

**THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND****THE COMPREHENSIVE NATURE OF THE  
CHEMICAL WEAPONS CONVENTION WITH RESPECT TO  
VERIFICATION AND NATIONAL IMPLEMENTATION MEASURES****1. Introduction**

1.1 Further to the useful background note by the Technical Secretariat (hereinafter “the Secretariat”), Information provided by the Secretariat in relation to the discussions on the “general purpose criterion”<sup>1</sup>, the United Kingdom wants to promote clear understanding of this term, particularly regarding its relationship with the Schedules of the Chemical Weapons Convention (hereinafter “the Schedules”) and the Verification Annex to the Chemical Weapons Convention (hereinafter “the Verification Annex”). Although the phrase “general purpose criterion” is not used within the Chemical Weapons Convention (hereinafter “the Convention”) itself, it is regularly used as a shorthand term by both States Parties and observers to describe the Convention’s comprehensive nature and its prohibitions in regard to all types of chemical weapons.

1.2 This paper firstly recalls the Convention’s comprehensive scope, i.e., its objective to prohibit the misuse of all toxic chemicals, regardless of their type or origin. An overview of the Schedules’ historical development and purpose is then provided. The paper concludes with discussion of the significance of National Implementation Measures in ensuring that the comprehensive scope of the Convention is faithfully reflected within the national legislation of States Parties.

**2. The comprehensive nature of the Chemical Weapons Convention**

2.1 The “general purpose criterion” is an expression sometimes used to describe the approach adopted to ensure that the prohibitions of the treaty extend to all toxic chemicals and their precursors. The Convention’s negotiators were aware of several types of chemical weapons (hereinafter “CW”) which had been developed in the past or were then extant, but wished to be certain that the Convention covered any and all chemical weapons at entry into force and at any time in the future, regardless of the specific chemical(s) and delivery method(s) which might be applied. Otherwise, the

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<sup>1</sup> As provided to the Chairman of the 15<sup>th</sup> Meeting of the Open-ended Working Group for the Preparation of the First Review Conference on 4 November 2003 (attachment to the Chairman’s notes – No. 2 – dated 15 November 2002).



Convention's prohibitions would not be comprehensive and would become increasingly outdated with time. The Convention was also framed so that it would not hamper the employment of dual-use chemicals for non-prohibited purposes.

- 2.2 To ensure a comprehensive prohibition of all possible CW, past, present or future, the Convention defines the chemical weapons that it prohibits, not in terms of chemical structure or through any other classification that could lead to the Convention becoming obsolete as technology advances, *but in terms of the intended purpose of use*. Therefore, all toxic chemicals and their precursors become proscribed unless they are intended for permitted purposes (see Article II, paragraph 9 of the Convention) and provided they are of a type and in a quantity consistent with such purposes.
- 2.3 The Schedules provide a framework for verification but do not define the limits of the Convention. Thus, Part B of the Annex on Chemicals to the Convention states that *'Pursuant to Article II, subparagraph 1 (a), these Schedules do not constitute a definition of chemical weapons'*. In this way the Convention unambiguously prohibits the activities detailed within Article I (the "General Obligations" of the Convention) in relation to all toxic chemicals and their precursors, not just those included within the Schedules, *'regardless of their origin or their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere'* (Article II, 2).

### **3. Schedules of chemicals**

In the development of the Schedules it was recognised that it would be impractical to impose a declaration and routine verification system covering every chemical with potential relevance for CW, in order to provide complete transparency and confidence about States Parties' activities. To achieve such a level of confidence, the Schedules would have to be sufficiently comprehensive to require verification of every plant that could be used to make precursors or reagents or actual agents for CW. Doing so would have placed an unacceptable burden upon the OPCW, States Parties, and the chemical industry as a whole, in both the declaration and the routine verification of such chemicals. This in itself would undermine one of the other key requirements for the Convention, namely that it should not impede the economic and technological development of States Parties. Instead, the Schedules were so devised as to strike a balance, requiring declaration and routine facility inspections only for key chemicals agreed to be most worthy of scrutiny in regard to the object and purpose of the Convention.

### **4. National implementation measures**

- 4.1 Comprehensive and effective national implementation measures are essential for the global success of the Convention. National measures support the implementation and verification regimes of the Convention, enabling National Authorities to provide declarations regarding the use of scheduled chemicals in places under their jurisdiction or control. They are also vital to ensure that all the provisions of the Convention are fully reflected within the national legal framework. The text of the Convention is clear in the instruction it provides to States Parties regarding national legislative requirements.

- 4.2 Through Articles VI and VII, and the comprehensive nature of the CWC in respect of chemical weapons, toxic chemicals and their precursors, the treaty mandates clearly that national legislation must be enacted to cover all activities prohibited under the Convention involving use of any toxic chemicals or their precursors. It follows that national legislation must not be limited to addressing the misuse of scheduled chemicals, and must not be restricted to activities at facilities producing, processing or consuming such chemicals - it must implement the Convention in its entirety.

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