

# **1st Workshop of the Pugwash Study Group on the Implementation of the Chemical and Biological Weapons Conventions 8-9 May 1993, Geneva, Switzerland**

Report

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This workshop took place at the Graduate Institute of International Studies, University of Geneva, and was attended by 42 participants from 20 countries. It inaugurated a new Pugwash CBW study group which, in replacing the previous one, marked the achievement, after more than two decades of intergovernmental talks in Geneva, of the 1993 Chemical Weapons Convention. This treaty, when it enters into force during or soon after January 1995, will take its place alongside the 1972 Biological Weapons Convention; 143 states had signed it by the time of the workshop. The focus of the new study group is on problems of implementing the two treaties. The purpose of the workshop was not so much to deal in detail with specific problems, but rather to identify areas in which future Pugwash activities might contribute to successful implementation.

All participants attended in their private capacities. The present record is the responsibility solely of its two authors, who were asked by the meeting to prepare a joint report. It does not necessarily reflect a consensus of the study group as a whole.

The Workshop began with a welcome on behalf of the Pugwash Council and a short review of Pugwash efforts to promote effective CBW disarmament. These had started in 1959. Negotiators present expressed the view that Pugwash had made a major contribution, specifically by promoting public understanding, by finding solutions to problems, and through a political role: Pugwash had offered continuity, commitment and a store of knowledge.

The Workshop then heard a detailed account of what had thus far been achieved by the Preparatory Commission for implementing the chemical treaty and of what lies ahead in building the future Organisation for the Prohibition of Chemical Weapons (OPCW). The PrepCom had met for the first time three months previously, in February. Working groups and experts' groups have been set up to formulate detailed plans and policies for administrative and technical issues. A multitude of different tasks has been specified for them, and work is now well under way. The Provisional Technical Secretariat (PTS) of the OPCW has been established -- its structure defined and most senior posts filled. The secretary of each PrepCom expert group will be from the PTS, this and other such relationships providing liaison and continuity between the two entities.

Industry people participating in the workshop expressed satisfaction with the way the Chemical Weapons Convention had finally ended up, including its provisions for the security of confidential business information. But they cautioned against careless drafting of implementing regulations both at the international level, by the PrepCom, and at the national level. Ill-considered regulations risked alienating the industry, thereby jeopardizing its support for the treaty, while a properly level playing field required international harmonization of national implementing procedures. All of this suggested a need for model legislation and internationally agreed guidelines for the National Authorities, as well as models for the declarations of industrial and military data required under the treaty. The voice of the industry needed to be heard directly in such preparatory work, just as it had been during the treaty negotiation.

The workshop learnt that both the PTS and the PrepCom structures were already moving to meet some of these concerns, though actual mechanisms for involving the industry, beyond consultations at national level, remained undeveloped. Much awareness-raising needed to be done, both in capitals and in industry. Parts of the treaty itself, notably some of its "inbuilt constructive ambiguities", would require prior agreed interpretation. The PrepCom needed enhanced political visibility, it was suggested, so as to generate pressure on governments to take the necessary steps.

Discussion moved more deeply into the legal problems confronting implementation of the Chemical Weapons Convention. Several such problems were identified, but none was considered insoluble. New domestic legislation would generally be a satisfactory remedy if deliberated carefully enough, especially within an international context. This lent further force to the idea of guidelines and models for national implementing legislation and the like being composed and disseminated by an international group. An initial step, which could be taken by a small team of legal and other experts working under Pugwash CBW-study-group auspices, would be to develop a comprehensive list of

the potential legal problems that required legislative remedy. Such a list would help focus legislative and administrative attention around the world, and the exercise of preparing it could usefully complement PTS endeavours to the same end. The workshop learnt that the PTS would encourage such a project.

A recurrent theme throughout the workshop was the sheer magnitude of the prevailing ignorance of the chemical treaty and what its practical implications were, even in governments of signatory states. There seemed to be general agreement that, if entry into force and implementation were to proceed smoothly and on time, there would have to be a concerted international educational effort, one that would require the preparation and dissemination of suitable information materials, and perhaps also regional seminars on the treaty. Nor should this effort be limited to the bureaucracies and industries of potential states parties. Without widespread public support there was a risk of the treaty, and the Biological Weapons Convention as well, disappearing into obscurity, while the active support of the scientific community in particular could become essential to the future well-being of both treaties. There was much discussion of how these objectives might be achieved and of how Pugwash could help. Several participants, looking to the immediate future, laid stress on the good that individuals or national Pugwash groups could do in their own countries through spreading awareness of national obligations under the treaties.

In regard to the Biological Weapons Convention, the workshop heard a detailed account of where VEREX had got to -- the group of governmental experts exploring possible verification measures for the treaty. The third session of the group was due to begin two weeks after the workshop. The US administration was still reviewing the position it had taken during the 1991 review conference, namely that because the treaty was unverifiable there was no point in augmenting it with verification measures. By the end of 1992, 126 states had become parties, but only a minor proportion of them (less than a third in 1992) had filed returns of information under the agreed confidence-building measures.

It transpired that VEREX had so far paid little attention to an idea put forward some while ago by Pugwash: that testing for secrecy in biological research activities could be made into a practicable verification tool. While it was true that business information in the commercial biotechnology sector might very legitimately be kept secret, it was arguably the case that, if activities outlawed by the treaty were to be pursued, commercial facilities would be far and away the least likely venue for them. Measures to promote and demonstrate openness in BW protection and related defence activities (for example by international exchanges of biosafety officers at biological defence laboratories) could, it was widely agreed, do much to strengthen confidence in the treaty, and hence strengthen the treaty itself.

Finally, the workshop engaged in detailed discussion of what should be placed on the agenda of the new study group in addition to the legal sub-group project already mentioned. Several participants pointed out that, as regards the chemical treaty, tight de facto deadlines set by the entry-into-force schedule might reduce the value of projects that could not be started quickly. Moreover, Pugwash needed to be aware that some of the requisite implementation homework had already been done by, for example, the German, Japanese and Australian delegations, the results of which had not yet been displayed outside the PrepCom. Well-informed, careful circumspection was therefore essential before Pugwash embarked upon specific CBW-treaty implementation projects. The several months after September 1993, during which period governments would be digesting the expected VEREX report, would clearly be crucial for the biological treaty: several participants felt that that would be the moment for good Pugwash output on the idea of, for example, openness verification. Other specific proposals put forward included the following:

- Pugwash should reflect on the nature and composition of the OPCW Scientific Advisory Board.
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- The group should produce a study of the impacts of CWC compliance-verification on the chemicals industry.
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- The group should take a strong initiative in the preparation of teaching and other educational materials on the CBW treaties.
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- Visits in two countries to BW defence facilities declared under the BWC CBMs should be arranged in order for the group to explore openness-testing concepts.
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- The group should study possible model declarations of data under the CWC, not on the industrial side (which is being well taken care of within the PrepCom structures), but on the weapons side, including the question of law-enforcement chemicals.
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- The group should convene a technical meeting on outstanding problems of the demilitarization/detoxification of chemical warfare agents and munitions.
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- The group should keep the question of convergence between the Biological and the Chemical Weapons Convention under continuing study.
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As to organizational matters, several participants urged that, rather than a large meeting once a year, the new study group should convene in smaller meetings, more frequently. Participation should come both from the national delegations and from the scientific community. It was suggested that a steering committee, such as had operated during the early days of the CW Study Group, be constituted to put forward recommendations to the Pugwash leadership, especially on prioritization. \_