

SWEDEN

Working Paper

Prohibition of retention or acquisition of a chemical warfare capability enabling use of chemical weapons (4 Annexes)

1. Sweden considers that in order to secure an effective abolition of chemical weapons and chemical warfare, it is not sufficient to prohibit development, production and stockpiling of chemical weapons. It is also necessary to prohibit activities, facilities and materials aimed at using chemical weapons in the battlefield or elsewhere in war. The reason for the Swedish position is that unless such an extended prohibition is accepted there would not exist any major difficulties for a Party either to retain or acquire the ability to use chemical weapons within a comparatively short time, were it to withdraw from a ban on development, production and stockpiling. This is illustrated in Annex I. If preparative activities aimed at the acquisition of a qualified capability to use chemical weapons were not prohibited, they would also not be subject to verification measures. This would undoubtedly cause the prospective parties to a convention to feel a lesser degree of security, and might lead to a reluctance on their part to adhere to such a convention. In Sweden's view these circumstances have to be taken into consideration in the drafting of the convention on chemical weapons now being negotiated in the CD. The following considerations appear relevant in this context.

2. A chemical warfare capability consists of two elements:

(a) ability (including resources) to use chemical weapons in a militarily effective way against an adversary,

(b) ability to perform combat duties on different levels in an environment contaminated through the use of chemical weapons, one's own or the adversary's, that is a protective capacity stretching from only surviving to actually continuing combat.

Both tasks require proper protective equipment and training. However, in order to use chemical weapons effectively some specific measures are required as exemplified in Annex I.

Recognizing the almost unanimously held view that a capability to protect oneself against attacks with chemical weapons is to be allowed in a chemical weapons convention, the Swedish delegation holds that the particular measures required to obtain or retain a capability to use chemical weapons could and ought to be prohibited in a convention. As discussed in the following, such a prohibition would -- apart from rendering it more meaningful -- increase significantly the possibilities to verify compliance thereof.

The expression used by Sweden so far to describe the suggested prohibition has been formulated "prohibition of planning, organization and training for a chemical warfare capability". This expression is to be taken as referring to a capability to use the chemical weapons.

3. Before discussing the Swedish proposals more in detail, some important conditions will be considered.

(a) The Swedish delegation is aware that its suggestions concern much more of purely military matters usually guarded by strict secrecy measures, than would a convention banning only development, production and stockpiling of chemical weapons. However, since the ultimate goal is the final abolition of chemical warfare, the Swedish delegation is convinced that normal military secrecy in relation to specific measures required for a chemical warfare capability need not be upheld in the long run.

(b) It is often argued that since a protective capability against chemical weapons would be allowed, it would in practice be possible to disguise efforts to obtain a capability to use chemical weapons among allowed efforts to acquire or maintain such a protective capability. There are indeed particular activities which do not fall within the area of general protection, such as training of flight behaviour or munition transportation directives (see Annex I). Sweden therefore believes that the opportunities offered by the distinction that can thus be made should be explored in order to obtain an effective prohibition.

(c) An option inherent in Sweden's approach is the possibility to increase significantly the effectiveness of the verification of compliance with the convention. If a greater number of activities were covered by a prohibition, this would clearly increase the possibilities to verify compliance thereof. It would also improve the grounds on which the Parties might adhere to or continue adherence to the convention. Examples of the activities to be monitored are given in Annex I.

(d) It is sometimes argued that the most effective way to secure the abolition of chemical warfare would be to prohibit also protective measures. It must be recalled, however, that a very long time would be needed to implement provisions concerning, inter alia, destruction of existent stockpiles of chemical weapons. Obviously during such a time many States would want to retain their capacity for protection against chemical weapons. If protective measures were to be prohibited from the outset, it would imply a diminished security for these States for whom chemical weapons at present have a military significance and might cause them not to adhere to a treaty in the foreseeable future. This would obviously detract from the value of the convention.

To this must be added that a certain capacity, military as well as civilian, will always be necessary to protect against accidents and catastrophes involving poisonous chemical substances, not intended for use as chemical weapons.

4. A prohibition of a capability to use chemical weapons would require specific undertakings to be spelled out in annexes to a convention. The following are possible examples of such undertakings:

- to declare the content of, or the non-existence of, doctrines, manuals and chains of command for the use of chemical weapons;
- to declare schools, training facilities and curricula intended for teaching the use of chemical weapons;
- to declare weapons production and training plans. (Items that might be included in such declarations would concern munition handling instructions, including labelling practices, artillery firing tables, air plane flying and bombing instructions, etc.);

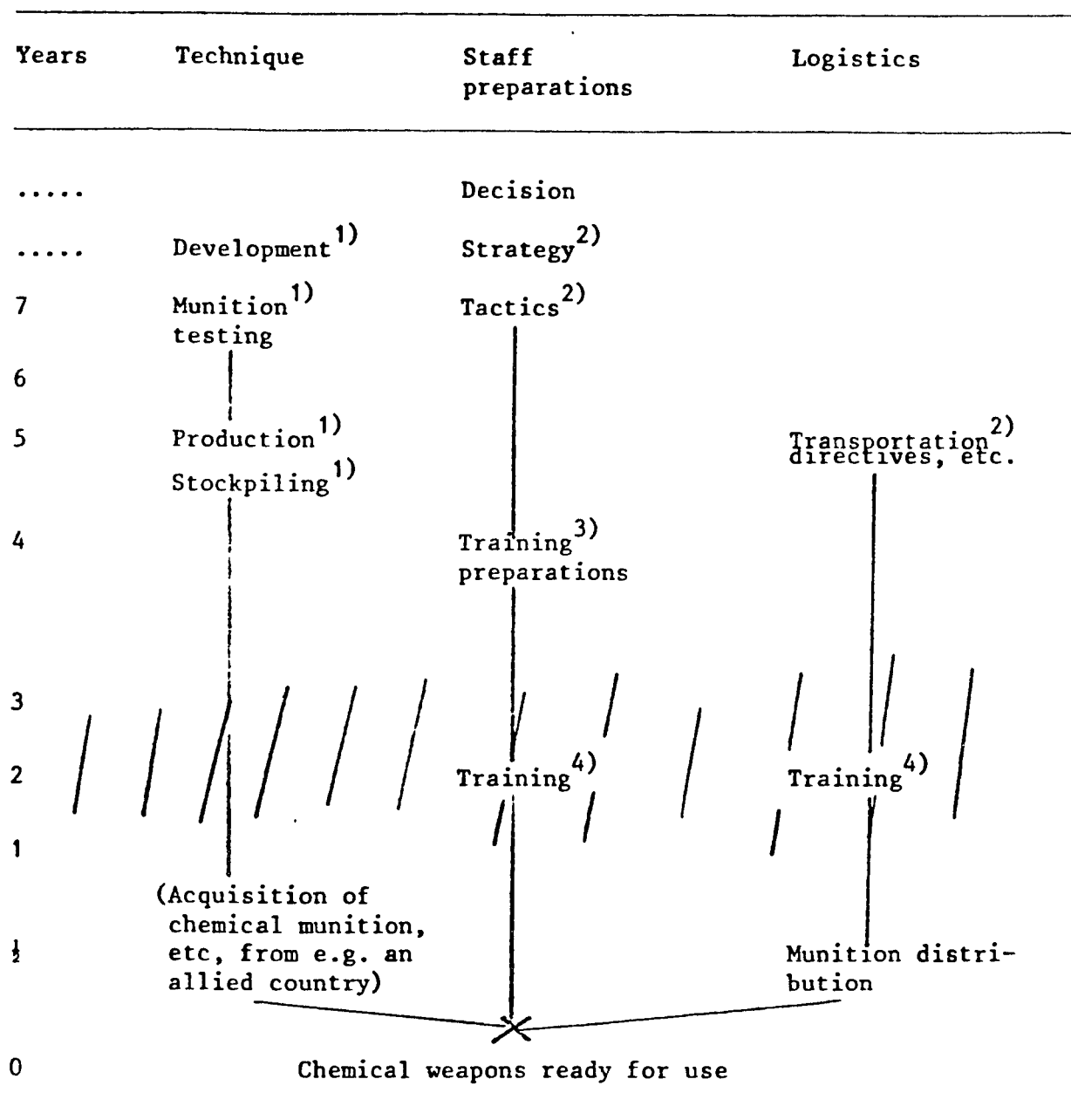
- to declare the organization of protection units against (NB)C warfare;
- to invite observers or inspectors to attend military manoeuvres in general, and those which include training in (NB)C-protection in particular. In the latter case observers might be allowed to monitor also electronic communications;
- to issue a general order for all armed forces that no planning, organization and training for retaining or acquiring a capability to use chemical weapons is allowed as long as the State is a party to the convention;
- to co-operate regarding specific protective activities, e.g. exchange information on therapeutic means;
- to allow regular visits -- on site inspection -- to military units, munition stockpiles and air fields;
- to allow on site inspection when complaints about violations of a prohibition of the kind discussed here are made;
- to provide parties to a convention with information, either direct or through e.g. a consultative committee, concerning items exemplified in Annex II.

These different undertakings would be carried out on different occasions during the implementation of the convention, e.g. when the convention enters into force, when declared stockpiles have been destroyed and when a certain number of States have adhered to the convention.

5. To illustrate the proposal that a convention on chemical weapons should also prohibit activities, facilities and materials aimed at using such weapons in war, a text is given in Annex IV containing the elements which might be included in the corresponding provision of the convention.

ANNEX I

Examples of time scales for preparatory activities aimed at the acquisition of a qualified capability to use chemical weapons.



- (1) Activities to be covered by a ban on development, production and stockpiling of chemical weapons. The time required for production and stockpiling may vary depending on the agent and quantity envisaged.
- (2) E.G., studies, doctrine evaluation, manual writing.
- (3) Higher staff training, preparations for training of the units of the armed services which are to deliver chemical charges.
- (4) Not protective training alone but for specialized activities. like donning protective equipment when handling munition, varying transporting routines for different kinds of munition, training particular flight manoeuvres at take off and landing depending on different kinds of bomb loads, etc.

- (5) ////////// "Visibility line" = the approximate time range during which a certain activity cannot be kept secret any longer.

Comments:

It is clear from the table that banning only development, production and stockpiling would permit some of the most important activities necessary for attaining a capability to use chemical weapons. States already in possession of such a capability would in fact suffer only a minor setback of this ability since, due to previous experiences, they would most probably be able to delay a chemical weapons production until very late, perhaps only $\frac{1}{2}$ -2 years before they wished to be able to use chemical weapons. Regarding verification of such a ban, see Annexes II and III.

ANNEX II

Examples of relevant information in the context of a CW-convention prohibiting also planning, organization and training.

GENERAL CONDITIONS

Geographical area

Climatic conditions

Admitted capability to use chemical weapons before adhering to the convention

Scientific-technical level regarding issues relevant to chemical weapons

MILITARY ACTIVITIES

Military CW protective posture

Available equipment:

Protective masks, type

Collective protection (for tanks, vehicles, etc.)

Protective gear

Decontamination

Detection

Warning

Medical therapy:

Antidote

Type

Distribution

Therapeutic methods

General military education

Preparedness:

Chains of command for ordering use of chemical weapons (before adhering to the convention)

Staff functions:

Alarm rules

Special personnel

Special units:

Tasks

Equipment for use of chemical weapons*/

Salvo guns:

Caliber

Size of salvo

Range

Unit allocation

Artillery rockets:

Warhead alternatives

Range

Unit allocation

Missiles:

Type

Guiding system

Warhead alternative

Range

Unit allocation

Tear gas equipment:

Type

Caliber

Utilization

Unit allocation

Aerborne material:

Bombs

Type

Weight of charge

Spraying equipment

Capacity

*/ Chemical charges available to a State Party when adhering to the convention should be declared.

Maintenance functions

Protection for food and water

Protection for repairing services

Protection for medical service

CIVIL DEFENCE ACTIVITIES

Civil defence posture

Materials and equipment:

Protective masks

Type

Collective protection

Shelters with filter

Shelters without filter

Decontamination

Detection

Medical therapy

Education

Units

Staff function - alarm system

Special units

Type

Number

ANNEX III

Examples of activities, facilities and materials to be prohibited for the purpose of retention or acquisition of a capability to use chemical weapons.

Activities

Commerce

Transfer

Development including testing

Production

Stockpiling

Military planning, organization and training specifically intended to enable use of chemical weapons

Information

Facilities and equipment

Development and testing facilities

Production facilities (including munition filling facilities)

Training facilities (for training in the use of chemical weapons)

Stockpiles and storage facilities for chemical warfare agents

Other facilities and resources enabling handling of chemical weapons like special equipment for transporting chemical weapons and for bringing them to the target area.

Materials

Chemical warfare agents^{*/}, or precursors to such substances, warheads and weapons systems intended for use of chemical weapons.

^{*/} To be defined.

ANNEX IV

Elements which may be included in a provision of the convention concerning the prohibition of retention or acquisition of a chemical warfare capability enabling use of chemical weapons.

Each State Party to this Convention undertakes not to acquire or retain a chemical warfare capability, constituted by one or many activities, facilities and materials or their combinations, as specified in Annex X */, intended to enable a Party to use chemical weapons containing chemical warfare agents, whether gaseous, liquid or solid, or precursors to such chemical warfare agents, effective because of their direct toxic properties, on man, animal or plant, for hostile purposes or in armed conflict.

Corresponding activities, facilities and materials intended for use of chemical substances for peaceful purposes, or for the medical or physical protection of a State Party's military forces and civilian population against chemical weapons, are not covered by this convention, unless specifically stated.

*/ See Annex III for examples of activities, facilities and materials suggested to be covered. Some of the expressions have to be further defined.