

17. The Chemical Weapons Convention: institutionalization and preparation for entry into force

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I. Introduction

The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction was opened to all states for signature on 13 January 1993 in Paris at an international conference hosted by the French Government.¹ A resolution establishing the Organisation for the Prohibition of Chemical Weapons (OPCW) and the Text on the Establishment of a Preparatory Commission (PrepCom) was approved by the Conference. The PrepCom held its inaugural session in The Hague, on 8 February 1993.² A Provisional Technical Secretariat (PTS) was set up to assist the PrepCom in its work.

The Chemical Weapons Convention (CWC) is complex, and full and effective implementation of all of its provisions is essential. At least two years are required from opening of the CWC for signature to prepare for its entry into force. The PrepCom is currently establishing procedures for the CWC verification regime, developing a budget and setting up the OPCW infrastructure, including its rules and procedures. There is great hope that this process will be a success, but there is some cause for pessimism.

The establishment of the OPCW represents a unique challenge; the only comparable organization with a mandate for implementing a treaty verification regime is the International Atomic Energy Agency (IAEA), which was established more than 35 years ago.³

This chapter provides an overview of the establishment of the international machinery for the CWC in the first year after its opening for signature. One component of the implementation process calls for states parties to undertake national implementation, and the efforts of a number of states to do so are presented. The CWC can enter into force 180 days after 65 states have ratified their signatures and deposited their instruments of ratification but no earlier than two years after its opening for signature (i.e., early 1995). By the end of

¹ The CWC was signed by 130 of the more than 150 states which sent representatives to Paris; its text is reproduced in SIPRI, *SIPRI Yearbook 1993: World Armaments and Disarmament* (Oxford University Press: Oxford, 1993), pp. 735–56.

² The PrepCom was established under Appendix I of the Convention, which calls for such a commission 'for the purpose of carrying out the necessary preparations for the effective implementation'. See Conference on Disarmament document CD/1170, 26 Aug. 1992, p. 179.

³ Dorn, W. A. and Rolya, A., 'The Organisation for the Prohibition of Chemical Weapons and the IAEA: a comparative overview', *IAEA Bulletin*, no. 3 (1993), pp. 44–47.

1993 only four states, Fiji, Mauritius, the Seychelles and Sweden, had ratified the CWC. As of 10 December 1993, the number of signatory states had increased to 154 (see table 17.1). The road between signature and ratification may be long and difficult owing to the practical consequences of the CWC obligations for each state party.

The CWC provides incentives for ratification; states which have not ratified the Convention at the time of the first Conference of the states parties will be unable to hold a seat on the OPCW Executive Council for the first one or two years after entry into force. In addition, only citizens of states which have ratified the CWC may be employed in the OPCW.

The long-term goal is universal adherence, but a number of states have not yet signed either for political or practical reasons. For some Middle East countries, especially the members of the Arab League, a precondition for adherence is a commitment to nuclear disarmament by Israel, including the creation of a zone free of weapons of mass destruction.⁴ Some of the countries in the Middle East, such as Libya and Syria, are alleged to have chemical weapon (CW) programmes. Iraq is already obliged to destroy its CW stockpiles under UN Security Council Resolution 687, the cease-fire agreement which ended the 1991 Persian Gulf War.⁵ Outside the region, other small states may not have signed owing to practical reasons such as the cost of contributing to the CWC infrastructure, including the PrepCom. North Korea, which is alleged to have a CW programme, has also not signed.

When the CWC negotiations were concluded in 1992 there was great enthusiasm which culminated in the Paris Conference. The final stages of the negotiations had involved compromises, and the PrepCom was concerned that some signatory states would attempt to reopen discussion under the pretext of elaborating detailed procedures. In addition, there were questions about a number of issues including: the participation of signatory states; the readiness to make financial contributions for the PrepCom; the possible shortage of manpower to fill positions in the PTS; the process of elaborating particular procedures; the co-operation of the chemical industry; and the experience which states were gaining in preparation for national implementation.

The following discussion provides an overview of the successes and difficulties encountered in building up the PrepCom and the PTS and suggests sources of additional information; it also outlines the main trends related to industry involvement, national implementation and the ratification process.

II. The Preparatory Commission for the OPCW

The major tasks for the PrepCom prior to entry into force of the CWC are *inter alia*: (a) setting operational procedures for the verification regime, (b) drafting the budget for the organization, and (c) establishing the infrastruc-

⁴ However, some Arab League members—e.g., Algeria, Kuwait, Mauritania, Morocco, Oman, Tunisia and Yemen—have already signed the CWC.

⁵ The text of the resolution is reproduced in SIPRI, *SIPRI Yearbook 1992: World Armaments and Disarmament* (Oxford University Press: Oxford, 1992), pp. 525–30.

ture and rules of procedure for the OPCW. The Text on the Establishment of a Preparatory Commission, which was attached to the CWC, lists some 40 separate tasks for the PrepCom. For 1993 the PrepCom was: (a) to achieve drafts of the procedures and requirements for implementation of verification provisions, including identification of requirements for inspection equipment and collecting of declaration data; (b) to arrive at a preliminary estimate for the size, structure and cost of the Technical Secretariat (TS) for the period immediately after entry into force; (c) to work out the information management system for the organization; (d) to assist in promoting and facilitating the ratification process; (e) to establish rules and procedures for staffing; and (f) to prepare an outline for the training programme for future inspectors.

During the *first Plenary Meeting*, in February 1993, the PrepCom decided to organize its work in: (a) Plenary Meetings, (b) Working Groups A and B,⁶ and (c) Expert Groups, mandated by the Working Groups. (Figure 17.1 presents the structure of the PrepCom at the end of 1993.) Each Expert Group elected a chairman.⁷ The Working and Expert Groups address various issues during the intersessional period between Plenary Meetings, which are held approximately every two to three months. A majority of PrepCom members constitutes a quorum for Plenary Meetings. All decisions must be taken by consensus, but if consensus is not achievable within 24 hours, a two-thirds majority for matters of substance and a simple majority for questions of procedure are recommended. Each signatory state is entitled to participate at all three levels of activity (Plenary Meeting, Working Groups and Expert Groups). It became evident shortly after establishment of the PrepCom that for many states this poses a problem with respect to manpower and expertise. In addition, the decreasing percentage of signatory states participating in the 1993 Plenary Meetings made it difficult to obtain a quorum; most new signatories after the Paris Conference were small countries that were unable to participate.⁸ In an effort to reverse the negative trend with regard to participation, the Deputy Executive Secretary of the PTS visited Brussels in the summer of 1993 to discuss future participation in the Plenary Meetings with the 24 signatory states not represented in The Hague.

⁶ The PrepCom established Working Group A to assist it with budgetary and administrative matters, and Working Group B (which began work following the second Plenary Meeting in April 1993) to assist in verification, technical co-operation and assistance matters. Ambassador Luis Alberto Villamizar of Colombia chaired Working Group A; Counsellor Sylwin Gizowski of Poland chaired Working Group B. See Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons, 'Draft report of the Preparatory Commission', PREPCOM/I/CRP.10, 12 Feb. 1993, pp. 4–7. A Credentials Committee was also established in accordance with the rules and procedures for all sessions. It examines credentials of newly accredited representatives to the PrepCom.

⁷ The chairman is responsible for smooth and effective discharge of mandated activities, for timely submission of reports and for maintenance of effective consultation with signatories. All Expert Groups are open-ended and meet in The Hague.

⁸ Eleven member states which attended the second Plenary Meeting did not attend the third Plenary Meeting (Albania, Bangladesh, Belarus, the Holy See, Mali, Mauritius, Namibia, Nepal, Papua New Guinea, Yemen and Zambia).

Table 17.1. Signatory status of the Chemical Weapons Convention as of 10 December 1993

State	Date of signature	State	Date of signature
<i>States which have signed the CWC</i>			
Afghanistan	14 Jan.	France	13 Jan.
Albania	14 Jan.	Gabon	13 Jan.
Algeria	13 Jan.	Gambia	13 Jan.
Argentina	13 Jan.	Georgia	14 Jan.
Armenia	19 Mar.	Germany	13 Jan.
Australia	13 Jan.	Ghana	14 Jan.
Austria	13 Jan.	Greece	13 Jan.
Azerbaijan	13 Jan.	Guatemala	14 Jan.
Bahrain	24 Feb.	Guinea	14 Jan.
Bangladesh	14 Jan.	Guinea-Bissau	14 Jan.
Belarus	14 Jan.	Guyana	6 Oct.
Belgium	13 Jan.	Haiti	14 Jan.
Benin	14 Jan.	Holy See	14 Jan.
Bolivia	14 Jan.	Honduras	13 Jan.
Brazil	13 Jan.	Hungary	13 Jan.
Brunei Darussalam	13 Jan.	Iceland	13 Jan.
Bulgaria	13 Jan.	India	14 Jan.
Burkina Faso	14 Jan.	Indonesia	13 Jan.
Burundi	15 Jan.	Iran	13 Jan.
Cambodia	15 Jan.	Ireland	14 Jan.
Cameroon	14 Jan.	Israel	13 Jan.
Canada	13 Jan.	Italy	13 Jan.
Cape Verde	15 Jan.	Japan	13 Jan.
Central African Republic	14 Jan.	Kazakhstan	14 Jan.
Chile	14 Jan.	Kenya	15 Jan.
China	13 Jan.	Korea, South	14 Jan.
Colombia	13 Jan.	Kuwait	27 Jan.
Comoros	13 Jan.	Kyrgyzstan	22 Feb.
Congo	15 Jan.	Laos	12 May
Cook Islands	14 Jan.	Latvia	6 May
Costa Rica	14 Jan.	Liberia	15 Jan.
Côte d'Ivoire	13 Jan.	Liechtenstein	21 July
Croatia	13 Jan.	Lithuania	13 Jan.
Cuba	13 Jan.	Luxembourg	13 Jan.
Cyprus	13 Jan.	Madagascar	15 Jan.
Czech Republic	14 Jan.	Malawi	14 Jan.
Denmark	14 Jan.	Malaysia	13 Jan.
Djibouti	28 Sep.	Maldives	1 Oct.
Dominica	2 Aug.	Mali	13 Jan.
Dominican Republic	13 Jan.	Malta	13 Jan.
Ecuador	14 Jan.	Marshall Islands	13 Jan.
El Salvador	14 Jan.	Mauritania	13 Jan.
Equatorial Guinea	14 Jan.	Mauritius	14 Jan. ^b
Estonia	14 Jan.	Mexico	13 Jan.
Ethiopia	14 Jan.	Micronesia	13 Jan.
Fiji	20 Jan. ^a	Moldova	13 Jan.
Finland	14 Jan.	Monaco	13 Jan.

State	Date of signature	State	Date of signature
Mongolia	14 Jan.	Senegal	13 Jan.
Morocco	13 Jan.	Seychelles	15 Jan. ^c
Myanmar	14 Jan.	Sierra Leone	15 Jan.
Namibia	13 Jan.	Singapore	14 Jan.
Nauru	13 Jan.	Slovak Republic	14 Jan.
Nepal	19 Jan.	Slovenia	14 Jan.
Netherlands	14 Jan.	South Africa	14 Jan.
New Zealand	14 Jan.	Spain	13 Jan.
Nicaragua	9 Mar.	Sri Lanka	14 Jan.
Niger	14 Jan.	Swaziland	23 Sep
Nigeria	13 Jan.	Sweden	13 Jan. ^d
Norway	13 Jan.	Switzerland	14 Jan.
Oman	2 Feb.	Tajikistan	14 Jan.
Pakistan	13 Jan.	Thailand	14 Jan.
Panama	16 June	Togo	13 Jan.
Papua New Guinea	14 Jan.	Tunisia	13 Jan.
Paraguay	14 Jan.	Turkey	14 Jan.
Peru	14 Jan.	Turkmenistan	12 Oct.
Philippines	13 Jan.	Uganda	14 Jan.
Poland	13 Jan.	Ukraine	13 Jan.
Portugal	13 Jan.	United Arab Emirates	2 Feb.
Qatar	1 Feb.	United Kingdom	13 Jan.
Romania	13 Jan.	United States	13 Jan.
Russian Federation	13 Jan.	Uruguay	15 Jan.
Rwanda	17 May	Venezuela	14 Jan.
Saint Lucia	29 Mar.	Viet Nam	13 Jan.
Saint Vincent and the Grenadines	20 Sep.	Yemen	8 Feb.
Samoa (Western)	14 Jan.	Zaire	14 Jan.
San Marino	13 Jan.	Zambia	13 Jan.
Saudi Arabia	20 Jan.	Zimbabwe	13 Jan.
<i>States which have not signed the CWC</i>			
Angola	Chad	Libya	Taiwan
Andorra	Egypt	Mozambique	Tanzania
Antigua and Barbuda	Grenada	St Kitts and Nevis	Tonga
Bahamas	Iraq	Sao Tome and Principe	Trinidad and Tobago
Barbados	Jamaica	Solomon Islands	Tuvalu
Belize	Jordan	Somalia	Uzbekistan
Bhutan	Korea, North	Sudan	Vanuatu
Bosnia and Herzegovina	Lebanon	Suriname	Yugoslavia
Botswana	Lesotho	Syria	

^a Ratification and deposit date 20 Jan. 1993.

^b Ratification and deposit date 9 Feb. 1993.

^c Ratification and deposit date 7 Apr. 1993.

^d Ratification and deposit date 17 June 1993.

Source: 'List of signatures to and ratifications of the CWC as of 10 December 1993', PC-V/INF.2, 10 Dec. 1993.

Figure 17.1. Structure of the Preparatory Commission

Note: Based on *The CWC Chronicle*, Henry L. Stimson Center, Washington, DC, vol. 1, no. 4 (Oct. 1993), p. 2; 'Report of the Commission', PC-V/12, 17 Dec. 1993.

Table 17. 2. Attendance at 1993 Plenary Meetings of the Preparatory Commission

Plenary Meeting	Date	Number of signatory states which attended	Number of signatory states	Rate of attendance
First	8–12 Feb.	92	137	67
Second	19–22 Apr.	89	142	63
Third	28 June–2 July	80	146	55
Fourth	27 Sep.–1 Oct.	82	150	55
Fifth	13–17 Dec.	81	154	53

Sources: ‘Draft report of the Preparatory Commission’, PREPCOM/I/CRP.10, 12 Feb. 1993; ‘Report of the Preparatory Commission’, PREPCOM/II/9, 22 Apr. 1993; ‘Report of the Preparatory Commission’, PC-III/11, 2 July 1993; ‘Report of the Preparatory Commission’, PC-IV/23, 1 Oct. 1993; ‘Report of the Commission’, PC-V/12, 17 Dec. 1993.

At the time of the *first Plenary Meeting*, 137 states had signed the CWC,⁹ and 92 of these states attended the first session. (Table 17.2 presents an overview of the attendance at all 1993 Plenary Meetings.)

Limitations on access to the work of the PrepCom, including that of the PTS, created problems for those excluded from the Plenary Meetings (e.g., the scientific community, non-governmental organizations (NGOs), etc.). The PrepCom meets in closed sessions, as mandated by the Rules of Procedure.¹⁰ Only reports from the Expert Groups, Working Groups and official documents from the Plenary Meetings are available on request to certain NGOs, research institutes and industry associations. During 1993 several PrepCom delegations¹¹ proposed opening the Plenary Meetings to the concerned community, but a decision to change the Rules of Procedure was not taken, although the issue is under consideration. The success of the implementation efforts of the PrepCom is heavily dependent on active participation by signatory states. However, the NGOs, the scientific and disarmament community, chemical industry and trade associations also have a role to play. The text of the CWC recognizes the need to remain abreast of scientific progress and technical change,¹² and the scientific expertise and knowledge of those outside the CWC infrastructure (i.e., the PrepCom and the PTS) are needed.

⁹ Between the first Plenary Meeting and Dec. 1993 the following states became signatories: Armenia, Bahrain, Djibouti, Dominica, Guyana, Kyrgyzstan, Laos, Latvia, Liechtenstein, Maldives, Nicaragua, Panama, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Swaziland, and Turkmenistan.

¹⁰ See rule 32 in ‘Rules of Procedure of the Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons’, PREPCOM/II/8, 22 Apr. 1993, p. 11.

¹¹ The Australian delegation vigorously promoted the idea of making Plenary Meetings public. The draft decision, prepared by Australia, met opposition from two Western delegations and several delegations from developing countries. See Institute for Defense and Disarmament Studies, ‘Public access’, *Arms Control Reporter* (IDDS: Brookline, Mass., 1994), sheet 704.B.559, Jan. 1994.

¹² CWC, Article VIII, paragraph 21, (h); Conference on Disarmament document CD/1170 (note 2), appendix, p. 29.

Organizational aspects

During its *first Plenary Meeting*, on 8–12 February 1993, the PrepCom adopted Provisional Rules of Procedure¹³ and elected a chairman for the first six months.¹⁴

At the *second Plenary Meeting*, on 19–22 April 1993, the PrepCom,¹⁵ the Executive Secretary,¹⁶ and Working Groups A and B presented reports.¹⁷ The Rules of Procedure for the PrepCom, which had been prepared by Working Group A, were adopted.¹⁸

The question of whether languages other than English would be used in the Expert Groups¹⁹ was raised by several delegations led by France.²⁰ Other delegations argued that full interpretation service would significantly add to the annual budget. The Chairman of the PrepCom noted that the 1993 budget provided for interpretation services only for Working Groups and Plenary Meetings.²¹ It was decided that interpretation services would be made available to Expert Groups on a case-by-case basis.²²

The *third Plenary Meeting* took place on 28 June–2 July 1993. The PrepCom then actively functioned at all three levels: the Plenary Meetings, the Working Groups and the Experts Groups,²³ with the Expert Groups as the driving force. As the number of Expert Groups increased, so did the workload for signatory state delegations.²⁴ The PTS also continued to grow owing to its

¹³ 'Provisional Rules of Procedure of the PrepCom for the OPCW', PREPCOM/I/2, 8 Feb. 1993.

¹⁴ Under the Rules and Procedures, the chairmanship rotates every 6 months among the 5 regional groups (Africa, Asia, Eastern Europe, Latin America and the Caribbean, and Western European and Other States) in alphabetical order starting with the African Group. Ambassador E. A. Azikiwe of Nigeria was Chairman for the first 6 months. Representatives from Chile, Hungary, Iran, Tunisia and the USA were elected Vice-Chairmen. The Vice-Chairmen are to represent each of the 5 regional groups.

¹⁵ 'Report of the Preparatory Commission', PREPCOM/II/9, 22 Apr. 1993.

¹⁶ 'Report of the Executive Secretary for the period from the first to the second session of the Preparatory Commission (11 February to 18 April 1993)', PREPCOM/II/3, 19 Apr. 1993.

¹⁷ 'Report of Working Group A', PREPCOM/II/WGA/2, 22 Apr. 1993; 'Report of Working Group B', PREPCOM/II/WGB/1, 20 Apr. 1993. A report on the submission of formal credentials to the Credentials Committee was also received: 'Report on the credentials of representatives of Member States of the Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons', PREPCOM/I/3/Add.1, 22 Apr. 1993.

¹⁸ See PREPCOM/II/8 (note 10).

¹⁹ See PREPCOM/II/9 (note 15), pp. 11–13.

²⁰ Herby, P. and Robinson, J. P., 'Building the Organisation for the Prohibition of Chemical Weapons: progress in The Hague, quarterly review no. 2', *Chemical Weapons Convention Bulletin*, no. 20 (June 1993), p. 5.

²¹ The budget for 1993 contained \$2.4 million for conference service.

²² See PREPCOM/II/9 (note 15), p. 4.

²³ The Plenary Meetings noted an increase in the number of reports and recommendations from Expert Groups. The following statistics were presented at the fourth Plenary Meeting: first Plenary Meeting: 0 Expert Group reports, 1 recommendation; second Plenary Meeting: 12 Expert Group reports, 14 recommendations; third Plenary Meeting: 19 Expert Group reports, 24 recommendations; fourth Plenary Meeting: 16 Expert Group reports, 100 recommendations. See 'Report of the Executive Secretary for the period from the third to the fourth session of the Preparatory Commission (28 June to 26 September)', PC-IV/10, 27 Sep. 1993.

²⁴ In the intersessional period, four Working Group A Expert Groups conducted activities on: (a) staff regulations and rules, (b) privileges and immunities agreement with the host government, (c) financial regulations and rules, (d) data system, and (e) OPCW permanent building requirements). Eight Working Group B Expert Groups dealt with: (a) safety procedures, (b) chemical engineers, (c) inspection team composition, (d) technical co-operation and assistance, (e) analytical chemistry, (f) industry declarations, (g) equipment, and (h) training. Approximately 650 000 pages of official documents were distributed in

recruitment of specialists from national delegations. One consequence of this was that the number of experts able to chair Expert Groups decreased, which led to greater demands on the PTS.

Working Groups A and B presented reports.²⁵ Only the report on Safety Procedures²⁶ from a Working Group B Expert Group was adopted by the meeting; other groups were recommended to continue their work. The Executive Secretary presented his report on the interpretation service problem.²⁷ Approval was given for an October 1993 meeting between the Expert Group on Chemical Industry Facilities (Working Group B) and chemical industry representatives.²⁸ A new PrepCom chairman was elected for the next six months.²⁹

The Executive Secretary asked all signatory states to supply information by the end of August 1993 on the number of installations which might have to be declared under the CWC to facilitate planning for inspections and the size of the future Inspectorate and to prepare the budget for 1994.³⁰

The *fourth Plenary Meeting* was held on 27 September–1 October 1993. The PrepCom³¹ delivered a report, as did Working Groups A and B.³² A new chairman was elected for Working Group A.³³

The *fifth Plenary Meeting* took place on 13–17 December 1993. The reports of Working Groups A and B were presented³⁴ and a new PrepCom chairman was elected for February–August 1994.³⁵ The Plenary Meeting adopted a \$29.71 million budget for 1994.³⁶

the intersessional period. See 'Report of the Executive Secretary for the period from the second to the third session of the Preparatory Commission (22 April to 25 June 1993)', PC-III/5, 25 June 1993.

²⁵ 'Report of Working Group A', PC-III/A/2, 30 June 1993; 'Report of Working Group B', PC-III/B/2, 30 June 1993. The report of the Credentials Committee was also received.

²⁶ 'Report of the Preparatory Commission', PC-III/11, 2 July 1993, p. 5.

²⁷ 'Report on Language Services by the Executive Secretary', PC-III/6, 28 June 1993. Full language interpretation service for Expert Group meetings would add at least \$1 450 000 to the budget in the first year. The Executive Secretary promised to provide a provisional solution for the remainder of 1993 and to prepare a long-term solution for the 1994 budget.

²⁸ See PC-III/11 (note 26).

²⁹ Ambassador Sirous Nasserri of Iran with Vice-Chairmen from Chile, Japan, Romania, Tunisia and the USA; see PC-III/11 (note 26), p. 6.

³⁰ 'Note by the Executive Secretary', PC-III/4, 15 June 1993. Based on the CWC definitions, information was requested on: (a) old and abandoned CW locations; (b) chemical weapons production facilities (CWPFs); (c) CW storage facilities; (d) CW destruction facilities (existing or planned); and (e) Schedule 1, 2 and 3 facilities and plant sites as well as other production plant sites. By the end of 1993, only 22 signatory states had supplied information on the number of facilities they are likely to declare on entry into force of the CWC.

³¹ 'Report of the Preparatory Commission', PC-IV/23, 1 Oct. 1993.

³² 'Report of Working Group A', PC-IV/A/2, 30 Sep. 1993; 'Report of Working Group B', PC-IV/B/12, 1 Oct. 1993. Also received were PC-IV/10 (note 23), and 'Report on the Credentials of Representatives of Member States of the Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons', PC-IV/19, 30 Sep. 1993.

³³ Working Group A was then chaired by Alberto E. Doja of Argentina.

³⁴ 'Report of Working Group A', PC-V/A/7, 15 Dec. 1993; 'Report Working Group B', PC-V/B/10, 15 Dec. 1993. The Credentials Committee submitted its 'Report on the credentials of representatives of Member States', PC-V/11, 16 Dec. 1993.

³⁵ Ambassador Grigory V. Berdennikov of Russia was elected.

³⁶ The Commission budget is calculated in Dutch guilders. All estimates are based on an exchange-rate of Df. 1.90 for July 1993, using the UN exchange-rate system. For the 1994 budget \$18.12 million was approved for Part I and \$11.59 million for Part II. See the discussion of the Expert Group on the 1994 Programme of Work and Budget in the section 'Matters of substance' below. See also 'Report of the Commission', PC-V/12, 17 Dec. 1993, pp. 6–7, and annex 1, attachments A and B, pp. 16–23.

In response to a debate in the PrepCom about geographical balance in the PTS which began at the *fourth Plenary Meeting*,³⁷ the Executive Secretary presented a breakdown by nationality of the top PTS employee categories.³⁸ The Executive Secretary also reported on several errors in the certified copies of the CWC,³⁹ and it was decided that a final report would be submitted to the *sixth Plenary Meeting*. The December meeting approved the schedule for Expert Group meetings for January–March 1994 and a tentative list of tasks.⁴⁰ The *sixth Plenary Meeting* was scheduled for 11–15 April 1994.

A Headquarters Agreement between the PrepCom and the Host State (the Netherlands) establishing the legal status, privileges and immunities of the PrepCom, its Executive Secretary and the PTS staff members was signed on 8 December 1993; it serves as a point of departure for the future Headquarters Agreement for the OPCW.⁴¹

Matters of substance

At the *first Plenary Meeting* in February 1993, Working Group A established Expert Groups on: (a) the 1993 programme of work, (b) rules and procedures; (c) privileges and immunities, (d) financial regulations and rules, (e) staff regulations and rules, (f) the OPCW building, and (g) a draft budget for 1993 (the Group later dealt with the 1994 budget). At the *third Plenary Meeting*, on 28 June–2 July 1993, the Expert Groups presented their first detailed reports.⁴²

The *fourth Plenary Meeting* adopted Staff Regulations for the PTS, including financial regulations,⁴³ and PrepCom Financial Regulations, which entered into force on 1 October 1993.⁴⁴ Upon completion of the work on Privileges

³⁷ 'Statement by the Mexican Delegation', PC-IV/23 (note 31), pp. 12–13.

³⁸ The survey showed that of 24 top professional positions in the PTS, 11 are filled by citizens from the Western European and Other States category. In addition, it was strongly reiterated that apart from geographical considerations it is important that recruited staff meet the highest standards of efficiency, professional competence and integrity. See 'Note by the Executive Secretary on the breakdown of nationalities for professional and higher categories represented at the Provisional Technical Secretariat as of 14 December 1993', PC-V/A/6, 14 Dec. 1993.

³⁹ 'Note by the Executive Secretary: errors in the certified copy of the Convention', PC-V/5, 26 Nov. 1993; 'Note by the Executive Secretary: additional errors in the certified copy of the Convention', PC-V/5/Add.1, 10 Dec. 1993.

⁴⁰ See PC-V/12 (note 36), annex 2, pp. 24–36.

⁴¹ 'Report of Executive Secretary: retrospective on 1993', PC-V/6, 13 Dec. 1993, p. 9.

⁴² For the reports from Working Group A, see PREPCOM/II/WGA/2 (note 17); PC-III/A/2 (note 25); PC-IV/A/2 (note 32); PC-V/A/7 (note 34).

⁴³ Group of Experts on Staff and Financial Regulations, 'Third report on staff regulations', PC-IV/A/WP.5, 16 Aug. 1993, appendix, pp. 3–20. Staff Regulations and Rules were drafted in May; see Group of Experts on Staff Regulations, 'Report on staff regulations', PC-III/A/WP.6, 7 May 1993. It was recommended that they be checked for consistency against the Executive Secretary Staff Regulations and be used when hiring professional staff such as inspectors. See Group of Experts on Staff and Financial Regulations, 'Fourth report: staff regulations and rules', PC-V/A/WP.5, 17 Nov. 1993.

⁴⁴ See PC-IV/23 (note 31), p. 4; Group of Experts on Staff and Financial Regulations, 'Third report on financial regulations', PC-IV/A/WP.4, 16 Aug. 1993 and PC-IV/A/WP.4/Corr.1, 19 Aug. 1993. Draft provisional financial regulations were presented in Apr. 1993; see Group of Experts on Financial and Staff Regulations, 'Second report on financial regulations', PC-III/A/WP.2, 29 Apr. 1993. Later work is reported in Group of Experts on Staff and Financial Regulations, 'Fourth report: financial regulations and rules', PC-V/A/WP.6, 17 Nov. 1993. At the fifth Plenary Meeting the PrepCom approved the establishment of a Finance Group of experts from member states on budgetary and administrative matters to start work in early 1994.

and Immunities,⁴⁵ the Executive Secretary was authorized to sign the Headquarters Agreement between the PrepCom and the Netherlands.⁴⁶

The Data System Expert Group outlined its requirements for the OPCW's Information Management System (IMS)⁴⁷ at the *fourth Plenary Meeting* which were adopted as the OPCW IMS System.⁴⁸ The *fifth Plenary Meeting* asked this group to finalize work on declaration requirements and report to the relevant Expert Groups. Finland, Russia and the UK described their national data bases, as Iran and the USA had done earlier.⁴⁹ Hungary demonstrated an advanced computer system tailored to the tasks of the future TS, including declaration requirements.⁵⁰

The report by the OPCW Building Expert Group to the *third Plenary Meeting* had outlined the type of building needed by the OPCW and established a Specialist Task Force⁵¹ composed of experts from signatory states. The Netherlands' bid to host the OPCW had been predicated on a three- to five-year life span for the PrepCom (whereas the mandate calls for OPCW operations to begin in February 1995). Since the building offered by the Netherlands will not be available until 1996, alternative possibilities had to be investigated.⁵² In December 1993 the PrepCom decided that the OPCW Laboratory should be functional before entry into force of the CWC.⁵³ A permanent site for the OPCW headquarters building has not yet been found.

The 1994 Programme of Work and Budget Expert Group presented the final draft of the 1994 budget and work programme to the *fifth Plenary Meeting* in

⁴⁵ Combined Group of Experts on the Rules of Procedure and Privileges and Immunities, 'Report on privileges and immunities', PC-III/A/WP.8, 12 May 1993.

⁴⁶ 'Draft Agreement between the Kingdom of the Netherlands and the Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons concerning the Headquarters of the Commission', PC-IV/A/WP.6, annex, 26 Aug. 1993, pp. 3–13.

⁴⁷ Group of Experts on Data Systems, 'Initial report', PC-III/A/WP.1, 28 Apr. 1993. The IMS system will serve as a comprehensive computerized system suitable for the OPCW and capable of handling internal information as well as information from states parties, including required declarations.

⁴⁸ Expert Group on Data Systems, 'Report: second session', PC-IV/A/WP.3, 6 Aug. 1993. After the Nov. 1993 meeting further recommendations on IMS system design, functionality, cost factors, manpower requirement and the format for industrial declarations and security aspects were presented; see Expert Group on Data Systems, 'Third report', PC-V/A/WP.7, 12 Nov. 1993.

⁴⁹ USA, 'Chemical Weapons Convention information management system prototype', Discussion Paper, Preparatory Commission for the OPCW, Data Systems Expert Group, PC-III/A/WP.1 (note 47), appendix II, pp. 1–3; 'Note Verbale from the Embassy of the Islamic Republic of Iran in The Hague, addressed to the Provisional Technical Secretariat of the Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons dated 3 August 1993', PC-IV/A/WP.2, 4 Aug. 1993; Finland, 'Perspectives for the construction of an information system for the OPCW', PC-III/A/WP.1 (note 47), appendix III; PTS, 'Automatic data processing at the Provisional Technical Secretariat of the Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons', PC-III/A/WP.1 (note 47), appendix I.

⁵⁰ 'Poland: Regional Seminar on National Authority and national implementation measures for the Chemical Weapons Convention, Warsaw, Poland, 7–8 December 1993', PC-V/A/WP.9, 15 Dec. 1993.

⁵¹ Group of Experts on OPCW Building, 'Second interim report', PC-III/A/WP.7, 12 May 1993.

⁵² Recommendations and findings concerning the OPCW building were presented at the fifth Plenary Meeting; see Group of Experts on the OPCW Building, 'Fourth interim report', PC-V/A/WP.4, 11 Nov. 1993, which addresses (a) interim accommodation of the PTS and later the TS; (b) suitability of the location of alternative OPCW building sites; (c) programme of the requirements for the OPCW building; (d) financial, legal and other implications of the OPCW building options; and (e) consultations on interim and permanent accommodation arrangements.

⁵³ Office space and equipment storage are to be located at the TNO-PML facilities. TNO is the Dutch Institute for Applied Scientific Research of the Netherlands. See PC-V/12 (note 36), p. 3.

December 1993.⁵⁴ The group had the demanding task of planning for 1994, the year when most preparation for the future work of the OPCW must be completed if the CWC enters into force in 1995. The PTS directed the Expert Group to outline a budget based on the assumptions that: (a) 65 states will deposit instruments of ratification by 18 July 1994, ensuring that the CWC can enter into force by January 1995; (b) the USA and Russia will deposit their instruments of ratification prior to entry into force, as will the states with the large majority of declarable facilities; and (c) the bilateral US–Russian agreement⁵⁵ will enter into force. Budget year 1994 was divided into two parts: phase I—fulfilment of ongoing PTS obligations; and phase II—activities related to the organization and work of the TS, which will start 180 days before entry into force (18 July 1994 or later, depending on the date of deposit of the 65th instrument of ratification). If there are fewer than 65 ratifications, the PTS will continue as currently.⁵⁶

Working Group B on Verification and Technical Co-operation and Assistance began work during the April 1993 *second Plenary Meeting*; it focused on: (a) tasks related to verification, (b) inspection team composition, (c) inspection safety procedures, (d) industry declarations, (e) inspector training requirements, (f) OPCW laboratory requirements, and (g) tasks related to implementation of the provisions on technical co-operation and assistance.⁵⁷ By the time of the *third Plenary Meeting*, 9 Expert Groups had begun work.⁵⁸ At both the *fourth Plenary Meeting*⁵⁹ and the December meeting 10 Working Group B Expert Groups reported on their activities.⁶⁰ The work of the Expert Groups and their major achievements during 1993 are discussed below.

A draft of the initial sections of the OPCW Safety and Health Policy Document was prepared by the Safety Procedures Expert Group,⁶¹ and was presented as the OPCW Health and Safety Manual in November 1993.⁶² The structure of a Health and Safety Unit was outlined taking into account OPCW health and safety guidelines as regards equipment, workplace exposure, environmental standards and decontamination procedures.

⁵⁴ Group of Experts on Programme of Work and Budget, 'Final report', PC-V/A/WP.3, 18 Nov. 1993; Group of Experts on Programme of Work and Budget, 'Corrigendum', PC-V/A/WP.3/Corr.1, 10 Dec. 1993. A first draft of the 1994 programme of work and budget was presented to the fourth Plenary Meeting; see 'Initial Report of Expert Group on 1994 Programme of Work and Budget', PC-IV/A/WP.7, 10 Sep. 1993.

⁵⁵ The 'Agreement between the United States of America and the Union of Soviet Socialist Republics on Destruction and Non-Production of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons' is reproduced in SIPRI, *SIPRI Yearbook 1991: World Armaments and Disarmament* (Oxford University Press: Oxford, 1991), pp. 536–39.

⁵⁶ The financial contribution of the states parties to Part II of the budget is to be paid when so decided by the PrepCom or not later than 30 days after receiving a request by the Executive Secretary; see also note 36.

⁵⁷ See PREPCOM/II/WGB/1 (note 17).

⁵⁸ See PC-III/B/2 (note 25).

⁵⁹ See PC-IV/B/12 (note 32), pp. 6–7.

⁶⁰ However, despite the fact that the number was not changed, the Expert Groups were not always the same; different subjects sometimes required new groups.

⁶¹ Combined Group of Experts on Safety Procedures, 'Initial report', PC-III/B/WP.1, 21 May 1993.

⁶² Expert Group on Safety Procedures, 'Second report', PC-V/B/WP.11, 19 Nov. 1993.

The Chemical Engineers Expert Group⁶³ presented an interim report in May 1993 on requirements for inspection procedure and activities for four types of facilities.⁶⁴

At the *third Plenary Meeting* examples of 10 different types of inspection teams, their size and composition were given in a report by the Expert Group on Inspection Team Composition.⁶⁵ Later a new Expert Group on Inspectorate Planning recommended full-time inspectors supplemented by temporary (on-call) inspectors for the Inspectorate.⁶⁶ Inspection priorities for the period after entry into force and regional inspectorate offices were also discussed.

The Expert Group on Analytical Chemists recommended in June 1993 that the OPCW establish a centrally controlled quality-assurance and quality-control programme based on international practice.⁶⁷ The OPCW was advised to perform regular proficiency testing of its network of approved laboratories and field activities and to assign to the OPCW Laboratory the role of co-ordinating analytical activities.⁶⁸

In June 1993 the Expert Group on Industry Declarations presented formats and detailed requirements for declarations under Article VI of the CWC in 31 charts.⁶⁹ Further work was recommended on the handling of: (a) 'low concentrations' of scheduled chemicals, if they are by-products, and (b) 'aggregate national data' for the production of Schedule 3 chemicals. It was suggested that the same procedure for declaration and verification be used for facilities producing chemicals under Schedules 2 or 3 for consumption by both captive and non-captive use. In July 1993 the Chemical Industry Facilities Expert Group presented guidelines for inspection and draft declaration formats for Schedule 2 and 3 facilities;⁷⁰ the risk a Schedule 2 plant site may present to the CWC and its intent was also addressed. Recommendations on declaration formats and a revised draft Model Facility Agreement for Schedule 2 facilities were later tabled.⁷¹ Work on the Inspection Manual, on standardized declaration forms and on model agreements for industry facilities continued.⁷²

⁶³ Combined Group of Experts, 'Chemical engineers: initial report', PC-III/B/WP.2, 21 May 1993.

⁶⁴ The facilities were: single small-scale facility, other Schedule 1 production facilities, Schedule 2 facilities and CW production facilities.

⁶⁵ Combined Group of Experts, 'Inspection team composition: report', PC-III/B/WP.3, 28 May 1993.

⁶⁶ Expert Group on Inspectorate Planning, 'Initial report', PC-IV/B/WP.3, 16 July 1993; and PC-IV/B/WP.3/Rev.1, 29 Sep. 1993.

⁶⁷ Combined Group of Experts, 'Analytical chemists: report', PC-III/B/WP.7, 15 June 1993.

⁶⁸ The group recommended that signatories be asked to provide spectra and other analytical data on relevant chemicals under the CWC in order for them to be included in the OPCW analytical data base.

⁶⁹ Combined Group of Experts on Industrial Declarations, 'Report', PC-III/B/WP.8, 16 June 1993.

⁷⁰ Expert Group on Chemical Industry Facilities, 'Initial report', PC-IV/B/WP.5, 23 July 1993.

⁷¹ Expert Group on Chemical Industry Facilities, 'Second report', PC-V/B/WP.2, 8 Oct. 1993; and PC-V/B/WP.2/Corr.1, 23 Nov. 1993.

⁷² In addition consultations by the chairman were carried out on unresolved questions such as recycled chemicals, waste disposal, changes to annual production, facilities that have produced Schedule 1 chemicals since 1 Jan. 1946 for purposes not related to CW, and facilities which produce BZ for purposes not prohibited under the CWC, with regard to industrial declarations. Further elaboration is needed as regards low concentrations of Schedule 2 and 3 chemicals produced as by-products and aggregate national data for Schedule 3 chemicals. See Combined Expert Group on Industrial Declarations, 'Report of informal consultations conducted by the chairman of the group in connection with outstanding issues related to industrial declarations', PC-V/B/WP.15, 1 Dec. 1993.

The Technical Co-operation and Assistance Expert Group⁷³ drafted a Model Agreement on the procurement and provision of emergency, humanitarian and supplementary assistance for use by the OPCW and states parties⁷⁴ which was approved by the PrepCom. The need to assist National Authorities⁷⁵ in their implementation of the CWC and the organizing of regional seminars was reiterated. In December 1993, further support was recommended from the PTS for the training of personnel from National Authorities.⁷⁶ Recommendations were made for stockpiling protective equipment for assistance, for exchange of equipment and information on protection, for establishment of guidelines for a Voluntary Fund, for a data bank on protection against chemical weapons and for a Draft Model Agreement on the Procurement of Assistance.

The Expert Group on Equipment presented the requirements and functions of an OPCW Laboratory and its responsibilities to future designated laboratories.⁷⁷ It recommended that the OPCW Laboratory be relatively small and focus on primary functions.⁷⁸ A list of equipment for use in inspections was compiled in August 1993.⁷⁹ By March 1994 the Laboratory should be functioning at minimum capability, and at full capability by entry into force minus one month at the latest.⁸⁰

The Expert Group on Training⁸¹ addressed the training needed for the Inspectorate, the Verification Division of the PTS (later the Technical Secretariat under the OPCW) and the National Authorities and chose a three-module training approach.⁸² A decision about whether inspectors will be offered employment before or after undergoing training must be made soon as it will have a significant impact on the planning process. Signatory states are to submit information on planned national training courses and facilities for on-site inspection training, a component of the training process.⁸³ The modules for implementing the General Training Scheme (GTS) were further developed.⁸⁴

⁷³ Combined Group of Experts, 'Technical co-operation and assistance: initial report', PC-III/B/WP.4, 28 May 1993; Group of Experts on Technical Co-operation and Assistance, 'First interim report', PC-IV/B/WP.6, 9 Aug. 1993.

⁷⁴ See PC-IV/23 (note 31), p. 12.

⁷⁵ Article VII of the CWC (see note 1) defines the National Authority as 'the national focal point for effective liaison with the Organization and other States Parties'.

⁷⁶ Expert Group on Technical Co-operation and Assistance, 'Second interim report', PC-V/B/WP.16, 3 Dec. 1993.

⁷⁷ Expert Group on Equipment, 'Initial report', PC-III/B/WP.9, 18 June 1993.

⁷⁸ See PC-III/B/2 (note 25), p. 5.

⁷⁹ Expert Group on Equipment, 'First interim report', PC-IV/B/WP.7, 13 Aug. 1993.

⁸⁰ Expert Group on Equipment, 'Second interim report', PC-V/B/WP.7, 26 Oct. 1993.

⁸¹ Group of Experts: Training, 'Interim report', PC-III/B/WP.10, 18 June 1993.

⁸² Module 1, Basic: general foundation course (basic information concerning the CWC); Module 2, Specialities: courses for specialists and courses for different skills and techniques; and Module 3, Inspection Training: practical training courses.

⁸³ In Aug. the Executive Secretary presented an overview of 12 national inspector-training programmes. The following countries conduct or plan to conduct such courses: Austria, Finland, France, Germany, Mexico, the Netherlands, Poland, Romania, South Africa, Sweden, Switzerland and the UK. See 'Information to member states on national inspector training programmes', PC-IV/B/2, 4 Aug. 1993. In Oct. 1993 an update was presented on offers from various countries—Australia, Austria, Canada, Finland, Germany, the Netherlands, South Africa and the UK—which have previously organized training courses for inspectors. See 'Information to member states on national inspector training programmes', PC-V/B/4, 18 Oct. 1993.

⁸⁴ Expert Group on Training, 'Second interim report', PC-IV/B/WP.8, 13 Aug. 1993.

By the *fifth Plenary Meeting*⁸⁵ the content of the training modules had been finalized.⁸⁶ The PrepCom adopted guidelines for cost-sharing between states parties and the TS for implementing the General Training Scheme. Criteria and procedures for certification of national training programmes and selection criteria for inspector trainees remain to be established.⁸⁷

The Expert Group on Chemical Weapons Storage Facilities proposed formats for initial declarations, and guidelines for inspections, for the inclusion of simulant-filled munitions defined as chemical weapons and for national aggregate quantities of toxic chemicals and their precursors.⁸⁸ The PrepCom agreed at the *fourth Plenary Meeting* that the reference to ‘munitions’ in Part IV(A) of the Verification Annex of the CWC⁸⁹ should apply to both filled and unfilled ammunition.⁹⁰ The Group further developed formats for declaration of national aggregates of mixtures of chemicals.⁹¹ At the *fifth Plenary Meeting* the recommendation was adopted that in declaring chemical weapons all locations including storage facilities and storage facilities at CW destruction and temporary holding areas must be included. During the CWC transitional period the Executive Secretary should approve the arrangements between the OPCW and states parties for inspection of chemical weapons at destruction facilities.⁹²

The Expert Group on Chemical Weapons Destruction Facilities identified categories of inspection equipment.⁹³ Work continues on the declaration formats for general and detailed annual plans for destruction, destruction criteria and methods, guidelines for inspection procedures, criteria to assess the completeness of destruction and accommodation of the destruction processes in facilities that produce Schedule 2 chemicals.⁹⁴

⁸⁵ Expert Group on Training, ‘Third interim report’, PC-V/B/WP.8, 22 Oct. 1993.

⁸⁶ In order to resolve issues related to inspector and inspection assistant training, informal meetings were held. See Expert Group on Training, ‘Report of informal meetings conducted by the chairman of the group in connection with outstanding issues related to inspector/inspection assistant candidate training’, PC-V/B/WP.18, 10 Dec. 1993. In addition, the Executive Secretary sent a questionnaire to all signatory states in Dec. 1993 to compile information on national offers for training courses and for future PTS planning purposes. See ‘Note by the Executive Secretary: preparation of training programme for inspectors/inspection assistants of OPCW: questionnaire’, PC-V/B/11, 16 Dec. 1993.

⁸⁷ The following countries offered courses: for Module M1, Basic Course: France, the Netherlands, Russia and the UK; for Module M2, Specialist Application Courses: Finland, France, Germany, Switzerland and the UK; for Module M3, Inspection Training: France, Germany, Russia and South Africa. In addition, India and the USA will conduct Module 1 courses; the USA is willing to conduct Module 2 courses on the CW stockpile, destruction and former production facilities.

⁸⁸ Expert Group on Chemical Weapons Storage Facilities, ‘Initial report’, PC-IV/B/WP.2, 9 July 1993.

⁸⁹ Annex on Implementation and Verification (Verification Annex), Part IV(A), Section A, paragraphs 1(c)(iii) and 1(c)(iv), Conference on Disarmament document CD/1170 (note 2), p. 88.

⁹⁰ See PC-IV/23 (note 31), 1 Oct. 1993, p. 11.

⁹¹ Expert Group on Chemical Weapons Storage Facilities, ‘Third interim report’, PC-V/B/WP.13, 26 Nov. 1993.

⁹² See Verification Annex, Part IV(A), paragraphs 50 and 51 of the CWC, Conference on Disarmament document CD/1170 (note 2), annex 2, pp. 100–1.

⁹³ Expert Group on Chemical Weapons Destruction Facilities, ‘Initial report’, PC-IV/B/WP.1, 9 July 1993.

⁹⁴ Expert Group on Chemical Weapons Destruction Facilities, ‘Interim report’, PC-V/B/WP.17, 3 Dec. 1993.

The format of declarations and inspection activities for initial and systematic inspections of Chemical Weapons Production Facilities (CWPFs) was elaborated.⁹⁵ This Expert Group also studied: (a) closure and inactivation of these facilities, (b) permitted maintenance activities, (c) risk assessment of closed facilities, and (d) model facility agreements.⁹⁶

The Expert Group on Single Small Scale Facilities and other Schedule 1 Production Facilities outlined declaration requirements and guidelines for inspection activities.⁹⁷ Work is still needed on inspection equipment, instrumentation for monitoring and model agreements.⁹⁸

In August 1993 the Expert Group on Challenge Inspection addressed the various challenge inspection issues, including the designation and selection of inspectors and inspection assistants, the inspection mandate, confidentiality and required equipment.⁹⁹ The group later focused on securing the site, managed access, and sampling and analysis.¹⁰⁰ No significant progress was made.

The Expert Group on Old and Abandoned Chemical Weapons¹⁰¹ met first in November 1993 and recommended that the Executive Secretary request information on old CW from signatories.¹⁰² At the request of the Group, the Executive Secretary presented an evaluation of the financial and manpower implications of the two possible interpretations related to the verification of old CW produced between 1925 and 1946.¹⁰³ Work remains to define 'capability' or 'usability' for these old weapons and to set up inspection procedures for this category.

Financial aspects

The PrepCom is financed on a modified UN scale of assessments with individual contributions by signatories in a range from 0.01 to 25 per cent of the total budget.¹⁰⁴ The contributions will later be deducted from contributions by states parties to the budget of the OPCW.¹⁰⁵ The largest annual contribution will be from the USA: 25 per cent, equivalent to \$8.6 million for 1994.¹⁰⁶

⁹⁵ See PC-IV/B/12 (note 32), pp. 14–16.

⁹⁶ Expert Group on Chemical Weapons Production Facilities, 'Interim report', PC-V/B/WP.6, 15 Oct. 1993.

⁹⁷ 'Expert Group on Single Small-Scale Facilities and other Schedule 1 Production Facilities', PC-IV/B/WP.4, 16 July 1993.

⁹⁸ See PC-IV/B/12 (note 32), pp. 6–7.

⁹⁹ Expert Group on Challenge Inspections, 'Initial report', PC-IV/B/WP.10, 27 Aug. 1993.

¹⁰⁰ Expert Group on Challenge Inspection, 'First interim report', PC-V/B/WP.12, 19 Nov. 1993.

¹⁰¹ Expert Group on Old and Abandoned Chemical Weapons, 'First report', PC-V/B/WP.14, 26 Nov. 1993.

¹⁰² 'Note by the Executive Secretary: request for information on old chemical weapons', PC-V/B/6, 7 Dec. 1993.

¹⁰³ 'Note by the Executive Secretary: verification regime for old chemical weapons produced between 1925 and 1946', PC-V/B/9, 11 Dec. 1993.

¹⁰⁴ On the scale of assessments, 0.01 per cent equals \$2205.

¹⁰⁵ The issue of financial contributions is sensitive; signatories must pay to an international organization for a convention not yet in force.

¹⁰⁶ This figure relates only to Part I of the 1994 budget; \$5.5 million are allocated for Part II of the 1994 budget. See PC-V/12 (note 36).

After the *first Plenary Meeting* a provisional budget of \$1.8 million was approved for 1 February–30 April 1993; the *second Plenary Meeting* adopted a final budget of \$8.84 million for 1993 with contributions adjusted to reflect the then 142 signatories.¹⁰⁷ At that time more than \$2 million had been provided by various governments.¹⁰⁸ As of mid-April 1993 only 26 signatory states had paid their contributions;¹⁰⁹ by mid-September the number had increased to 59.¹¹⁰ As of 10 December 1993, just prior to the *fifth Plenary Meeting*, 67 states had paid their contribution in full or in part.¹¹¹ Figured on the agreed assessment scale from the *second Plenary Meeting*, the remaining 75 signatories are responsible for approximately 12 per cent of the total. (Assessments for 12 new signatories which signed after the *second Plenary Meeting* were made in December.¹¹²)

In March 1993 Viet Nam¹¹³ informed the PTS that it could not afford to participate in PrepCom activities and thus did not need to pay its assessment.¹¹⁴ In June 1993 Lithuania followed suit.¹¹⁵ While this did not have a major financial impact on the PrepCom budget, it is perhaps representative of the attitude of some of the smaller signatory states and potentially worrisome.

Owing to the fact that some states paid more than their assessment and that the PrepCom had a lower level of expenditure than expected, the financial situation at the end of 1993 was quite good. Those signatory states which had not made their financial contributions by the end of 1993 were asked to do so by the Executive Secretary at the request of the PrepCom.

Remaining tasks

At the December 1993 *fifth Plenary Meeting* the Executive Secretary spoke positively of the achievements of 1993 and pointed to issues which remained to be resolved. He noted that ‘it will be necessary for some Expert Groups, particularly those dealing with CW-related site-oriented activities, to continue their work into the early part of 1994’.¹¹⁶

In 1994 the PrepCom needs to concentrate on: (a) building the OPCW infrastructure, (b) preparing the 1995 Programme of Work and Budget, (c) continuing to develop detailed procedures for implementing the CWC at entry into

¹⁰⁷ Of the first year’s budget some \$5.15 million were allocated for personnel costs, \$2.41 million for conference service and \$1.28 million for other services (e.g., communications, computers, travel, etc.).

¹⁰⁸ The countries were: Australia, Bulgaria, Denmark, Finland, New Zealand, Norway, Sweden and the USA. France, Germany, Spain and the UK announced immediate contributions.

¹⁰⁹ See PREPCOM/II/3 (note 16), p. 8.

¹¹⁰ See PC-IV/10 (note 23), p. 10.

¹¹¹ See PC-V/6 (note 41), p. 16.

¹¹² Their total assessment was \$10.610; see ‘Assessment of new member states’, PC-V/8, 10 Dec. 1993.

¹¹³ The assessment for Viet Nam for the first year’s budget was \$887.54.

¹¹⁴ *The CWC Chronicle*, Henry L. Stimson Center, Washington, DC, vol. 1, no. 2 (May 1993), p. 2.

¹¹⁵ See letter to the PrepCom PTS from 1 June 1993 in ‘Note Verbale from the Ministry of Foreign Affairs of Lithuania and the Proposal by the Executive Secretary to deal with the Matter’, PC-IV/13, 27 Sep. 1993.

¹¹⁶ See PC-V/6 (note 41), p. 3.

force, (d) assisting states in their national implementation efforts, and (e) urging non-signatory states to join the CWC.¹¹⁷

In 1994 the Expert Groups will have to focus much more on verification issues *inter alia* developing: detailed procedures (in particular confidentiality measures), formats, guidelines, inspection manuals, procedures for procuring equipment and the establishing of training courses. The first training courses are scheduled for mid-August 1994; they will take a two-fold approach, using both the training courses offered by the signatory states and the PTS training programme. At least 140 candidate inspectors will need to be hired.

The PrepCom, its Working Groups and Expert Groups in The Hague have established an intensive working regime, and the first year of work can be deemed a success. However, some issues are highly political,¹¹⁸ and these were sometimes veiled as purely technical discussions. No significant progress has been made as regards challenge inspection, and the Expert Group on Equipment and Safety Procedures has encountered disagreement from signatory states with respect to the scope of challenge inspections.

III. The Provisional Technical Secretariat

On 11 February 1993, at the *first Plenary Meeting*, the PrepCom established the PTS to assist it in its activities.¹¹⁹ The PTS is also the nucleus of the future permanent OPCW Technical Secretariat. Ian Kenyon of the UK was appointed Executive Secretary of the PTS for a 24-month term.¹²⁰ After intense consultations with signatory state delegations, Kenyon proposed that the PTS structure include a Deputy Executive Secretary and five divisions¹²¹ (the structure of the

¹¹⁷ See PC-V/6 (note 41), p. 20.

¹¹⁸ No progress has been made on challenge inspections. The sensitive issue of economic and technological development including the free trade of chemicals for purposes not prohibited by Article XI of the CWC is one of the problems which the Expert Group on Technical Co-operation and Assistance faces. It is seen by some countries (e.g., Iran) as a way to abolish the Australia Group.

¹¹⁹ See PREPCOM/I/CRP.10 (note 6), p. 5. The decision was adopted in accordance with paragraph 8(c) of the 'Text on the Establishment of a Preparatory Commission'; see Conference on Disarmament document CD/1170 (note 2), p. 180.

¹²⁰ The Executive Secretary will serve until 10 Feb. 1995. The appointment can be renewed for an additional 12 months, but ends 30 days after the Director-General of the OPCW assumes his post. PREPCOM/I/CRP.10 (note 6), pp. 5–6, outlines the role: 'The Executive Secretary shall: (a) administer work programmes and budgets approved by the Preparatory Commission; (b) direct and manage the Secretariat in its work in implementing such programmes and budgets; and (c) in matters of staff appointments, make recommendations to the Preparatory Commission on appointments to senior management positions (Grade D-1, Principal Officer equivalent and above), and directly appoint all other necessary staff (subject only to appropriate reporting to and liaison with the Preparatory Commission), in both cases, in accordance with the principles contained in Article VIII, paragraph 44 of the Convention'.

¹²¹ The divisions are: Verification, Administrative, Legal, External Relations, and Technical Co-operation and Assistance. At the first Plenary Meeting the Executive Secretary recommended the following persons to head the divisions: John Gee (Australia), Verification; Félix C. Calderón (Mexico), Legal; Robert Howard (USA), Administrative; and Sergey Batsanov (Russia), External Relations. Howard later declined the position and was replaced by Reuben Lev (USA). In Mar. the PTS was expanded by appointments including a Special Assistant to the Executive Secretary; a Head of Declarations and Confidentiality in the Verification Division; Heads of Industry A and B in the Verification Division; and a Government Relations Officer in the External Relations Division. In early June Li Chang-he (China) was appointed Deputy Executive Secretary. The Head of the Administration Division also assumed his post. Other appointments included: the Head of Personnel in the Administration Division; the Industry Relations Officer and the Head of Public Affairs and Media in the External Relations Division; the Deputy

PTS as of December 1993 is presented in figure 17.2) At the end of February 1993 the PTS moved into offices in The Hague.¹²²

By 12 January 1994, 78 specialists from 34 nations were employed in the PTS on contract basis.¹²³ It is envisaged that 120 staff members will work in the PTS by the end of Phase I (July 1994); by the end of Phase II (just prior to entry into force of the CWC) 225 staff members should be employed.¹²⁴

In April 1993 the PTS began publishing a newsletter, the *OPCW Synthesis*,¹²⁵ which is distributed to signatory states, industry and other NGOs to inform them about the activities of the PrepCom and primarily those of the PTS. Since the *third Plenary Meeting*, the PTS External Relations Division has provided information to the press and other interested persons who are not allowed to take part in Plenary Meetings.

During 1993 the PTS increasingly realized that there is growing interest within the scientific community to support the work in The Hague. In November a meeting was held in The Hague between the Sussex–Harvard Programme on CBW Armament and Arms Limitation and the PTS to discuss an International Information Project.¹²⁶ SIPRI's CBW project has also established a special relationship for co-operation with the PTS and the PrepCom.¹²⁷

IV. National implementation

Effective implementation of the CWC also requires its national implementation—'translation' into the national legal systems of the states parties. Many countries have indicated that they intend to ratify the CWC quickly,¹²⁸ but states face many technical, industrial, political and legal problems in their preparation for national implementation.

Article VII of the Convention makes clear that national implementation is entirely dependent on individual states parties. There are two components of national implementation: (a) implementing necessary legislation, and (b) setting up the National Authority. National implementation regimes will vary

Legal Adviser in the Legal Affairs Division; the Technical Co-Operation Officer and the Article X Assistance Officer in the Technical Co-operation and Assistance Division; and the Inspection Training Officer and CW Officer in the Verification Division. The Budget and Finance Officer was also appointed. The appointment of the Head of the Division on Technical Co-operation and Assistance in Sep. completed recruitment for senior management positions in the PTS.

¹²² The address is: Provisional Technical Secretariat for the Organisation for the Prohibition of Chemical Weapons, Laan van Meerdervoort 51A, 2517 AE The Hague, The Netherlands.

¹²³ *OPCW Synthesis*, no. 6 (12 Jan. 1994).

¹²⁴ In addition, 140 inspectors and inspection assistants will be needed—the minimum number required to carry out verification activities immediately after entry into force of the CWC.

¹²⁵ *OPCW Synthesis*, no. 1 (1 Apr. 1993). Five issues of the newsletter *OPCW Synthesis* were published in 1993.

¹²⁶ *OPCW Synthesis*, no. 5 (23 Nov. 1993).

¹²⁷ See PC-V/6 (note 41), p. 8.

¹²⁸ In order to be informed about implementation activities, the Executive Secretary sent a note to all signatory states in Aug. requesting information on: (a) progress on establishing the National Authority; (b) ratification procedure; (c) whether implementing legislation will be adopted before or after ratification; and (d) problems in the ratification procedure. See 'Note by the Executive Secretary', PC-IV/3, 19 Aug. 1993. By Dec. 1993, only 20 signatory states had replied.

Figure 17.2. The Provisional Technical Secretariat

Note: Based on *The CWC Chronicle*, Henry L. Stimson Center, Washington, DC, vol. 1, no. 4 (Oct. 1993), p. 4; *OPCW Synthesis*, no. 7 (12 Apr. 1994); 'Note by the Executive Secretary on the breakdown of nationalities for professional and high categories represented at the Provisional Technical Secretariat as of 14 December 1993', PC-V/17/6, 14 Dec. 1993.

from state to state. The size and nature of each National Authority will depend on: (a) possession or non-possession of CW, (b) possession or non-possession of CWPFs, (c) the potential for the chemical industry of a state to produce CW, (d) the nature of its chemical industry, and (e) the already existing regulatory framework for its chemical industry. The extent of a state's obligations will determine whether a National Authority must be created or whether an existing governmental agency can perform the required tasks.

A state which ratifies the CWC before its entry into force but which has not completed all preparatory work at the time of ratification will still be able to finalize its implementation efforts. A state which ratifies the CWC after it has entered into force will have to complete all necessary national implementation measures prior to ratification.¹²⁹

There is no way to predict which countries will ratify the CWC in 1994, but the two main possessors, Russia and the USA, appear to intend to do so.

In November 1993 US President Bill Clinton submitted the CWC to the Senate and urged ratification early in the next session of Congress.¹³⁰ The US National Authority will have two components: a formal inter-agency, decision-making body and an executive office, the Office of the National Authority. The National Security Council staff will chair the National Authority and the US Arms Control and Disarmament Agency (ACDA) will serve as the office. ACDA will be responsible for compiling declarations and reports, liaison with the OPCW and administrative support for US implementation activities.¹³¹

In *Russia* the Presidential Committee on Matters Pertaining to the Chemical and Biological Weapons, established in 1992, is dealing with the problems related to implementation of the CWC.

The following examples illustrate how some other signatory states are preparing for national implementation.

Argentina has established a preparatory commission for the National Authority which is to conclude its analysis of the requirements for its National Authority by the end of July 1994.¹³²

Australia prepared model legislation for incorporating the CWC into domestic law in connection with its CW Regional Initiative (CWRI).¹³³ The model was made available to the PrepCom in September 1993 and has been presented to states participating in the CWRI as an example of preparation for

¹²⁹ Rautenbach, J., 'Some legal aspects of national implementation of the Chemical Weapons Convention', Seminar on National Implementation organized by the PTS, 18 Dec. 1993.

¹³⁰ 'Senate urged to ratify ban on chemical arms', *Washington Post*, 26 Nov. 1993, p. A20.

¹³¹ 'Chemical Weapons Convention: White House fact sheet', *Wireless File* (United States Information Service, US Embassy: Stockholm, 26 Nov. 1993), pp. 4-5.

¹³² Written answer from the Argentine Embassy in The Hague, 29 Nov. 1993.

¹³³ The CWRI was proposed by Prime Minister Robert Hawke in 1988 to promote regional support for the CWC as only 3 states (Australia, Indonesia and Myanmar) in the South-East Asian and South Pacific region were members of the CD negotiations in Geneva and hence full participants in the CWC. See Australia, 'Illustrative model legislation for the incorporation of the Chemical Weapons Convention into domestic law, explanatory memorandum', PC-IV/A/WP.10, 28 Sep. 1993.

national implementation.¹³⁴ The Chemical Weapons (Prohibition) Bill 1993,¹³⁵ Australia's domestic legislation, was introduced in to Parliament on 16 December 1993. As early as 1989 the Department of Foreign Affairs and Trade established a national secretariat to serve as the nucleus of the future National Authority. The draft legislation calls for the creation of a Chemical Weapons Convention Office.

By December 1993 the text of the CWC was being studied by the *Brazilian* Congress after approval by the External Relations Commission.¹³⁶ Ratification is expected in the second half of 1994. An Expert Group chaired and coordinated by the Ministry of External Relations is examining requirements for a National Authority and will serve as the nucleus of a National Authority.¹³⁷

Bulgaria, an East European country in transition and with no chemical production activities which fall under Schedules 1, 2 and 3, has set up an inter-agency governmental commission to prepare for establishment of its National Authority and to draft the necessary legislation.¹³⁸

The *Czech Republic* established a Preparatory Commission in September 1993, and it is envisaged that the process of ratification will be finalized in the second half of 1994.¹³⁹

Cuba informed the PrepCom in October 1993¹⁴⁰ that in 1991 it had established a Working Group under the responsibility of the Ministry of Foreign Affairs, which is examining the requirements for the Cuban National Authority.

Denmark will complete the ratification procedure in July 1994, and the Ministry of Foreign Affairs will act as the National Authority.¹⁴¹

By the end of 1993 *the Netherlands* had nearly completed drafting its implementation legislation. Ratification is expected by the end of 1994.¹⁴²

New Zealand, a leading member of the CWRI, is investigating national implementation requirements and will designate its Ministry of Foreign Affairs and Trade as its National Authority.¹⁴³

¹³⁴ Appropriate adjustments must, of course, be made to the constitutional and legislative requirements of individual states.

¹³⁵ 'Chemical weapons (prohibition) bill 1993', cat. no. 93 4685 0, Parliament of the Commonwealth of Australia, The Senate, 1993. Australia ratified the CWC and deposited its instrument of ratification on 6 May 1994.

¹³⁶ Written answer from the Brazilian Embassy in The Hague, 20 Dec. 1993.

¹³⁷ 'Installation of Brazilian National Authority under CPCW', paper presented to the Seminar on National Implementation, 18 Dec. 1993, The Hague.

¹³⁸ The envisaged documents are: Law on CWC Ratification, Panel Code Amendment Law, Law on the Prohibition of Chemical Weapons, Follow-up Governmental Ordinance. See Bulgaria, 'Preparation for national implementation of the Chemical Weapons Convention', Presentation by the Delegation of Bulgaria to the OPCW Preparatory Commission at a Seminar on National Implementation, 18 Dec. 1993, The Hague.

¹³⁹ Written answer from the Czech Republic Embassy in The Hague, 9 Dec. 1993; 'Activities of the Czech Republic in Preparing for the Implementation of the Convention', PC-V/B/WP.9, 5 Nov. 1993.

¹⁴⁰ Cuba, 'Some considerations on the process of establishing the National Authority in the states signatory to the Convention on Chemical Weapons: the Cuban experience', PC-V/A/WP.1, 6 Oct. 1993.

¹⁴¹ Written answer from the Danish Ministry of Foreign Affairs, 5 Nov. 1993.

¹⁴² Written answer from the Netherlands Ministry of Foreign Affairs, 22 Oct. 1993.

¹⁴³ Paper on National Implementation, presented to the Seminar on National Implementation, 18 Dec. 1993, The Hague.

A new law was introduced in the *Norwegian* Parliament in February 1994 to serve as the basis for all national implementation measures so that ratification of the CWC can follow parliamentary approval.¹⁴⁴

Poland has set up an inter-ministry group of experts to prepare legislative, administrative and technical measures for implementation.¹⁴⁵

*South Africa*¹⁴⁶ has taken a different approach and extended its legislation to biological and nuclear weapons and missiles as well as chemical weapons. Its September 1993 Non-Proliferation of Weapons of Mass Destruction Bill establishes a supervisory authority, the Council for Non-Proliferation of Weapons of Mass Destruction, which will also act as its National Authority.

Sweden ratified the CWC in June 1993 and presented its implementation legislation to the PrepCom. Swedish law requires that international treaties be incorporated into domestic law by a legislative act. Sweden informed the PrepCom about its envisaged Inspection Act and the establishment of its National Authority.¹⁴⁷ The National Authority will fall under the Ministry for Foreign Affairs.

Turkey established a CWC working group in 1993 incorporating technical and legal experts from various ministries. It is envisaged that the National Authority will be an independent body which will also handle other international control regime obligations. The draft act for this authority was presented to Parliament at the end of 1993.¹⁴⁸

In the *United Kingdom* the CWC was presented to Parliament in October 1993.¹⁴⁹ The Department of Trade and Industry will be responsible for the National Authority.¹⁵⁰

In December 1993 a seminar on national implementation was held in The Hague for states to trade national implementation experiences and to inform the PrepCom of problems faced by states in the implementation and ratification process.¹⁵¹ Experts from 56 countries discussed issues related to implementation, the status of ratification preparation in individual countries, legal aspects related to implementation and the basic functions of the National Authority.¹⁵² A group of legal experts, supported by the PTS, presented a

¹⁴⁴ Written answer from the Norwegian Ministry of Foreign Affairs, 16 Feb. 1994. Norway ratified the CWC on 11 Mar. 1994 and deposited its instrument of ratification on 7 Apr. 1994.

¹⁴⁵ Paturej, K., 'Preparation in Poland towards implementation of the CWC', Regional Seminar on National Authority and National Implementation Measures for the Chemical Weapons Convention, Warsaw, 7–8 Dec. 1993.

¹⁴⁶ Republic of South Africa, 'Non-proliferation of weapons of mass destruction bill', [B 99B-93(GA)].

¹⁴⁷ Sweden, 'Proposed Swedish legislation for the implementation of the Chemical Weapons Convention', PC-IV/A/WP.9, 28 Sep. 1993.

¹⁴⁸ 'Preparatory work undertaken in Turkey for implementation of CWC', paper presented to the Seminar on National Implementation, 18 Dec. 1993, The Hague.

¹⁴⁹ '8 October 1993', *Chemical Weapons Convention Bulletin*, no. 22 (Dec. 1993), p. 20.

¹⁵⁰ Written answer from the British Embassy in The Hague, 25 Oct. 1993.

¹⁵¹ See *OPCW Synthesis* (note 123).

¹⁵² During the Seminar on National Implementation, The Hague, the Netherlands, 18 Dec. 1993, the PrepCom presented 'A brief handbook on the implementation of the CWC for non-possessor states without a declarable chemical industry' and 'Tasks of the National Authorities of non-CW-possessor states parties'.

study on the legal aspects of national implementation.¹⁵³ In December 1993 a regional seminar¹⁵⁴ on the National Authority and National Implementation Measures for the CWC was held in Warsaw for signatory states from the Eastern European Group.¹⁵⁵ Further regional seminars are planned for 1994.

Preparation for national implementation is clearly well under way. It has become apparent that simply copying a model *in toto* will not work; each country must study its own situation and estimate what it needs to meet its obligations under the Convention. In 1994 the PTS will need to play a more active role. The PTS can provide a 'bridging' function by making positive implementation experiences available to signatory countries and by advising and supporting countries which face difficulties.

The necessary 65 ratifications for entry into force of the CWC in 1995 must be achieved by late spring 1994. The ratification scenario of late 1993 may be quite different from the reality of 1994. The communication which the PTS has established with signatory states will have to intensify in order for it to remain informed about the ratification process in individual countries.

Ratification by the two largest CW possessors, Russia and the USA, is crucial if the CWC is to be credible.¹⁵⁶ Planning for the Inspectorate is based on the supposition that both countries will ratify the CWC prior to its entry into force and that the bilateral destruction agreement¹⁵⁷ will have begun to be implemented.¹⁵⁸ Both countries have reaffirmed their support for the CWC,¹⁵⁹ encouraging signs that both will ratify. Russia, however, is having severe difficulties in establishing its destruction programme, not least financially.¹⁶⁰ The ratification debate is also not expected to be easy in either Moscow or Washington. If the CWC enters into force in 1995 without either Russia or the USA, its significance will be diminished. There will be a negative impact on the readiness of smaller countries to ratify the CWC, and the PrepCom budget will suffer since Russia and the USA are significant contributors.

V. The chemical industry and the CWC

Although the chemical industry, the main 'target' of the Convention, is already subject to international regulation and intrusive national supervision in

¹⁵³ Kellman, B. *et al.*, *Manual for National Implementation of the Chemical Weapons Convention* (No publisher: Chicago, Dec. 1993).

¹⁵⁴ The seminar was organized in co-operation with the PTS, the Ministry of Foreign Affairs of Poland, the Polish Chamber of Chemical Industry and CIECH Ltd.

¹⁵⁵ States represented were: Albania, Azerbaijan, Belarus, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Poland, Romania, the Russian Federation, Slovakia and Ukraine. See PC-V/A/WP.9 (note 50).

¹⁵⁶ Herby, P., 'Building the chemical disarmament regime', *Arms Control Today*, Sep. 1993, pp. 14-19.

¹⁵⁷ See note 55.

¹⁵⁸ If both countries ratify, the costs and manpower required for verification under the CWC will be reduced significantly.

¹⁵⁹ 'Joint Statement by the President of the Russian Federation and the President of the United States on Non-Proliferation of Weapons of Mass Destruction and Means of Their Delivery', FBIS-SOV-94-010, 14 Jan. 1994, pp. 16-17.

¹⁶⁰ See chapter 9 in this volume.

many countries, the only reliable data currently available with regard to scheduled chemicals are from the chemical industry itself.

The concerns still being raised about the active involvement of the chemical industry in the implementation process must be settled before entry into force of the CWC. The main challenge in implementing the CWC with respect to the concerns of the chemical industry is to achieve a balance between the CWC's declaration and verification obligations and the existing regulatory and declaratory mechanisms. Industry is concerned that as more information is required, the risk will increase that proprietary information will be lost.¹⁶¹

The chemical industry, which actively supported the CWC negotiations, voiced increasing concern during the first months of the PrepCom's work about various aspects of implementation, in particular as regards the exacting reporting requirements and the limited opportunities for the chemical industry to follow and take part in the work of the Expert Groups.¹⁶² The Expert Group on Chemical Industry Facilities invited representatives from industry to an October 1993 meeting in The Hague to discuss these concerns and to reopen dialogue.¹⁶³ The meeting focused on the effect of entry into force on the international chemical industry and the re-establishment of a working relationship between the PTS, the Expert Groups and the chemical industry.¹⁶⁴ Among the issues discussed were: confidentiality; in-plant inspection, operations and safety; and preparation for entry into force.¹⁶⁵ The chemical industry recommended user-friendly facility agreements and minimizing plant disruption during inspections.¹⁶⁶ The protection of confidential business information is still one of the main concerns of industry. As a consequence of the meeting, the PTS was requested to provide more information to the chemical industry about the work of the PrepCom and to publish regular updates on specific topics. The *fifth Plenary Meeting*, in December 1993, scheduled a second joint meeting with industry representatives in April 1994.¹⁶⁷

Individual countries, such as the USA,¹⁶⁸ have established special mechanisms to inform their chemical industry about developments related to the CWC implementation process. An August 1993 US Office of Technology

¹⁶¹ Carpenter, W. D. and Zeffel, L., 'Implications of the chemical weapons treaty for the U.S. chemical industry', *The ASA Newsletter*, 93-6, no. 39 (9 Dec. 1993), pp. 1, 6-7.

¹⁶² Ember, L. R., 'Chemical arms treaty makes unprecedented demands of industry', *Chemical & Engineering News*, vol. 71, no. 23 (7 June 1993), pp. 7-18.

¹⁶³ The meeting was attended by representatives from 39 countries and international chemical industry associations. See 'Note by the Executive Secretary, Group of Experts & Industry Representatives Meeting, 6-7 October 1993', PC-IV/4, 3 Sep. 1993.

¹⁶⁴ Ember, L. R., 'Chemical industry offers its expertise for implementing chemical arms pact', *Chemical & Engineering News*, vol. 71 no. 44 (1 Nov. 1993), pp. 21-22.

¹⁶⁵ Combined Expert Group on Chemical Industry Facilities and Industry Representatives, 'Panel discussion: effect on the chemical industry of the Chemical Weapons Convention, 6-7 Oct. 1993, Report', PC-V/B/WP.1, 3 Nov. 1993.

¹⁶⁶ See PC-V/B/WP.1 (note 165), p. 5.

¹⁶⁷ The meeting was held in The Hague on 6-7 Oct. 1993. See PC-V/B/WP.1 (note 165).

¹⁶⁸ US Arms Control and Disarmament Agency (ACDA), *Chemical Weapons Convention Update for Industry*, no. 1 (ACDA: Washington, DC, Sep. 1993); *Chemical Weapons Convention Update for Industry*, no. 2 (ACDA: Washington, DC, Nov. 1993); US Congress, Office of Technology Assessment (OTA), *The Chemical Weapons Convention: Effects on the U.S. Chemical Industry*, OTA-BP-ISC-106 (US Government Printing Office: Washington, DC, Aug. 1993).

Assessment study on the effect the CWC will have on the US chemical industry¹⁶⁹ recommends that industry be given adequate information in order for its concerns about intrusive verification procedures to be allayed. In other countries the 'national preparatory working groups' extensively involve chemical industry. Most national chemical manufacturing associations (e.g., those in Germany, Japan, the UK and the USA) are actively informing industry.

In October 1993 a PTS-organized seminar on national trial inspections, with participants from 44 countries,¹⁷⁰ shared past experiences with national and multinational trial inspections, and the participants were able to draw conclusions about the inspection provisions under the CWC.¹⁷¹

In the remainder of 1994 the chemical industry must be more involved in the work of the Expert Groups to alleviate its concerns about the detailed declaration requirements, inspection provisions for chemical industry facilities and possible loss of confidential business information. The chemical industry must be better informed about developments in The Hague and the objectives of the CWC. This is a task for both the PTS and individual signatory states. Verification will not function without the support of the chemical industry.

VI. Conclusions

A crucial phase in chemical disarmament began in 1993 when the CWC was opened for signature. There has been overwhelming support for the CWC; 154 states had become signatories and 4 states had ratified the Convention by the end of 1993. States which have refrained from signing have done so for political and technical reasons. The step from signature to entry into force of the CWC is large owing to the requirement for 65 ratifications.

The establishment of the OPCW PrepCom and the PTS as the nucleus of the future Technical Secretariat is the first step in institutionalizing the chemical disarmament process. The financial cost of this process will be significant and the need for highly qualified experts great.

The decreasing participation of signatory states in the work of the PrepCom is an area of major concern. Many of the 154 signatories are small countries with a limited governmental infrastructure, especially as regards disarmament and arms control; the choice to invest limited resources and manpower in the Expert and Working Groups can be difficult.¹⁷²

The scientific community and the NGOs played a positive supporting role during the CWC negotiations and are trying now to continue to support the process of implementing the Convention. Their expertise is certainly impor-

¹⁶⁹ See US Congress, OTA (note 168); see also chapter 9 in this volume.

¹⁷⁰ For an in-depth evaluation of national trial inspections, see also Trapp, R., SIPRI, *Verification under the Chemical Weapons Convention: On-Site Inspection in Chemical Industry Facilities*, SIPRI Chemical & Biological Warfare Studies, no. 14 (Oxford University Press: Oxford, 1993).

¹⁷¹ Provisional Technical Secretariat for the Organisation for the Prohibition of Chemical Weapons, *Seminar on National Trial Inspections, 2 Oct. 1993, The Hague: Summary of Proceedings*, Occasional Papers no. 1 (PTS for the OPCW: The Hague, 1993).

¹⁷² 'Ian R. Kenyon discusses strategies for implementing chemical arms treaty', *Chemical & Engineering News*, vol. 71, no. 49 (6 Dec. 1993), pp. 10-19.

tant in the national implementation undertakings. The signs that the PTS and the PrepCom are willing to become more open to this community are encouraging, although there is room for improvement. The greatest challenge is that 154 signatory states are now involved in the process of negotiating the details and procedures for implementing the verification framework under the CWC and establishing the organizational structures of the OPCW. This is a substantial change from the relatively small group of countries and experts which negotiated the CWC at the Geneva Conference on Disarmament.

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