

The Australia Group and the Chemical Weapons Convention

With planning for implementation of the Chemical Weapons Convention well under way in the Provisional Technical Secretariat and other parts of the Preparatory Commission, members of the Australia Group, meeting in Paris in December, must be considering how best to interact with the emerging Organisation for the Prohibition of Chemical Weapons.

Already there is opportunity for the AG to provide the PTS with useful information regarding its experience in the design, operation and coordination of national export controls, inasmuch as such controls are required by the CWC itself. During its first 3 years, the CWC requires each state party to obtain end-use certificates for transfers of any Schedule 2 or Schedule 3 chemical to any non-party state. Thereafter, Schedule 2 chemicals may neither be exported to nor imported from non-parties, and end-use certificates continue to be required for Schedule 3 chemicals.¹ More generally and applicable to all chemicals, whether scheduled or not, the Convention requires that states parties “adopt the necessary measures to ensure that toxic chemicals and their precursors are only...transferred...for purposes not prohibited under this Convention”.²

In fulfilling its obligations under the CWC, including those directed against proliferation, each state party is required to establish a National Authority to serve as a focal point for liaison with the OPCW. The AG, by sharing its experience, can assist the PTS in its task of advising National Authorities on how to translate the antiproliferation provisions of the CWC into workable and effective procedures.

There is also opportunity for the AG to begin to plan how it will fulfil its pledge made at the Conference on Disarmament on 6 August 1992 to “contribute actively to an increase in commercial and technological exchanges between States”.³ In particular, the AG will need to agree on procedures for reviewing the export restrictions its members have imposed on trade in certain chemicals and chemical equipment, “with the aim of removing such measures for the benefit of States Parties to the Convention acting in full compliance with their obligations under the Convention”.

But in relating constructively to the OPCW, the AG at present suffers from a serious political liability: gross under-representation of states outside of the western group. Of the five major groups of nations which are to be represented on the OPCW Executive Council, as prescribed in Article VIII, the 25 members of the AG include no participant at all from Africa and only one member each from Asia, East Europe and Latin America. Without broader representation, the AG will be seen as discriminatory even by states in full compliance, inevitably impairing its relations with the OPCW.

Compared to the CWC, with its global scope and far-reaching provisions for verification, the AG was created as only a stop-gap. If, as intended, the CWC creates sufficient confidence that none of its states parties is seeking chemical weapons, it will be sufficient to require only effective surveillance, without measures that inhibit peaceful trade.

1. Verification Annex: VII.C.32 and VIII.C.26
2. Article VI.2
3. CD/1164