

# **PSGICC-6: The Chemical Weapons Convention in its North-South context**

## **Noordwijk, 11-13 October 1996**

### **Rapporteurs' Summary by Treasa Dunworth and Julian Perry Robinson**

This was the third of the current CBW workshop series to be hosted by the Netherlands Pugwash Group. The meetings were held at De Baak Conference Centre in Noordwijk. [Participating](#) by invitation were 38 people from 20 countries (Australia, China, the Czech Republic, Ethiopia, France, Germany, India, Iran, Israel, Italy, The Netherlands, New Zealand, Russia, Pakistan, Peru, Sweden, Switzerland, the United Kingdom, the United States and Zimbabwe), all of them doing so in their private capacities. The present record is the responsibility solely of its joint authors, who were asked by the meeting to prepare a report. It does not necessarily reflect a consensus of the workshop as a whole, or of the Study Group.

The agenda originally proposed for the meeting had presupposed that the trigger-point for entry into force of the Chemical Weapons Convention (CWC), namely deposit of the 65th instrument of ratification, would already have passed. In fact the number of deposits stood at 64 at the time of the workshop, a total that had been reached on 16 September, and neither of the two states that had thus far declared possession of chemical weapons, namely the Russian Federation and the United States, were among the ratifiers. Moreover, a month before the workshop, the long anticipated vote in the US Senate on ratification had not been taken at the time appointed for it, and it would now most probably not be taken until after the Presidential and Congressional elections in November. The trigger-date was therefore likely to be passed without either the United States or Russia yet being on board. So the proposed agenda was expanded to include an item on the implications of this unanticipated situation. The main sessions of the workshop were thus not exclusively devoted, as had been planned, to North-South issues.

In the opening session, the workshop was given an authoritative update on the work of the OPCW Preparatory Commission. The OPCW (Organization for the Prohibition of Chemical Weapons) is to be the international authority overseeing implementation of the CWC. The workshop heard here about the planning difficulties which stemmed from the current situation. The more immediate of them concerned the preparation of a budget for the first year of operation of the Convention and the recruiting of staff for the period between trigger point and entry into force. It was clearly premature to speculate on implications for the future of the Convention itself. The workshop also heard about the continuing preparations towards implementing the Convention. Thus, construction work on the OPCW headquarters building is well underway, with completion expected by early 1998; the search for interim accommodation continues. The OPCW Laboratory and Equipment Store is functioning. Recruitment for inspectors is on track, with the first group of 160 ready to begin their training once a start-up date has been determined. This depends on when trigger-point is reached. Training could commence in early January if the trigger-date is no later than 11 November. All equipment needed for training, as well as for purposes of evaluation, has been procured. A committee has been formed to prepare for the first session of the Conference of the States Parties, which will be the highest authority of the OPCW. Voluntary advance contributions have been received from some states towards expenses in the first months of operation of the CWC. The Expert Groups have been proceeding with their work, but not all of their assigned tasks have been completed and some difficult issues remain outstanding.

In the discussion which followed, participants laid stress on the need, at the present juncture, to increase momentum towards implementation, not only by the two possessor states, but also by others, and not only as regards ratification but also as regards the "necessary measures" which the Convention requires each state party to institute, including, for example, legislation. Participants felt that Pugwash had a role to play in this momentum-building process.

The workshop then heard an authoritative account of recent chemical-weapons-related work by the UN Special Commission on Iraq, with particular attention to the investigation of the Iraqi VX programme and to the methods being applied in the ongoing monitoring of Iraqi chemical activities, including preparations for the export-import regime. The phosphorus pentasulphide which Iraq had imported into its VX programme had been used as a source, not of phosphorus, but of sulphur in making methylphosphonothioic dichloride, this then being reacted with the precursor which Iraqi workers called "choline", in fact 2-N,N- diisopropylaminoethanol. In a variant production process being studied late in the programme, the end-product was VX hydrochloride, known as "VX syrup", a molasses-like liquid, stable in storage, from which VX could readily be generated when needed. In the most recent (June 1996) "full, final and complete disclosure" of its chemical-weapons programme, Iraq reports that its total VX production had amounted to 3.9 tons. UNSCOM has yet to conclude that the Iraqi chemical-weapons programme has definitely ended. Among the points of difference noted between what UNSCOM does in its monitoring and what

the OPCW Technical Secretariat could do, stress was laid on the importance of the special-source information which governments are providing to UNSCOM. Subsequent discussion centred on this and other UNSCOM/CWC differences in mandate and scope. Lessons of both a positive and a negative character could clearly be drawn for the CWC regime from the UNSCOM experience.

The workshop was briefed next on recent Pugwash work in connection with the Biological Weapons Convention, including the statement of the Pugwash Council for the imminent Fourth Review Conference.

The second session of the workshop was devoted to what might happen to the Convention if the Russian Federation or the United States were not among its initial parties. The assumption prevailing among participants was that these countries would in fact join the Convention at least by late 1997, although some cautioned against any institution of yet another deadline. Practical concerns about delays were raised by some participants, but the dominant theme of the discussion was the need to mobilize political support for the Convention. It was noted that the Convention had always had a low priority, even during the negotiation- phase in Geneva. The workshop was reminded of the initiative which had led, in 1989, to the convening of a high-level international conference in Paris to reaffirm the Geneva Protocol; this had had a most positive impact. Several concrete suggestions were proposed. For example, could Pugwash draw on the experiences of those non-governmental organizations that had successfully raised the public profile of what landmines can lead to? (A distinction between the CWC and the landmines issue was pointed out: that current deaths and injuries from landmines are very numerous, meaning that the human face of the problem is readily identifiable, but the world remembers the 1993 CWC signing ceremony and sees chemical weapons as a problem already solved.) Another precedent to follow, it was suggested, was the Canberra Commission for the Elimination of Nuclear Weapons, which showed how one government could trigger a turnaround in international thinking.

These suggestions were pitched at the international level. There was also discussion about how to mobilise political support at national levels, as, for example, by ensuring that visiting dignitaries from laggard countries were exposed to questions about the Convention. Tendencies towards isolationism evident in the United States and the Russian Federation were noted with concern; possibly they explained such developments as the opposition to the Convention which has recently found some strong expression in the United States. In this latter regard, some participants speculated that, while the strength of the opposition seemed to have been miscalculated by the Convention's supporters, the latter would hardly repeat their mistake. Efforts to mobilize effective support would be more likely to succeed after the November elections.

Another theme in these discussions had to do with the disarmament aspects of the Convention and how these might be affected by continuing non-ratification on the part of the two declared possessor states. The workshop was reminded, however, that both Russia and the United States had repeatedly declared a firm commitment to destroy their stockpiles of chemical weapons, and that they had in fact already started the elimination processes.

Then there were the nonarmament aspects of the Convention: its provisions for ensuring that old stockpiles are not replaced and that new stockpiles are not acquired. The discussion here led participants to consider the effect of non-ratification on the civil industry of the two states, including ability to keep trading in scheduled chemicals. The general feeling seemed to be that the relevant sectors of industry would, most probably, adapt themselves fairly painlessly to the formal restrictions on trade, but where serious damage might be felt was as a consequence of multinational corporations deciding against any location of new production capacity for Schedule 2 chemicals within the territory of non-ratifiers; jobs might well be lost on a substantial scale to those countries.

The workshop concluded this part of its agenda with discussion of national implementation measures already in place in industrialized ratifying states, following a presentation on the examples, often divergent, of Canada, Germany and Sweden. This led participants into comparison with the experiences of less developed countries, where, it was suggested, a common approach might be more easily attainable. For example, in Latin America, the tendency is to place the CWC National Authority in the Ministry of Foreign Affairs, even in states with substantial chemical industry. On the other hand, the workshop was cautioned against viewing all developing countries as facing the same challenges. Participants observed that, unless national preparations for entry into force are made correctly and in good time, many states parties will find themselves in a state of technical non-compliance; they, and the Technical Secretariat too, will then become obliged to devote scarce resources to, for example, the correction of inaccurate or incomplete declarations.

There was an extensive discussion on the experience of African states, during which two reasons were identified why concerted attention to implementation, not just ratification, was essential in this region. The first reason related to the economic interests of African states and the benefits perceived as flowing from being a party to the Convention. The second reason related to security interests, which are seen to be enhanced by the Convention. Discussion focused on the security aspect, noting the resolution which the Council of Ministers of the Organization

of African Unity had adopted on 5 July 1996 calling on all member-states that had signed the Convention also to ratify it. Although the wording of the resolution exempted Egypt, a non-signatory state, from its call to action, the resolution was nevertheless considered to be a significant step forward because of the high political profile of the OAU.

These considerations brought the workshop to the centre of its agenda's "North-South context", participants now turning to the question of import and export licensing. Differences in content and background between the 'Precursor Control List' of the Australia Group (AG) and the schedules to the CWC were identified and discussed. The workshop was told that the AG list had been developed as a direct response to chemical-weapons proliferation in the mid-1980s, as exemplified by Iraq, and was based on attempted procurement patterns. Over subsequent years, the list of chemicals grew, reaching its present total of 54 in 1989. It was explained that these chemicals were controlled, not in the sense of their export necessarily being denied, but in the sense that national export-licensing procedures applied to them are harmonized across the different countries that belong to the Australia Group. In contrast, the CWC schedules are based on an assessment of risk and extent of industrial use. One practical difference between the two systems was illustrated for the workshop by the fact that, when Iraq became unable, as a consequence of the Australia Group, to import certain chemicals into its CW programme, it simply added pre-precursor production steps in its processes for manufacturing chemical-warfare agents. Denied the thiodiglycol it needed to manufacture mustard gas, for instance, Iraq had manufactured the thiodiglycol from imported precursors. Those thiodiglycol-precursors, namely sodium sulphide and 2-chloroethanol, were soon added to the AG list, but neither of them is on the CWC schedules: they are much too widely used in civil industry for that to have been acceptable to the CWC negotiators.

The workshop then proceeded into a discussion of the compatibility of the AG system with the provisions of CWC Article XI (Economic and Technological Development). Two contrasting views found expression. In the one, it was argued that because AG controls are non-discriminatory (since the system does not impose destination bans) they are compatible with Article XI, and they are anyway required under the general obligation of Article I not to furnish assistance in the production of chemical weapons. It was also observed that trade in AG chemicals is well under 1 percent of all chemical trade, and, moreover, that only a tiny fraction of AG-chemical exports are actually blocked, indicating that the problem is not an extensive one. In the contrasting view, Article XI is the CWC provision which, with its obligation not to maintain unnecessary restrictions impeding trade and development, was negotiated as inducement for the developing countries to join what was essentially a "developed world" treaty. A major point of principle is therefore involved, not just a question of trade restriction, and even on the latter question, although the vulnerability to possible denial of that less-than-one-percent of exports might seem of small account at the aggregated level of world trade, when disaggregated down to the individual country or importing-company level the consequences could be serious, particularly for chemicals obtainable only from AG countries. There was also the question of how dependable the information was on which export-denial decisions might be made, and how accountable were the people making the decisions.

On this last matter, it was pointed out to the workshop that the Convention itself, in Article IX, makes provision for clarificatory fact-finding, and that it should be the provisions of the treaty, not extraneous means, which are used to deal with concerns about possible non-compliance. It was therefore proposed that more consideration should be given to how such provisions could be used as an alternative to export controls: an important matter because it would be subversive of the Convention for states parties to act on mere supposition that other states parties might deliberately be breaching its terms. Participants recognised this and agreed that more information needed to be compiled on the uses actually being made worldwide of AG and CWC-scheduled chemicals. A system of information of such a kind would add another layer of confidence in the way the Convention would operate.

After a number of other questions about implementation had been considered, notably other problems to which 'dual use' chemicals and technology give rise under the Convention, the workshop returned to Article XI in its final session, this time in connection with the future work of the Study Group. Recalling such projects as the ones in the late 1980s and early 1990s on thiodiglycol and the evaluation of national trial inspections (in which members of the study group had worked together over an extended period to produce a collective report which SIPRI later published in its 'Scorpion Paper' series), it was proposed that a knowledgeable and representative working party of maybe ten members of the Study Group should be convened to work further on trade and related issues arising out of Article XI, having regard also to the pertinent provisions of Articles I and VI, eventually producing a report. Such a report might also cover the analogous provisions of the Biological Weapons Convention. This proposal found wide support. Another such proposal suggested a working-party report that looked back over the OPCW Preparatory Commission process to assess its strengths and weaknesses, drawing lessons possibly applicable in the building of other treaty regimes. It was of course left to the Pugwash Executive Committee, perhaps guided by the Harvard Sussex Program, to consider how best (if at all) either or both of these proposals might be put into effect.

Participants were informed that two meetings of the Study Group were contemplated for 1997, one to be hosted by the Swiss Pugwash Group and to focus on the Biological Weapons Convention and the other to be hosted by the Netherlands Pugwash Group and to focus on the Chemical Weapons Convention. Differing views were expressed as to whether the meeting in May ought to be the CW or the BW one, and it was also suggested that at least one of them might address both CW and BW.