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## Chemical Weapons Convention — Preparations for Implementation

Chemical Weapons Convention (CWC) is to enter into force on 29 April 1997. This date was triggered by the deposit of the 65th ratification to the Convention on 31 October 1996.

### Conference of the States Parties

The first session of the Conference of the States Parties, the highest organ of the Organization for the Prohibition of Chemical Weapons (OPCW) established by the CWC, is scheduled to take place in The Hague starting on 6 May (Monday 5 May is a public holiday in some of Europe).

Only states which have deposited their instruments of ratification with the United Nations Secretary-General before 29 April will be able to take part in the Conference. Any states which deposit their instruments of ratification (or accession) on or after 29 April will be unable to participate in the decision making of the Conference as they will not become States Parties until 'the 30th day following the date of deposit of their instrument of ratification or accession' (CWC, Article XXI).

### OPCW — s or z

There is some debate within the OPCW as to whether it should be an 'Organization' or an 'Organisation'. While the Convention text has it as an Organization, there are moves to drop the 'z' in favour of an 's'.

Although the 'z' is historically correct (see, for example, the *Oxford English Dictionary*), the 's' has become increasingly popular in recent decades.

## Helsinki Summit Meeting

The President of the United States of America, Bill Clinton, and the President of the Russian Federation, Boris Yeltsin, met in Helsinki on 20–21 March. It was the 11th summit meeting between the two.

### START 2 and 3

The second treaty resulting from the Strategic Arms Reduction Talks (START 2) has yet to be ratified by the Russian Duma.

START 2 calls for the numbers of strategic warheads to be reduced on each side to below 3,500 by the beginning of 2003.

The Presidents agreed that the START 2 reductions could be phased in over a longer

### UK advisory body

Dr Tom Inch, Secretary-General of the Royal Society of Chemistry, has been appointed as chair of the Chemical Weapons Convention National Authority Advisory Committee. The appointment is for an initial period of four years. The other members of the committee are yet to be announced.

The role of the committee was outlined during the passage of the UK's implementing legislation for the CWC through the House of Lords as 'to assist the national authority on such matters as the implementation of the convention in the UK, how the compliance monitoring arrangements of the national authority can be made more effective and on how the burden that the regulations place on business and academia might be kept to the minimum necessary'.

The committee will also have a role in relation to the drafting of the annual report by the Secretary of State (the UK national authority): '[i]f the committee believes the annual report does not present a complete picture of the national authority, it will be able to draw its anxieties to the attention of the Secretary of State directly. This will provide a further safeguard that officials are not being over cautious when drawing up the report'.

VERTIC is particularly pleased to see the establishment of the advisory committee, having called for such a body soon after the text of the convention had been agreed (Editorial Comment, *Trust & Verify*, no. 33, November 1992).

period and that negotiations on START 3 could begin as soon as START 2 was ratified by Russia.

The new timetable would mean that START 2 reductions would have to be made by the end of 2007, which would also be the target date for reductions down to 2,000–2,500 warheads on each side under START 3.

The Russian government has, in the past, claimed that they would face substantial costs reorganizing their strategic forces to maintain strategic parity with the United States after START 2. One aim of combining the dates for reductions for START 2 and START 3 is to forestall this.

ISSN 0966-9221

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## NATO expansion

Among the reasons for the slow progress of START 2 through the Russian Duma are the concerns aired by its members regarding the expansion of NATO.

The Presidents agreed to open negotiations on an agreement between Russia and the NATO states

to be signed before the NATO summit in July.

The Presidents also 'agreed on the need to accelerate negotiations' among the Conventional Armed Forces in Europe (CFE) Treaty parties to conclude a framework agreement setting forth basic elements of an

adapted CFE Treaty 'by late spring or early summer of 1997'.

## ABM and CWC

In addition, the two Presidents agreed a statement on interpretation of the ABM Treaty and a statement on chemical weapons.

## CTBT Organization Preparatory Commission

The Preparatory Commission of the Comprehensive Test Ban Treaty Organization (CTBTO) met in Geneva on 3–11 March.

Unlike the previous meeting of the CTBTO Prepcom, held on 20–22 November 1996 (see *Trust & Verify*, no 71), this session was able to come to some firm decisions.

Arrangements for the establishment of the new international organization are similar to those that were used for the establishment of the Organization for the Prohibition of Chemical Weapons — the international organization at the centre of the Chemical Weapons Convention (CWC).

Wolfgang Hoffman (Germany) was appointed Executive Secretary of the CTBTO's Provisional Technical Secretariat (PTS) and the directors of the five divisions of the PTS were also appointed:

- Administration — William B Davitte (United States of America);
- Legal and External Relations — Masabumi Sato (Japan);
- On-site Inspections — Vladimir Kryuchenkov (Russian Federation);
- International Monitoring System — Gerardo Suarez (Mexico); and
- International Data Centre — Rashad M Kebeasy (Egypt).

The Preparatory Commission also established two working groups:

- Working Group A — Budgetary and Administrative Matters — Tibor Toth (Hungary); and
- Working Group B — Verification — Ola Dahlman (Sweden).

These Working Groups are expected to form expert groups to carry out detailed work on a variety of issues within their remit.

For further information on how expert groups worked in the preparations for CWC entry into force see VERTIC's yearbook series, *Verification*, and the 'Progress in The Hague' column in the *Chemical Weapons Convention Bulletin*.

## Climate Convention Negotiations

From 25 February to 7 March 1997 the subsidiary bodies of the Framework Convention on Climate Change and its two ad hoc negotiating groups met in Bonn.

As in December 1996, the more important meeting was that of the Ad Hoc Group on the Berlin Mandate (AGBM) which is charged with negotiating a protocol to the Convention by the third Conference of Parties (CoP) in December 1997. The AGBM is thus the main subject of this report although progress in the Ad Hoc Group on Article 13 (AG13) of the Convention made significant progress on how to resolve questions relating to implementation and is therefore also discussed briefly. The meetings of the Subsidiary Bodies on Implementation and on Scientific and Technological Advice will be reported more fully after their next meetings in July and August.

The main task of the AGBM was to try to streamline down to a negotiable document an 89-page composite text from the Secretariat made up of all of the protocol proposals submitted to date. However, important proposals

from the USA, and the G77 and China, had been submitted since the last, December, meeting and many delegates were keen to discuss these rather than simply streamlining them, particularly as the US text contains many potentially contentious features, for example, borrowing against future emissions. Also, an EU Council of Ministers meeting held on 2 and 3 March decided on firm proposals for emission targets and timescales that some delegates were likewise eager to debate. The streamlining exercise was thus doomed to failure from the outset.

What debate there was on the US proposal showed that there was a good deal of scepticism about it from other Parties. The proposal is predicated on the assumption that the USA will have difficulty achieving significant emission reductions before about 2010 and that it will thus need to trade emissions in some way. It thus proposes having commitments couched in terms of decreasing emission budgets for limited periods within which a state might borrow against future emissions or trade

emissions with other countries whose emissions were decreasing. It also lays great store by joint implementation (JI) with other Parties, including developing country Parties.

Although most states did not, in principal, have too much trouble with the concept of emissions trading, other than the fact that it might be difficult and time consuming to set up a suitable trading regime, there was fierce opposition to the concept of borrowing and JI with developing countries was, as always, anathema to most of the G77. Also, the US proposal contained no target figures. It was thus heavily mauled in several interventions, notably one by China, in spite of the fact that it was not formally debated.

The EU proposal, first tabled in outline last December, was more generally welcomed, at least insofar as it now contained targets — the first proposal to do so since the Alliance of Small Island States (AOSIS) protocol proposal was submitted in January 1995. The EU target proposal is for emission reductions of 15 per cent

## Non-Parties to Certain Environmental Treaties (as of 31 December 1996)

The following is a list of states that are not parties to one or more of certain global treaties relating to the environment — the 1992 Convention on Biological Diversity (CBD), the 1992 Framework Convention on Climate Change (FCCC), and the 1985 Vienna Convention for the Protection of the Ozone Layer (VC) together with its 1989 Montreal Protocol (MP).

The purpose of this list, and of the list relating to arms control and disarmament treaties that appeared in the last issue of *Trust & Verify*, is to identify those states that are not

yet parties to all of the treaties listed. It therefore follows that any state not listed here is a party to all of these treaties.

There are many benefits deriving from universal membership of treaties, not least in the field of verification and implementation review.

Readers may wish to consider why it is that there are far fewer non-parties to the environmental treaties listed here compared with those in the field of arms control and disarmament listed in the last issue of *Trust & Verify*, even though these are, on average, far younger treaties.

	CBD	FCCC	VC/MP
Afghanistan	S	S	—
Albania	P	P	—
Andorra	—	—	—
Angola	S	S	—
Armenia	P	P	—
Azerbaijan	S	P	P
Belarus	P	S	P
Belize	P	P	—
Bhutan	P	P	—
Bosnia and Herzegovina	—	—	P
Brunei Darussalam	—	—	P
Burundi	S	S	—
Cambodia	P	P	—
Cape Verde	P	P	—
Cook Island†	P	P	—
Cyprus	P	S	P
Djibouti	P	P	—
Dominican Republic	P	S	P
Equatorial Guinea	P	—	P
Eritrea	P	P	—
Gabon	S	S	P
Guinea-Bissau	P	P	—
Haiti	P	P	—
Holy See†	—	—	—
Iraq	—	—	—
Israel	P	S	P
Kazakstan	P	P	—
Kuwait	S	P	P
Kyrgyzstan	P	—	—
Lao People's Democratic Republic	P	P	—
Liberia	S	S	P
Libyan Arab Jamahiriya	S	S	P
Liechtenstein	S	P	P
Madagascar	P	S	P
Malta	S	P	P
Namibia	S	P	P
Nauru†	P	P	—

	CBD	FCCC	VC/MP
Niue†	P	P	—
Oman	P	P	—
Palau	—	—	—
Rwanda	P	S	—
Samoa	S	P	P
San Marino	P	P	—
Sao Tome and Principe	S	S	—
Saudi Arabia	—	P	P
Sierra Leone	P	P	—
Singapore	P	S	P
Somalia	—	—	—
South Africa	P	S	P
Suriname	P	S	—
Taiwan†	—	—	—
Tajikistan	—	—	P
Thailand	S	P	P
The former Yugoslav Republic of Macedonia	—	—	P
Togo	S	P	P
Tonga†	—	—	—
Turkey	S	—	P
Tuvalu†	S	P	P
Ukraine	P	S	P
United Arab Emirates	S	P	P
United States of America	S	P	P
Yugoslavia [Serbia and Montenegro]	S	S	P

P = party, S = signatory, — = no action taken  
† = not a member of the United Nations.

This list is produced in the same alphabetical order as that of the list of members of the United Nations.

**Note:** not all states in this list are recognized by all others; notable examples are Taiwan and Israel. Care should therefore be exercised when attempting to give the number of parties to a treaty.

The criterion used to define a 'state' for this list is that a depositary for a major arms control or environmental treaty has accepted an instrument of ratification or accession, etc., from the 'state'.

## Oman Accedes to the NPT

Oman deposited its instrument of accession to the nuclear Non-Proliferation Treaty (NPT) on 23 January. This brings the total of NPT states parties to 186 (although this number is dependent on variable counting rules).

More important than the number of parties to the NPT is the fact that, now Oman has acceded, those states

making a statement in staying outside of the non-proliferation norms may now clearly be defined.

There are now seven states outside of the NPT. Four of these — Brazil, Cook Islands, Cuba and Niue — are signatories or parties to regional nuclear-weapon-free zone treaties. The other three are India, Israel and Pakistan.

from a 1990 baseline by 2010 for all greenhouse gas emissions. This represents a fallback from the original Dutch Presidency suggestion (within the Council meeting) for the majority of the commitment to be expressed in terms of carbon dioxide only and to have a short term target of 10% reductions by 2010 — the principal blockers of this proposal having apparently been France and the UK.

The main bone of contention concerning the EU was not its proposed target but the way in which the Council Decision described the burden sharing arrangements within the EU. The US, Australia, Canada and others expressed the view that the EU, in fact, has a differentiated set of commitments for its members ranging between -30 and +40 per cent, whilst denying the opportunity for differentiation amongst other Parties. The EU's attempts to justify its competence to have such an

arrangement were quashed by the Chair in much the same way as the US was not given the opportunity to justify its proposal.

In order to facilitate the streamlining of the text, the Chair set up two 'Non-Groups' — a novel concept that failed. The only Party to delete significant amounts of text was the EU which knocked out some of its own old proposals. The G77, on the other hand, added new text to the institutions section and so little progress was made overall. There was thus at least consensus amongst delegates as to a general feeling of frustration.

A deadline for the submission of new proposals for a protocol was set at 1 April and a Secretariat composite text containing all proposals were promised for June in all UN languages. At the next meeting in July the Chair promised that substantive

negotiations will begin — we shall see.

The talks on Article 13 of the Convention (a multilateral consultative process to consider questions relating to implementation) made more progress than the AGBM. The nub of the debate has until now been whether the Convention needs a supervisory process for bringing recalcitrant parties to book, or other whether it should have a process that is essentially advisory and invoked by parties when they, themselves have implementation problems. Put very simply, the question has been whether to have something along the lines of the Montreal Protocol Non-Compliance Procedure or whether something rather more akin to the Ramsar Convention Monitoring Procedure, which mainly provides assistance to parties, might be better.

Led by the EU and China, the Article 13 Group leaned heavily in the direction of an assistance process. The Chair of the Group produced a draft text, fully bracketed, that will form the basis for more substantive negotiations in July. Unlike the AGBM text, however, it is short and there is quite a lot of agreement on the bulk of it, as both China and the EU noted at the final meeting.

The next meetings of the Ad Hoc Groups and the Subsidiary Bodies to the Convention will begin in Bonn on 28 July.

### Trust & Verify

*Trust & Verify* is edited and produced by Richard Guthrie with additional reporting by VERTIC staff and consultants.

*Trust & Verify* is published by VERTIC 10 times a year. Anyone wishing to comment on its contents should contact the VERTIC office.

Unless otherwise stated, views expressed in *Trust & Verify* are the responsibility of the editor and do not necessarily reflect those of VERTIC nor any individual or organization associated with it.

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Subscription rates are £15 (individual) or £25 (organization) per year. Payments may be made by cheque (in Sterling) or by credit card.

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