weapons production facilities should be declared even if they have been destroyed; are now being used for other purposes; or were or are dual-purpose facilities designed or used in any degree for civilian production. The declaration should specify the chemical name of any chemicals, including civilian products, if any, ever produced at the facility, whether the facility still exists; and, if not, its disposition.
5. The information regarding existing chemical weapons production facilities should include information about the chemical process used, precisely what equipment and structures are at the facility, including any old or replacement equipment not in use, as well as equipment and spare parts stored at the facility; the methods that

will be used to close and eventually to destroy the equipment and structures; the general methods that will be used to dispose of the debris left from the destruction process; and the time periods (i.e., the months or years) when specific production facilities will be destroyed, respectively.

6. The declaration regarding a single specialized production facility for super-toxic lethal chemicals and key precursors for protective purposes should include a detailed description of the equipment at the facility.

7. The capacity of a chemical weapons production facility, or of a single specialized facility for production of super-toxic lethal chemicals or key precursors for protective purposes, should be expressed in terms of the quantity of end product that can be produced in (period), assuming that the facility operates (schedule). The capacity of a chemical weapons production facility used for filling chemical weapons should be expressed as the quantity of chemical that can be filled into munitions or other chemical weapons in (period), assuming that the facility operates (schedule).

8. With respect to past transfers, Parties should be required to make a declaration covering activities since (date). The declaration should specify the supplier and recipient countries, the timing and nature of the transfer and the current location of the transferred items, if known. The following should be declared:

(a) transfer of any militarily significant quantities (e.g., one ton) of toxic chemicals, munitions, devices or equipment for chemical weapons purposes; and

(b) transfers of equipment specifically designed or constructed for production of chemicals, munitions, devices or equipment for chemical weapons purposes.

C. Contents of Other Declarations

1. A declaration should be made annually regarding activities for protective purposes. It should cover activities actually conducted in the past year and those planned for the coming year. Information should be provided on:

(a) operations of any single specialized facility for production of super-toxic lethal chemicals and key precursors, including the schedule and names and quantities of chemicals involved;

(b) the scientific chemical name, chemical structural formula, quantity and use of each key precursor devoted to protective purposes and each toxic chemical that can be used as a chemical weapon but is devoted to protective purposes;

(c) (other protective activities to be agreed).

2. As specified in Article III and Annex III, a declaration should be made annually regarding the chemicals listed in Schedules A, B, and C.

3. Thirty days prior to the transfer to another Party of any super-toxic lethal chemical or key precursor for protective purposes, information should be provided on the recipient, and on the scientific chemical name, chemical structural formula, quantity, and end use, of the chemical transferred.

4. The detailed plan for destruction of chemical weapons, to be provided pursuant to Article V, should be submitted six months before destruction operations are to begin and should contain agreed information necessary for the planning and carrying out of systematic international on-site verification.

5. The detailed plan for destruction of any chemical weapons production facility, to be provided pursuant to Article VI, should be submitted six months before destruction operations are to begin and should contain agreed information necessary for the planning and carrying out of systematic international on-site verification.
6. As specified in Articles V and VI, notifications should be provided annually regarding the implementation of plans for destruction of chemical weapons and chemical weapons production facilities, respectively. These notifications should contain agreed information on activities actually conducted in the past year and those planned for the coming year. Information should also be provided on any changes in the detailed plans for destruction.
7. Should any Party discover or retrieve any old chemical weapons (e.g., weapons found on World War I battlefields or dumped at sea after World War II) anywhere under its jurisdiction or control after the declarations required by Articles IV and V have been filed it should:

(a) notify the Consultative Committee promptly of the approximate quantity and type of the chemical weapons found. The notification should also specify how, where, and when the chemical weapons were found, why they were previously undeclared, and where they are located. The notification should be filed within 45 days of the discovery. In the case of multiple and frequent discoveries of small quantities, a notification may cover a one-month period; such a notification should be made within 30 days of the end of the reporting month; and

(b) notify the Consultative Committee, within five months of the first notification, regarding the exact quantity and type of chemical weapon found, including the scientific chemical name and chemical structural formula of any toxic chemical found and its quantity. The notification should specify plans for the destruction of the chemical weapons.

(c) In the event that some of the information stipulated under subparagraphs (a) and (b) of this paragraph cannot be provided within the periods specified, submit as much information as possible; specify the reasons the remainder is unavailable, and give an estimate of when such information might be provided.

Section B. On-Site Verification

A. General Provisions

1. All on-site verification, whether systematic international verification, special on-site inspection or ad hoc on-site inspection, under the auspices of the Consultative Committee should be carried out according to procedures which are agreed in advance and based on this Annex.
2. On-site verification should make use of both on-site inspectors and on-site instruments.
3. The Executive Council and the host Party should promptly agree upon subsidiary arrangements which specify in detail, to the extent necessary to permit the Committee to fulfill its verification responsibilities in an effective and efficient manner, how the on-site verification provisions will be implemented at each of the locations subject to systematic international on-site verification.

4. The privileges and immunities which should be granted to inspectors to ensure that they can discharge their functions effectively should be specified. The steps that a Party should take to ensure that inspectors can effectively discharge their functions in its territory should also be specified.

5. Certain rights of a Party with respect to the conduct of verification in its territory should be specified. For example, although it should not be required, host Party representatives should be allowed to accompany international inspectors during on-site inspections.

6. Pursuant to the obligation in Article VIII not to interfere in any manner with the conduct of verification activities:

(a) entry visas for inspectors should be issued promptly;

(b) host Party representatives should be ready to accompany the inspectors immediately. No delays in carrying out the inspections should be allowed to occur under the guise of the unavailability of appropriate host Party representation;

(c) no bureaucratic constraints (e.g., governmental travel approval) should be imposed which would interfere with the inspection or provide the host Party with sufficient advance notification of the site to be inspected that the host Party could cover up possible prohibited activities prior to the inspection.

7. The Consultative Committee and the Party concerned should be required to co-operate to facilitate the implementation of the verification measures specified by the Convention.

8. Verification measures should be implemented in a manner designed:

(a) to avoid hampering the economic and technological activities of Parties; and

(b) to be consistent with management practices required for the safe conduct of the activities subject to verification.

9. On-site instruments should incorporate a capability for remote monitoring. They should also incorporate data protection and tamper-detecting devices and be serviced only by international inspectors.

10. Full account should be taken of technological developments in order to ensure optimum effectiveness of verification.

11. An agreed timetable for destruction activities should be included to facilitate verification and to ensure that no Party gains military advantage during the destruction period.

B. Inspection and Interim Monitoring of Stocks

1. After a Party has filed its declarations pursuant to Articles IV and V, chemical weapons should be subject to inspection immediately, under agreed procedures, to confirm the accuracy of the declarations. These inspections should be completed within (number) days after the filing of the declarations.

2. To ensure that a Party does not move chemical weapons to a deployment site or to a clandestine site prior to destruction, the storage facilities should be equipped with monitoring instruments by international inspectors immediately following the confirmatory inspection.

3. During confirmatory inspection of chemical weapons, an on-site survey of each location should be made to determine what preagreed types of instruments would be emplaced to monitor the chemical weapons there prior to removal for destruction. The instruments should be installed and tested by the inspecting team, in the presence of host Party personnel, before the site and facility are declared secure. After emplacement of instruments is complete, on-site inspection should be repeated to confirm that no chemical weapons had been removed from that location since the initial confirmatory inspection. An additional set of agreed procedures should be developed for the removal of chemical weapons from each storage site for transfer to a destruction facility. Until all chemical weapons have been removed for destruction, the storage site should be visited periodically by an international inspection team for routine monitoring and maintenance purposes, e.g., testing the system of instruments.

C. Verification of the Destruction of Chemical Weapons

1. The verification procedures should be designed to confirm that chemical weapons are not diverted during transport or any phase of the destruction process and to confirm that the type and quantity of materials destroyed correspond to the declarations and that all materials are actually destroyed.

2. Transport of chemical weapons from storage sites and their destruction should be verified by systematic, international on-site procedures. International inspectors should be present at the storage facility when chemical weapons are removed for shipment to declared destruction facilities. The inspectors should verify the chemical weapons being moved and resecure the storage facility once they have been loaded on transports. (However, inspectors would not need to accompany the shipments.) Inspectors should verify that the chemical weapons are received at the destruction facility and placed in interim storage there. On-site instruments, as well as inspectors, should be utilized for verification of destruction. Inspectors should be present in the destruction facility continuously when the facility is operating.

3. The destruction procedures should permit systematic international on-site verification. The following procedures should not be used for the destruction of chemical weapons: dumping in any body of water, land burial, or open-air burning. The destruction process should, for practical purposes, be irreversible.

D. Closure, Inspection, and Interim Monitoring of Chemical Weapons Production Facilities

1. After a Party has filed its declarations pursuant to Articles IV and VI, chemical weapons production facilities should be immediately subject to inspection to confirm the accuracy of the declaration, and to confirm the implementation of agreed procedures for closure. These inspections should be completed within (number) days after the filing of the declaration. Subsequent verification procedures should be implemented to confirm that Parties have not resumed production or filling at the facility and to confirm that equipment has not been removed.

2. An inventory of key equipment should be prepared, and its accuracy verified by international inspectors during confirmatory inspection. At the same time, the inspector should survey the facility to determine which of the pre-agreed types of instruments should be emplaced to monitor the facility until it is destroyed. The instruments should be installed and tested by the inspecting team, in the presence of host Party personnel, before the facility is declared secure. During the interim between securing the facility and actually destroying it, the facility should be visited periodically by an international inspection team for routine monitoring and maintenance purposes, e.g., testing the system of instruments.

E. Verification of the Destruction of Chemical Weapons Production Facilities

1. The verification procedures should be designed to confirm that chemical weapons production facilities have been destroyed.
2. International inspectors should be present at the facility to be destroyed prior to beginning destruction to verify that the inventory of structures, equipment, parts, etc., at the facility is consistent with the inventory prepared when the facility was secured. During destruction, inspectors need not be present continuously, provided agreed procedures, including the use of on-site instruments, are implemented to ensure that the facility remains inoperative during the destruction phases. On-site inspections would be conducted periodically throughout the destruction process.
3. Equipment specifically designed for chemical weapons production should be destroyed. All items to be destroyed should be destroyed according to agreed procedures which permit systematic international on-site verification. No equipment may be removed from the site prior to check-off from the original inventory by the inspectors. Structures should be destroyed completely, by razing, and a final international inspection performed.

F. Inspection and Monitoring of the Permitted Single Specialized Production Facility

1. The verification procedures should be designed to confirm that the production of super-toxic lethal chemicals and key precursors in quantities significantly in excess of one ton does not occur at the single specialized production facility.
2. The precise location of the facility should be declared and the facility should be inspected by international inspectors before it is used to ensure that its capacity will not permit the production, on an annual basis, of quantities significantly in excess of one ton. On-site instruments should be installed which will signal whether the facility is active or inactive. An annual declaration should be made about planned production activities. International inspectors should have the right to visit the facility periodically to enable them to monitor production activities, as well as inactive periods, through on-site inspection.

G. Verification Measures Applicable to Production for Permitted Purposes of Chemicals Listed in Schedule C

1. The verification procedures should be designed to confirm that these facilities are not used to produce chemical weapons.
2. Inspections should occur periodically on a random basis. Such inspections should be conducted under agreed procedures which provide protection for proprietary information.
3. During an inspection, international inspectors should have the right to review certain agreed plant records and interview personnel under agreed procedures. Inspectors should be allowed to view agreed areas; take samples from agreed points, such as finished product storage containers and waste treatment areas; and analyse them using agreed methods. Inspectors would not have the right to interfere with plant operations more than necessary to carry out their agreed functions.
4. Use of special instruments (e.g., end product samplers) between inspections should be permitted when deemed necessary by the inspectors.

5. Plans to change the end product of the facility or substantially change its capacity should be reported in advance to international authorities. Details of process modification need not be disclosed; however, final products and estimated time for completing the work should be provided. International inspectors should be permitted to view agreed areas soon after completion of the modifications. At that time, new or altered instruments should be installed, as required.

H. On-site Inspections under Articles X and XI

1. Agreed procedures for conducting on-site inspections under Articles X and XI should be specified in this Annex, including:

- (a) a requirement for definition of the area to be inspected;
- (b) time limits for providing access to the area to be inspected;
- (c) the maximum number of personnel on an inspection team;
- (d) length of service requirements for designation of inspectors;
- (e) routes of access and means of transportation;
- (f) types of experimental and support equipment which may be employed and who shall furnish specific types of equipment;
- (g) procedures for making observations and measurements, including collecting samples and taking photographs;
- (h) protection of proprietary and confidential information including liability for unauthorized disclosure of such information;
- (i) services to be furnished by the host Party;
- (j) rights of inspection personnel, including privileges and immunities;
- (k) certain rights of the host Party;
- (l) allocation of expenses;
- (m) preparation of reports;
- (n) dissemination of findings;
- (o) additional rights to be exercised in specific situations; and
- (p) duration of an inspection.

2. With regard to "locations or facilities controlled by the Government of a Party," referred to in Article X, subparagraph 1(b), this Annex should provide the means of specifying those categories of locations or facilities which shall be subject to special on-site inspections, including the relevant facilities used for the provision of goods and services to the Government of a Party. It is intended that this provision reach any location or facility that in the future might be suspected of being used for activities in violation of this Convention. The specification of such locations and facilities should be a reasonable one.

3. The Committee should use the following guidelines in determining whether to request a Party to permit an ad hoc inspection pursuant to Article XI:

(a) whether the information available to it causes any doubts about compliance with the Convention or gives rise to any concerns about a related matter which may be considered ambiguous;

(b) whether the proposed inspection would assist in determining the facts;

(c) whether the locations to be inspected are clearly defined and limited to places relevant to determination of the facts; and

(d) whether the proposed arrangements will limit intrusion to the level necessary to determine the facts.

4. The Technical Secretariat should ensure that sufficient inspectors will always be readily available to carry out special on-site inspections pursuant to Article X and ad hoc on-site inspections pursuant to Article XI.

Annex III

SCHEDULES: CHEMICALS SUBJECT TO SPECIAL MEASURES;
METHODS FOR MEASURING TOXICITY

Provisions along the following lines should be included:

1. Schedule A should contain super-toxic lethal chemicals, key precursors, and other particularly dangerous chemicals, which have been stockpiled as chemical weapons or which pose particular risk of such stockpiling. Information on the persons authorized to possess such chemicals, the quantity produced and used at each location and the end uses should be reported annually.
2. Schedule B should contain chemicals which are produced in large quantities for permitted purposes but which pose a particular risk of diversion to chemical weapons purposes. In respect of each chemical in Schedule B, every Party should report annually the location of each production facility and statistical data on the aggregate quantities produced, imported, and exported, and on the end uses of the chemical.
3. Schedule C should contain chemicals whose production for permitted purposes should be subject to systematic international on-site verification, including key precursors. In respect of each chemical listed in Schedule C, every Party should report annually, for each chemical which is produced, imported or exported in an aggregate amount greater than (quantity), the location of each production facility and statistical data on the aggregate quantities produced, imported, and exported, and on the end uses of the chemical. Plans to establish a new production facility or to change substantially the capacity of an existing production facility should be reported ninety days in advance. Production facilities should be subject to systematic international on-site inspection, pursuant to Article III.
4. Schedule D should contain agreed methods for measuring lethal toxicity.
5. If a Party has information which in its opinion may require a revision of Schedules A, B, C, or D, it should provide the information to the Chairman of the Consultative Committee who should transmit the information to all Parties. The Technical Secretariat should also submit any such information to the Committee.
6. The Executive Council should promptly examine, in the light of all information available to it, whether the Schedule in question should be revised. The Council may recommend that the Schedule be revised or it may recommend that no revision be made. Any recommendation should be communicated promptly to all Parties.
7. Any recommendation by the Executive Council should be reviewed by the Consultative Committee at its next regularly scheduled meeting. The Committee may decide to accept the recommendation as stated, or in revised form, or it may decide to reject the recommendation. If requested by five or more Parties, a special meeting of the Committee should be held to review the recommendation. A two-thirds vote of the Committee should be required to revise a Schedule.

SCHEDULE A

1. Ethyl S-2-diisopropylaminoethyl methylphosphonothioate (VX)
2. Ethyl N,N-dimethylphosphoramidocyanidate (Tabun)
3. iso-Propyl methylphosphonofluoridate (Sarin)
4. 1,2,2-Trimethylpropyl methylphosphonofluoridate (Soman)
5. Bis(2-chloroethyl)sulphide (Mustard gas)
6. 3-Quinuclidinyl benzilate (BZ)
7. Saxitoxin
8. 3,3-Dimethylbutanol-2 (Pinacolyl alcohol)
9. Methylphosphonyl difluoride

SCHEDULE B

1. Carbonyl chloride (phosgene)
2. Cyanogen chloride
3. Hydrogen cyanide
4. Phosphorus oxychloride
5. Phosphorus trichloride
6. Trichloronitromethane (chloropicrin)
7. Thiodiglycol

SCHEDULE C

Key precursors for super-toxic lethal chemicals

1. Chemicals containing the P-methyl, P-ethyl or P-propyl bond
2. Methyl and/or ethyl esters of phosphorous acid
3. 3,3-dimethyl butanol-2 (pinacolyl alcohol)
4. N,N disubstituted-B-amino ethanols
5. N,N disubstituted-B-amino ethane thiols
6. N,N disubstituted-B-aminoethyl halides
(halide = Cl, Br or I)

Key Precursors for other toxic chemicals

1. Phenyl-, alkyl- or cycloalkyl-substituted glycolic acids
2. 3- or 4-hydroxypiperidine and their derivatives

Toxic chemicals

(To be discussed)

ANNEX III

RECOMMENDED STANDARDIZED OPERATING PROCEDURES FOR ACUTE SUBCUTANEOUS TOXICITY DETERMINATIONS

1. Introduction

Three categories of agents were defined on the basis of their toxicity:

- (i) super-toxic lethal chemicals;
- (ii) other lethal chemicals;
- (iii) other harmful chemicals.

Lethality limits in terms of LD₅₀ for subcutaneous administration were established to separate three toxic categories at 0.5 mg/kg and 10 mg/kg.

2. Principles of the test method

The test substance is administered to a group of animals in doses corresponding exactly to the category limits (0.5 or 10 mg/kg respectively). If in an actual test the death rate was greater than 50 per cent, then the material would fall into the higher toxicity category; if it was lower than 50 per cent the material would fall into the lower toxicity category.

3. Description of the test procedure

3.1 Experimental animal Healthy young adult male albino rats of Wistar strain weighing 200 ± 20 g should be used. The animals should be acclimatized to the laboratory conditions for at least five days prior to the test. The temperature of the animal room before and during the test should be 22 ± 3 °C and the relative humidity should be 50-70 per cent. With artificial lighting, the sequence should be 12 hours light, 12 hours dark. Conventional laboratory diets may be used for feeding with an unlimited supply of drinking water. The animals should be group-caged but the number of animals per cage should not interfere with proper observation of each animal. Prior to the test, the animals are randomized and divided into two groups; twenty animals in each group.

3.2 Test substance Each test substance should be appropriately identified (chemical composition, origin, batch number, purity, solubility, stability etc.) and stored under conditions ensuring its stability. The stability of the substance under the test conditions should also be known. A solution of the test substance should be prepared just before the test. Solutions with concentrations of 0.5 mg/ml and 10 mg/ml should be prepared. The preferable solvent is 0.85 per cent saline. Where the solubility of the test substance is a problem, a minimum amount of an organic solvent such as ethanol, propylene glycol or polyethylene glycol may be used to achieve solution.

SCHEDULE D

Lethal toxicity should be measured by the procedures specified below:

(text of procedures contained in document CD/CW/WP.30, Annexes III and IV;
22 March 1982)

ANNEX IV

RECOMMENDED STANDARDIZED OPERATING PROCEDURES FOR ACUTE INHALATION TOXICITY CRITERIA

1. In the assessment and evaluation of the toxic characteristics of chemicals in a vapour state determination of acute inhalation toxicity is necessary. In every case, when it is possible, this test should be preceded by subcutaneous toxicity determination. Data from these studies constitute the initial steps in the establishing of a dosage regimen in subchronic and other studies and may provide additional information on the mode of toxic action of a substance.

Three categories of agents were defined on the basis of their toxicity:

- (i) super-toxic lethal chemicals;
- (ii) other lethal chemicals;
- (iii) other harmful chemical.

Lethality limits in terms of L_{Ct}^{50} for inhalatory application were established to separate three toxic categories at 2,000 mg min/m³ and 20,000 mg min/m³.

2. Principles of the test method

A group of animals is exposed for a defined period to the test substance in concentration corresponding exactly to the category limits (2,000 mg min/m³ or 20,000 mg min/m³ respectively). If in an actual test the death rate was greater than 50 per cent, then the material would fall into the higher toxicity category; if it was lower than 50 per cent, the material would fall into the lower toxicity category.

3. Description of the test procedure

3.1 Experimental animal. Healthy young adult male albino rats of Wistar strain weighing 200 ± 20 g should be used. The animals should be acclimatized to the laboratory conditions for at least five days prior to the test. The temperature of the animal room before and during the test should be $22 \pm 3^\circ\text{C}$ and the relative humidity should be 50-70 per cent. With artificial lighting, the sequence should be 12 hours light, 12 hours dark. Conventional laboratory diets may be used for feeding with an unlimited supply of drinking water. The animals should be group-caged but the number of animals per cage should not interfere with proper observation of each animal. Prior to the test the animals are randomized and divided into two groups, twenty animals in each group.

3.2 Test substance. Each test substance should be appropriately identified (chemical composition, origin, batch number, purity, solubility, stability, boiling point, flash point, vapour pressure etc) and stored under conditions ensuring its stability. The stability of the substance under the test conditions should also be known.

3.3 Test method Twenty animals receive in the back region 1 ml/kg of the solution containing 0.5 mg/ml of the test substance. The number of dead animals is determined within 48 hours and again after seven days. If the death rate is lower than ten animals, another group of twenty animals should be injected by the same way with 1 ml/kg of the solution containing 10 mg/ml of the test substance. The number of dead animals should be determined within 48 hours and again after seven days. If the result is doubtful (e.g. death rate = 10), the test should be repeated.

3.4 Evaluation of the results If the death rate in the first group of animals (receiving a solution containing 0.5 mg/ml) is equal to or higher than 50 per cent, the test substance will fall into the "super-toxic lethal chemical" category. If the death rate in the second group (receiving a solution containing 10 mg/ml) is equal to or higher than 50 per cent, the test substance will fall into the "other lethal chemical" category; if lower than 50 per cent, the test substance will fall into the "other harmful chemical".

4. Data reporting

A test report should include the following information:

- (i) test conditions: date and hour of the test, air temperature and humidity;
- (ii) animal data: strain, weight and origin of the animals;
- (iii) test substance characterization: chemical composition, origin, batch number and purity (or impurities) of the substance; date of receipt, quantities received and used in the test; conditions of storage, solvent used in the test;
- (iv) results: the number of dead animals in each group, evaluation of results.

3.3 Equipment. A constant vapour concentration may be produced by one of several methods.

- (i) by means of an automatic syringe which drops the material onto a suitable heating system (e.g. hot plate),
- (ii) by sending airsteam through a solution containing the material (e.g. bubbling chamber),
- (iii) by diffusion of the agent through a suitable material (e.g. diffusion chamber).

A dynamic inhalation system with a suitable analytical concentration control system should be used. The rate of air flow should be adjusted to ensure that conditions throughout the equipment are essentially the same. Both a whole body individual chamber exposure or head only exposure may be used.

3.4 Physical measurements. Measurements or monitoring should be conducted of the following parameters:

- (i) the rate of air flow (preferably continuously),
- (ii) the actual concentration of the test substance during the exposed period,
- (iii) temperature and humidity.

3.5 Test method. Twenty animals are exposed for 10 minutes to the concentration of 200 mg/m^3 and then removed from the chamber. The number of dead animals is determined within 48 hours and again after 7 days. If the death rate is lower than 10 animals, another group of twenty animals should be exposed for 10 minutes to the concentration of $2,000 \text{ mg/m}^3$. The number of dead animals should be determined within 48 hours and again after 7 days. If the result is doubtful (e.g. death rate = 10), the test should be repeated.

3.6 Evaluation of results. If the death rate in the first group of animals (exposed to the concentration of 200 mg/m^3) is equal to or higher than 50 per cent, the test substance will fall into the "super-toxic lethal chemical" category. If the death rate in the second group (exposed to the concentration of $2,000 \text{ mg/m}^3$) is equal to or higher than 50 per cent, the test substance will fall into the "other legal chemical" category; if it is lower than 50 per cent, the test substance will fall into the "other harmful chemical".

4. Data reporting

A test report should include the following information:

- (i) Test conditions. date and hour of the test, description of exposure chamber (type, dimensions, source of air, system for generating the test substance, method of conditioning air, treatment of exhaust air etc) and equipment for measuring temperature, humidity, air flow and concentration of the test substance.

- (ii) Exposure data: air flow rate, temperature and humidity of air, nominal concentration (total amount of test substance fed into the equipment divided by volume of air), actual concentration in test breathing zone.
- (iii) Animal data: strain, weight and origin of animals.
- (iv) Test substance characterization: chemical composition, origin, batch number and purity (or impurities) of the substance; boiling point, flash point, vapour pressure; date of receipt, quantities received and used in the test; condition of storage, solvent used in the test.
- (v) Results: number of dead animals in each group, evaluation of results.

Document Regarding Action Prior to Entry into Force of the
Convention: Detailed Views

A document containing the following should be associated with the Convention:

1. When signing the Convention, every State should declare whether chemical weapons stocks or chemical weapons production facilities are under its control anywhere or located within its territory.
2. Not less than 90 days after the Convention is opened for signature a Preparatory Commission, composed of representatives of all signatory States, should be convened for the purpose of carrying out necessary preparations for the coming into force of the Convention's provisions, including preparing the first session of the Consultative Committee.
3. The Commission should include one representative from each signatory. All decisions should be made by consensus. The Preparatory Commission should remain in existence until the Convention comes into force and thereafter until the first meeting of the Consultative Committee. Its actions must be consistent with the provisions of the Convention.
4. The expenses of the Preparatory Commission should be met as follows (details).
5. The Preparatory Commission should:
 - (a) elect its own officers, adopt its own rules of procedure, meet as often as necessary, determine its own place of meeting and establish such committees as it deems necessary;
 - (b) appoint an executive secretary and staff, who shall exercise powers and perform such duties as the Commission determines;
 - (c) make arrangements for the first session of the Consultative Committee, including preparing a provisional agenda, drafting rules of procedure, and choosing the site; and
 - (d) make studies, reports, and recommendations for the consideration of the Consultative Committee at its first meeting on procedural matters of concern to the Committee which would require immediate attention, including:
 - (1) financing of the activities for which the Committee is responsible;
 - (2) the programs and budget for the first year of the Committee's activities;
 - (3) staffing of the Secretariat; and
 - (4) the location of the permanent offices of the Committee.
6. The Preparatory Commission should submit a comprehensive report on its activities to the Consultative Committee at the Committee's first session.