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MESSAGE:

Here's copy for the Hague quarterly review. I'm
 also sending it to Peter Harty — though there's not
 much of his text left.

If you have comments — as I'm sure you will — please
 let me have them — well before Thursday

Progress in The Hague

Quarterly Review no 3

Building the Organisation for the Prohibition of Chemical Weapons

The OPCW looks like having a headquarters staff of 500-800 people to oversee the Chemical Weapons Convention. That is not small; and, because of the potential impact of the OPCW on chemical industry and trade worldwide, the organization-building now under way in The Hague is a delicate as well as a large task. How it should be undertaken was agreed in principle by the 101 states represented at the first and second plenary sessions of the OPCW Preparatory Commission, in February and April. During the period under review here -- June through August -- the Provisional Technical Secretariat (PTS) and the other structures of the PrepCom advanced steadily along the agreed track, stimulated by an otherwise largely uneventful third plenary at the beginning of July. Though their workload became progressively heavier, they registered solid progress. Thanks to a PrepCom information policy more open than once it looked like being, the main accomplishments through to the end of the third plenary are clear for all to see. What exactly was achieved during July and August will soon be on display in the documentation of the fourth plenary.

Overall, a notable trend has been the recruitment by the PTS of yet more of the CW specialists previously available to the national delegations (and also to UNSCOM). The PTS is the international civil service rather than the governmental part of the PrepCom, and the community of CW specialists worldwide is not large. One consequence is that the pool of people able and willing to take on the crucial jobs of chairing the Experts' Groups is shrinking. An effect has been to increase the responsibilities falling to the PTS, for, by providing a secretariat for each Group, the PTS necessarily plays a key role in the drafting and therefore the reporting processes.

Not far from the surface now is this question: what happens if the Chemical Weapons Convention does not after all come into force in January 1995? Some signatory states are finding that the legislative and other burdens of preparing for domestic implementation may preclude their early ratification. For entry into force on schedule, 65 states must ratify by mid-July 1994. This, in some peoples' minds, is no longer the certainty it once seemed. So the ramp-up of the PTS to staffing levels commensurate with the duties that will fall to the Technical Secretariat within a month of the treaty coming into force may need to be delayed. But the time for decision on the 1994 PrepCom work-programme and budget is fast approaching.

The possibility of postponement is disturbing, but actually it might not be an unmitigated setback to the prospects for global CW disarmament. If properly managed, delayed entry into force might allow the geographical spread of original states-parties to broaden in a manner important for the well-being of the fledgling OPCW. The recent breakthrough in the Middle East peace process gives this consideration an added salience.

Actions by the PrepCom The Preparatory Commission in plenary session is the ultimate source of authority for the organization-building. The third plenary took place during 28 June to 2 July and was attended by 80 signatory states. This was nine down from the previous session and only seven short of inquoracy. Although no major decisions were taken -- which was perhaps one of the reasons for the reduced attendance -- important purposes were nevertheless served. In particular, the 50 or so participating states that had not been represented in the Experts' Groups must surely have become more aware of the scope of the work before the Commission and therefore also of the nature of their obligations under the CWC.

The formal business of the plenary session included receiving and acting upon the reports of the Commission's two principal subsidiary bodies, Working Groups A and B. So the Commission duly took note of the projected scheduling of meetings of Experts' Groups during the two following intersessional periods, including the detailed task assignments, and approved the changed dates for the fourth session, namely 27 September through 1 October. It decided to adopt the specification for the OPCW's ambitious computerized Information Management System which had come up from the Group of Experts on Data Systems, even though, because the relevant papers had not been distributed in all official languages in time, including French, a recommendation to that effect had not been put forward by Working Group A. On the report of Working Group B, the Commission approved the draft introductory sections of the projected OPCW Safety and Health Policy Document, even though, for those same "technical reasons", it had not been recommended to do so by the Working Group. The report on Inspection Team Composition was not adopted, a number of delegations raising questions which the Commission then referred back to Working Group B; a particular difficulty was the report's mention of "NBC" expertise as being a possibly desirable attribute of the inspectorate. The Commission approved the recommendation that the PTS should convene a meeting at Experts' Group level with industry representatives during 4-8 October.

Other formal business included the election of Ambassador Sirous Nasserri of Iran as Chairman of the Preparatory Commission for the next six-month period, and, as Vice-Chairmen, the representatives of Chile, Japan, Romania, Tunisia and the United States.

The Commission reverted to certain unresolved issues which had exercised previous plenary sessions. One was the lack of full interpretation facilities for the Groups of Experts, an issue on which France, Cameroon and Latin American delegations expressed themselves strongly, and which, as just noted, had obstructed the Working Groups (though not the Commission itself). Those delegations insisted on the principle of universal access, while the delegations of major financial contributors such as the United States, Japan and Germany stressed the need for efficiency and fiscal stringency. A study commissioned by the PTS and reported to the plenary indicated that an additional \$1.45 million per year would be required for full language interpretation at all meetings of Experts' Groups. By way of interim compromise, the Executive Secretary told the plenary that, during the remainder of 1993, the PTS would experiment with provisional solutions, responding on a case-by-case basis to particular needs. The PTS would also be making proposals for a longer-term solution in connection with the 1994 budget.

Differences also resurfaced over the implementation by the Netherlands of its original undertakings on hosting the OPCW and the PrepCom. The OPCW Foundation, which is the Netherlands authority charged with this task, had put forward a narrow interpretation of the accepted hosting bid, an interpretation which would require the PrepCom to invest \$140,000 in improving its conference facilities. This was challenged by several delegations. Difficulties have also arisen because the permanent building to house the OPCW -- the Peace Tower, to be built in the centre of The Hague -- cannot be available for three years, whereas the OPCW, on the current working assumption, must be fully operational in 1995. Alternative sites in The Hague are currently being investigated.

Transparency of the PrepCom's work was a less prominent issue. The Australian delegation informally circulated a draft decision providing for public sessions of plenary meetings. It was too soon for full consensus to be achieved on the proposal, but that may well emerge at the fourth plenary. Hitherto all PrepCom meetings, other than the ceremonial first few minutes of the inaugural plenary, have been held in private.

Sensitivities about geographical balance in appointments to the PTS continued in evidence. An intervention by Mexico deplored the fact that more than half of the 25 senior

posts in the PTS had gone to just one of the five politico-regional groups. Mexico went on to state that "the drafting of the staff rules...should unequivocally reflect the necessity of rigorously applying the principle of equitable geographical distribution among the five regional groups". At least one delegation even insisted that the principle should be applied to inspection teams of the future OPCW.

Actions by Member States By the end of the period under review, 148 states had signed the Chemical Weapons Convention, thereby becoming entitled to join the PrepCom. Three of them -- Laos, Latvia and Rwanda -- had signed before the third plenary, though none then participated. Three others signed after the third plenary: Dominica, Liechtenstein and Panama.

Of the member states that attended the second plenary, eleven did not attend the third: Albania, Bangladesh, Belarus, the Holy See, Mali, Mauritius, Namibia, Nepal, Papua New Guinea, Yemen and Zambia. Two member states that had attended only the first session participated in the third: Senegal and Slovenia.

By mid-June, 45 of the then 142 member states had paid, in full or in part, the contributions required of them to cover PrepCom expenditure during 1993. These payments corresponded to 45 percent of the \$8.84 million budget for the year. Ninety-seven states, representing 22.5 percent of the budget, had made no payment. The organisation remained solvent nevertheless, having spent only a quarter of its 1993 budget by the end of May.

Sweden on 17 June became the fourth state to deposit its instrument of ratification with the United Nations. Swedish law, like that of some but by no means all other signatory states, permits ratification prior to the passage of national implementing legislation. Another three states-signatories have since ratified as well, bringing the total to seven: Norway, Saudi Arabia and the United Arab Emirates. So, if the treaty is to enter into force in January 1995 (i.e. after the prescribed minimum interval of two years from opening for signature), 58 more ratifications will be needed between now and mid-July 1994.

One ratification in particular, that of the Russian Federation, is bound to exert a stimulatory effect on others -- or, if it fails to materialize, an inhibitory effect. Whether the Russian parliament comes to look favourably on the Convention will almost certainly be contingent on its approving the detailed plans for destruction of the 40,000 agent-tonnes of former Soviet chemical weapons held within the Federation. The various draft destruction plans have been challenged on safety, environmental and financial grounds. Their future seems dependent on the degree of assistance which other countries are able to provide for their development and implementation.

Progress in the Provisional Technical Secretariat Evident during the third plenary session was the fact that the PTS had now become an organization capable of functioning efficiently and coping with a growing workload. A number of delegates commented privately on the high quality and commitment of the staff which the PTS has been able to attract.

Appointment of the head of the Division on Technical Cooperation and Assistance was again postponed because of absence of agreement in the Group of African States over the proposed candidate. Possibly a decision on this one remaining top-level position will be reached during the fourth plenary. Having been asked to nominate a candidate, the Executive Secretary had duly considered the possibilities and then conducted interviews, for which purpose he had visited Algeria, Morocco, Nigeria and Zimbabwe. As to the next level

down, he informed the third plenary that all P5 posts were now either filled or under offer to chosen candidates. The latter included: Pavel Castulik of the Czech Republic, to head the Inspector Training branch in the Verification Division; Raul C Fernandez of Argentina, as Industry Relations Officer in the External Relations Division; Johan Santesson of Sweden, as Technical Cooperation Officer in the Technical Cooperation and Assistance Division; Chamuta D Banda of Cameroon, as Personnel Officer in the Administration Division; and H V D Becker of Germany, as Budget & Finance Officer in the Administration Division. Ron Manley of the UK, currently serving on UNSCOM, has been offered the Chemical Weapons branch in the Verification Division.

Tentative planning has been proceeding within the PTS for staffing levels for 1994 and beyond. It appears likely that two staffing patterns will be considered for the next budget year. One will cover an expanded core staff to continue and broaden the preparatory work for implementing the CWC. A major second wave of hiring of implementation staff, such as inspectors and additional support personnel, would occur 6-8 months before anticipated entry-into-force of the CWC. On the current working assumption, the decision to authorize this second, ramp-up, phase of 1994 staffing would be made by the PrepCom in mid-1994. During the period under review, the Executive Secretary was preparing detailed proposals on PTS development for consideration by the Experts' Group on 1994 Program of Work and Budget. This Group will presumably be submitting at least an interim report in time for the fourth plenary at the end of September.

The PTS has been expanding its contacts with non-governmental bodies. Some of these contacts it has reported in its newsletter *OPCW Synthesis*, for example with Pugwash [News Chronology, 1 June], CEFIC, UNIDO and UNIDIR; and the Monterey Institute internship at the PTS continues. As a further aid to transparency, the PTS now has a policy of making available on request to research institutions and other non-governmental organizations documents it has published "in accordance with the Rules of Procedure". The Executive Secretary reported his intention of adopting this policy to the PrepCom at its third plenary, and met with no objection. In practice, the policy has come to mean the public availability of all PrepCom documents formally distributed at plenaries. During the third plenary, moreover, the PTS External Relations Division embarked upon the experiment of daily briefings for the press and other people formally excluded from the conference chamber.

Progress in the other PrepCom structures Although the PTS is clearly growing in influence, it is the Experts' Groups, made up of members of the national delegations and reporting to the two Working Groups, which are the powerhouse of the PrepCom. The more active delegations in The Hague either already include specialist members or bring specialists in to serve on the Experts' Groups. Less active ones simply assign local diplomats to the Groups, sometimes more in a listening than a contributory role. The inactive delegations -- around two-thirds of the PrepCom membership -- are unrepresented.

During the period under review, there were 17 Groups of Experts at work, four of them under Working Group A, 12 under Working Group B, and one reporting to both. Under the prevailing publication policy, the results of their work remain undisclosed to the outside world until after formal reporting to the responsible Working Groups, by which time the reports will have been sent out for consideration in national capitals. Membership of the Experts' Groups, other than the chairs, is not disclosed at all -- though this seems to be policy by default, not design. The reports thus far from the Experts' Group are typically a couple of pages long, briefly noting whatever written submissions the Group may have been received, identifying the topics discussed, and putting forward recommendations. In most cases a lengthy "Chairman's Paper" is annexed, setting out particulars. Insofar as it has yet been published, the work of each Experts' Group is noted briefly in turn below. The first

four Groups are the ones reporting to Working Group A.

Financial and Staff Regulations (chair: Sarvajit Chakravarti of India, succeeding Ralf Trapp, now with the PTS). Having completed the Draft Staff Regulations in early May, this Group was tasked during the third plenary to examine the consistency with them of the Executive Secretary's Staff Rules. The Group was also tasked to finalize its Draft Provisional Financial Regulations. It reconvened for a one-week session in August.

Privileges and Immunities (chair: Natalino Ronzitti of Italy). Having partly completed, in May, the draft for an agreement with the host government on privileges and immunities for diplomats accredited to the PrepCom and OPCW and for senior Secretariat staff, the Group was tasked during the third plenary to review the outcome of further negotiations between the Executive Secretary and the Netherlands government, and then to finalize the draft in time for the fourth plenary. It reconvened at the end of August.

Data Systems (chair: Tibor Tóth of Hungary). The PrepCom at its third plenary approved the detailed set of requirements which this Group had elaborated during April and May for a comprehensive computerized Information Management System suitable for the OPCW. The PrepCom then tasked the Group to consider how the IMS might be developed further, including the contributions that member states might offer for the system. The Group reconvened for a week in early August.

OPCW Building (chair: Radoslav Deyanov of Bulgaria). Having produced a second interim report in May detailing the sort of building the OPCW would need, this Group proceeded to establish a Task Force which included both its own specialists and ones from the OPCW Foundation. The Task Force began meeting in June, among other things to wrestle with the awkward fact that the accepted Netherlands bid to host the Organisation had expressly estimated a 3-5 year life span for the PrepCom whereas the PrepCom's mandate is to prepare for full OPCW operations from as early as February 1995; and the new building offered by the Netherlands cannot be ready before 1996. The Group and its Task Force were mandated during the third plenary to continue their efforts.

Analytical Chemists (chair: Marjatta Rautio of Finland). After a two-week session in June, this Group recommended that the OPCW should establish a centrally controlled Quality-Assurance/Quality-Control programme which built on existing international initiatives in this field (such as the Western European Laboratory Accreditation Co-operation); that the OPCW should perform regular proficiency-testing of its projected network of approved laboratories and field activities; and that it should assign to the projected OPCW laboratory, a properly accredited one, the role of co-ordinating analytical activities under the Convention, rather than actually undertaking all the analyses itself. The Group further recommended that the PTS should ask Member States to provide spectra and other analytical data on relevant chemicals in order that construction of the requisite OPCW data-base could begin early. Its report also set out areas in which the Group believed it needed to do more work.

Technical Co-operation and Assistance (chair: Sarvajit Chakravarti of India). Having produced, during its initial session in May, an expanded formulation of the tasks and issues that had been referred to it, this Group was mandated during the third plenary to continue along the lines it had developed. It duly reconvened for a second one-week session, in July. Its May report had recorded the Group's view that: "The multifaceted terms 'technical cooperation' and 'assistance' among States Parties and between States Parties and the Organisation apply in their general meanings to many provisions of the Convention; technical co-operation and assistance run throughout the Convention as common threads and serve as a lubricant for the smooth meshing of its gears; the terms should be interpreted in the broad sense of process -- permitting the Convention to operate successfully -- rather than in the restricted sense of giver and receiver; all parts of the Convention are inter-related and are

to be implemented as a whole."

Industrial Declarations (chair: Graham Cooper of the UK). During a two-week session in June, this Group discussed the formats of declarations to be required from the chemicals industry about production and use of chemicals for purposes not prohibited by the Convention. This also meant that the Group had to consider such questions as what to do about 'captive use' of scheduled chemicals (e.g. phosgene made at the same location as its use for making urethanes) and the guidelines for 'low concentrations' (scheduled chemicals present as impurities in other products). The Group developed a set of 31 charts to serve as the basis for forms to be used for transmitting in a standardized and computer-assimilable fashion 31 different categories of information declarable under CWC Article VI. (Certain interpretations of the Convention are embedded in these charts: for example, on the declaration by states parties of aggregate national data on the quantity of each Schedule-2 chemical produced, the aggregate is to be the sum of production only in sites declared for each such chemical, not the country as a whole.) The report of the Group, which contained a dissenting footnote by Iran, noted areas where further work would eventually be needed, including work by the Experts' Group on Industrial Facilities. On the 'captive use' issue, the report stated that a facility producing for captive consumption a chemical listed on Schedule 2 or 3 should be declared and verified in the same manner as any other Schedule 2/3 facility.

Equipment (chair: Henk Boter of the Netherlands). After a one-week session in mid-June, this Group recommended that the OPCW should have its own laboratory, but that it should be small and limited in its functions to the following: (a) providing the OPCW Director-General with technical assistance and advice on the certification of Designated Laboratories (DLs); (b) handling verification-related samples prior to analysis by DLs; (c) preparing control samples and distributing them to the DLs concerned; (d) quality-auditing and proficiency-testing of the DLs; (e) organizing, updating and certifying the OPCW analytical databases; (f) certifying methods, reference compounds and inspection equipment; (g) supporting maintenance and storage of inspection equipment; and (h) supporting training activities. It was mandated during the third plenary to start work on inspection equipment and other matters, and duly reconvened in August for a further one-week session.

Training (chair: Raul Fernandez of Argentina). This Group convened for a one-week session in June during which it discussed the training necessary to enable the Inspectorate and Verification Division of the OPCW Technical Secretariat to discharge their inspection duties when the Convention enters into force. The Group also discussed training requirements for other PTS/TS personnel and for personnel of the National Authorities of states parties. It developed some preliminary guidance on these matters and outlined concepts and a curriculum for a General Training Scheme which the PTS might establish in the near future. Its report, without mentioning the training programmes which several countries are already setting up and advertising, urged Working Groups A and B speedily to resolve the issue of whether training for inspectors should be undertaken before or after employment by the PTS/TS. The Group was mandated during the third plenary to develop the detailed contents of training courses and guidance for their implementation. It reconvened in August for a further one-week session.

Chemical Weapons Storage Facilities (chair: Jim Knapp of Canada). This Group was mandated during the third plenary to work on the formats of the declarations to be made by states parties of their holdings of chemical weapons and of the depots where the weapons are stored. The mandate also included: guidelines for stockpile and depot inspection procedures; suitability for CWC purposes of bilateral verification procedures; inspection-report formats; model facility agreement for storage sites; and identification of possible types of inspection equipment. The Group convened for a one-week session early in July.

Chemical Weapons Destruction Facilities (chair: Ron Manley of the UK). This Group was mandated during the third plenary to work on the formats of the declarations to be made by states parties of their plans for destroying such chemical weapons as they have declared, and also to establish the deadlines for submitting detailed chemdemil-facility data. The mandate included several associated matters as well, such as guidelines for inspection procedures, suitability of the bilateral verification procedures, inspection-report formats, a model facility agreement, and identification of possible types of inspection equipment. The Group convened for a one-week session early in July.

Single Small Scale Facility/Schedule 1 Facilities (chair: Bernhard Odernheimer of Germany). This Group was mandated during the third plenary to work on declaration-formats, guidelines for inspection procedures, and related matters. It convened for a one-week session during mid-July.

Inspectorate Planning (chair: Johan Santesson of Sweden). This Group was mandated during the third plenary to review staffing options for the Inspectorate, such as 'on-call' vs fulltime inspectors, and to consider the size of the Inspectorate in relation to the 1994 Staff Plan. The Group convened for a one-week session during mid-July.

Chemical Industry Facilities (chair: Adam Noble of the UK). This Group was mandated during the third plenary to extend the work of the Cooper Group on industrial declarations (see above) and to develop guidelines for inspection procedures in the civil chemical industry. The mandate also included several associated matters, such as inspection-report formats, a model facility agreement, and identification of possible types of inspection equipment. The Group was the largest yet, and worked intensively -- both morning and afternoon sessions -- during the middle of July.

Chemical Weapons Production Facilities and Their Destruction or Conversion (chair: Jack Ooms of the Netherlands). This Group was mandated during the third plenary to develop declaration-formats for former chemical-weapons factories, to specify allowed maintenance activities at such facilities, and to develop a destruction schedule. The mandate also included several associated matters, such as guidelines for inspection procedures, suitability of the bilateral verification arrangements, inspection-report formats, model facility agreements, and identification of possible types of inspection equipment. After a somewhat difficult start, the Group worked intensively during the middle of August.

Challenge Inspections (chair: Andrea Perugini of Italy). This Group was mandated during the third plenary to develop guidelines for the conduct of challenge inspections and to consider a range of associated matters. The Group convened for a one-week session in the latter part of August.

1994 Programme of Work and Budget (chair: Jorge Morales Pedraza of Cuba). This Group began to meet at the very end of the period under review here. It will be reporting jointly to Working Groups A and B.

As for the two Working Groups themselves, the custom has now become established that they meet formally only during the plenary sessions. During the third plenary, Group A had the work of five Expert's Groups to consider, while Group B had eight, including three which, because they had completed reports before the period under review here, are not listed above:

Safety Procedures (chair: Raymond Fatz of the USA), which in May had produced a draft for the initial sections of the OPCW Safety and Health Policy Document;

Chemical Engineers (chair: Bernhard Odemheimer of Germany), which in May had compiled inspection requirements and inspection activities for four different categories of declarable facility, and whose report had put forward the principle that it should be the PTS, not the Experts' Groups, that should draft the actual operational inspection procedures for the inspection manual, the draft being based on the results of Experts'-Group discussions; and

Inspection Team Composition (chair: Johan Santesson of Sweden), which in May had elaborated illustrative examples for ten different categories of inspection, the sizes of the teams envisaged ranging from a low of 4 inspectors, for a Single Small Scale Facility, to a high of 50 inspectors, for a military depot challenged as a possible undeclared CW storage facility.

Of these three, the Santesson Group had produced a final report (containing, however, a footnote reservation by Iran); the Fatz and Odemheimer Groups, producing interim reports, were mandated to continue their work. Of the other ten experts' reports that went up to the Working Groups, four were distributed less than the requisite 21 days before the relevant Working Group met and in English versions only (those from the Rautio, Cooper, Boter and Fernandez Groups), while certain others were not made available in all official languages within that period. Working-Group recommendations to plenary on some but not all of these late-distributed reports were accordingly blocked as part of the language-service dispute mentioned earlier, in particular those of the Tóth and Fatz Groups.

Looking ahead to the fourth intersessional period (4 October to 10 December), the current projection is that one further Experts' Group will be established under Working Group B: on *Old and Abandoned Chemical Weapons*.

This review was written by Peter Herby of the Quaker United Nations Office, Geneva, and Julian Perry Robinson.