



# Trust and Verify

The Bulletin of the Verification Technology Information Centre

No. 62 November/December 1995

ISSN 0966-9221

## In this issue:

- CWC ratification progress
- Climate Change negotiations
- Biodiversity conference of the parties

## French nuclear testing

At 21:57.57 GMT on 27 October France conducted the third of its nuclear test programme announced by President Chirac on 13 June. The test took place at location 22°S, 139.2°W at Moruroa Atoll and the seismic event it caused measured 5.5 on the Richter Scale.

On 21 November France conducted the fourth nuclear test of the programme.

## CWC ratification

As of mid December, 45 states have deposited their instruments of ratification to the Chemical Weapons Convention with the Secretary-General of the United Nations. This is only 20 short of the 65 ratifications that marks the 'trigger point' for the 180-day countdown to entry into force of the Convention.

## UK progress toward ratification

The Queen's Speech that opened the new session of Parliament on 15 November contained a promise that legislation to ratify the Chemical Weapons Convention would be introduced. This Bill was given its first reading in the House of Commons on 16 November, its second reading on 23 November and its committee stage and third reading on 6 December. The next day it received its first reading in the House of Lords and it seems likely that its other stages will be taken early in the new year.

Following an amendment proposed by the Government, the draft legislation requires the Secretary of State in charge of the National Authority to present an annual report to Parliament on the operation of the legislation.

## US progress toward ratification

In early December, Sen. Jesse Helms, the Republican chair of the Senate Foreign Relations Committee announced that hearings on the ratification of the Convention will resume in February and that the committee will finish with the CWC no later than the end of April, and will then be dealt with on the floor of the Senate.

It appears that the Convention has widespread support within the Senate and that any vote taken on the floor would have significantly more votes than the two-thirds majority required.

Administration officials have indicated that they would like to be able to deposit the US instrument of ratification towards the end of the first half of this year.

## Deposited ratifications

[as of 12 December 1995]

Fiji	20 January 1993
Mauritius	9 February 1993
Seychelles	7 April 1993
Sweden	17 June 1993
Norway	7 April 1994
Australia	6 May 1994
Albania	11 May 1994
Maldives	31 May 1994
Cook Islands	15 July 1994
Spain	3 August 1994
Bulgaria	10 August 1994
Germany	12 August 1994
Sri Lanka	19 August 1994
Mexico	29 August 1994
Turkmenistan	29 September 1994
Uruguay	6 October 1994
Paraguay	1 December 1994
Lesotho	7 December 1994
Greece	22 December 1994
Tajikistan	11 January 1995
Mongolia	17 January 1995
Armenia	27 January 1995
Finland	7 February 1995
Oman	8 February 1995
Romania	15 February 1995
France	2 March 1995
Switzerland	10 March 1995
Croatia	23 May 1995
Monaco	1 June 1995
Netherlands	30 June 1995
Denmark	13 July 1995
Peru	20 July 1995
Algeria	14 August 1995
Austria	17 August 1995
Poland	23 August 1995
Ecuador	6 September 1995
South Africa	13 September 1995
Japan	15 September 1995
Canada	26 September 1995
Argentina	2 October 1995
Slovak Republic	27 October 1995
El Salvador	30 October 1995
Georgia	27 November 1995
Namibia	27 November 1995
Italy	8 December 1995

Source: The Web pages of the OPCW Provisional Secretariat — <http://www.opcw.nl/>

## Gulf War Syndrome report

On 7 November, the Select Committee on Defence of the UK House of Commons, published its report on



'Gulf War Syndrome'. The Committee criticised the Ministry of Defence's 'hopelessly inadequate' support for Gulf War veterans and compared the official British reaction unfavourably with that of American authorities.

An interesting aspect of the report is that it states that there have been no claims by French veterans of 'Gulf War Syndrome' and notes that French forces in the Gulf were given 'no protective immunisations against chemical or biological agents, either before or during the Gulf conflict'.

## Climate Negotiations

The week of 30 October to 3 November 1995 saw the second round of negotiations in the Ad Hoc Group on the Berlin Mandate (AGBM) to negotiate a protocol to the Climate Change Convention in Geneva. On 30 and 31 October there was also the first meeting of the Ad Hoc Group on Article 13 (AG13) of the Convention which is about the formation of a multilateral consultative process (MCP) to examine questions relating to implementation.

The purpose of the AGBM is to produce a protocol with provisions containing quantified greenhouse gas emission reduction and limitation objectives within specified timeframes by the third Conference of the Parties to the Convention in 1997. At the last meeting in August efforts to begin negotiations were largely thwarted by the OPEC and JUSCANZ countries (JUSCANZ is a grouping of industrialised countries which is against significant emission reductions in the short to medium term and the main members of the group are, as the acronym suggests, Japan, USA, Canada, Australia and New Zealand.)

The latest AGBM again threatened to begin with calls from JUSCANZ and OPEC for a long 'analysis and assessment' phase in which the parties would compare and contrast the relative efficacy of differing policies and measures for greenhouse gas emission limitation. Although this is an ostensibly obvious task to undertake, and indeed is mentioned in the Berlin

Mandate, it is generally taken to be a delaying tactic to avoid discussion of the substantive contents of any protocol: the reduction targets and the timescales in which they should be implemented.

In an attempt to forestall a contextless and potentially endless discussion of policies and measures, the EU (in the form of the Spanish Presidency) tabled a framework proposal for a protocol on the first day of the negotiations. The text of the proposal is primarily Anglo-German in origin and attempts to set out the general form that any 'targets and timescales' type of protocol should contain. It mentions no specific numbers although it is clear that the EU are thinking of quite short timescales (2005 to 2010) with, probably, a fairly modest reductions target in the range 5 to 10 per cent, although this is the subject of ongoing debate within the Union. In the proposal, policies and measures are dealt with in a set of revisable Annexes which are similar to those used in some other environmental agreements such as CITES.

Coming as a surprise, the EU proposal took most parties some time to digest. In the immediate aftermath of its presentation it was thus not widely remarked upon as others gave their opening position statements. JUSCANZ, in particular, chose to ignore it and made increasingly long interventions on analysis and assessment — to such an extent, indeed, that one US intervention was so long and off the point that they were gavelled down by Chairman Estrada Oyuela of Argentina. By the Friday, however, the EU proposal was beginning to get support, notably from the 'green group' within the G77 and especially from the Alliance of Small Island States (AOSIS) which tabled its formal proposal for carbon dioxide reductions in line with the Toronto Targets (20 per cent by 2005) back in February 1995.

By the end of the week there was essentially an impasse between the pro and anti protocol groupings. OPEC and JUSCANZ (possibly soon losing Japan) were running out of credible delaying tactics and were faced

[Editor's note: following the item in the last *Trust & Verify* on the new protocol on blinding laser weapons, the full text of the protocol follows.]

### Additional Protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

#### Article 1: Additional Protocol

The following protocol shall be annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects ("the Convention") as Protocol IV:

#### "Protocol on Blinding Laser Weapons (Protocol IV)

##### Article 1

It is prohibited to employ laser weapons specifically designed, as their sole combat functions, to cause permanent blindness to unenhanced vision, that is to the naked eye or to the eye with corrective eyesight devices. The High Contracting Parties shall not transfer such weapons to any State or non-State entity.

#### Article 2

In the employment of laser systems, the High Contracting Parties shall take all feasible precautions to avoid the incidence of permanent blindness to unenhanced vision. Such precautions shall include training of their armed forces and other practical measures.

#### Article 3

Blinding as an incidental or collateral effect of the legitimate military employment of laser systems, including laser systems used against optical equipment, is not covered by the prohibition of this Protocol.

#### Article 4

For the purposes of this Protocol 'permanent blindness' means irreversible and uncorrectable loss of vision which is seriously disabling with no prospect of recovery. Serious disability is equivalent to visual acuity of less than 20/200 Snellen measured using both eyes."

#### Article 2: Entry into Force

This Protocol shall enter into force as provided in paragraphs 3 and 4 of Article 5 of the Convention.

[Text reproduced from CCW/CONF.I/7]

'Gulf War Syndrome'. The Committee criticised the Ministry of Defence's 'hopelessly inadequate' support for Gulf War veterans and compared the official British reaction unfavourably with that of American authorities.

An interesting aspect of the report is that it states that there have been no claims by French veterans of 'Gulf War Syndrome' and notes that French forces in the Gulf were given 'no protective immunisations against chemical or biological agents, either before or during the Gulf conflict'.

## Climate Negotiations

The week of 30 October to 3 November 1995 saw the second round of negotiations in the Ad Hoc Group on the Berlin Mandate (AGBM) to negotiate a protocol to the Climate Change Convention in Geneva. On 30 and 31 October there was also the first meeting of the Ad Hoc Group on Article 13 (AG13) of the Convention which is about the formation of a multilateral consultative process (MCP) to examine questions relating to implementation.

The purpose of the AGBM is to produce a protocol with provisions containing quantified greenhouse gas emission reduction and limitation objectives within specified timeframes by the third Conference of the Parties to the Convention in 1997. At the last meeting in August efforts to begin negotiations were largely thwarted by the OPEC and JUSCANZ countries (JUSCANZ is a grouping of industrialised countries which is against significant emission reductions in the short to medium term and the main members of the group are, as the acronym suggests, Japan, USA, Canada, Australia and New Zealand.)

The latest AGBM again threatened to begin with calls from JUSCANZ and OPEC for a long 'analysis and assessment' phase in which the parties would compare and contrast the relative efficacy of differing policies and measures for greenhouse gas emission limitation. Although this is an ostensibly obvious task to undertake, and indeed is mentioned in the Berlin

Mandate, it is generally taken to be a delaying tactic to avoid discussion of the substantive contents of any protocol: the reduction targets and the timescales in which they should be implemented.

In an attempt to forestall a contextless and potentially endless discussion of policies and measures, the EU (in the form of the Spanish Presidency) tabled a framework proposal for a protocol on the first day of the negotiations. The text of the proposal is primarily Anglo-German in origin and attempts to set out the general form that any 'targets and timescales' type of protocol should contain. It mentions no specific numbers although it is clear that the EU are thinking of quite short timescales (2005 to 2010) with, probably, a fairly modest reductions target in the range 5 to 10 per cent, although this is the subject of ongoing debate within the Union. In the proposal, policies and measures are dealt with in a set of revisable Annexes which are similar to those used in some other environmental agreements such as CITES.

Coming as a surprise, the EU proposal took most parties some time to digest. In the immediate aftermath of its presentation it was thus not widely remarked upon as others gave their opening position statements. JUSCANZ, in particular, chose to ignore it and made increasingly long interventions on analysis and assessment — to such an extent, indeed, that one US intervention was so long and off the point that they were gavelled down by Chairman Estrada Oyuela of Argentina. By the Friday, however, the EU proposal was beginning to get support, notably from the 'green group' within the G77 and especially from the Alliance of Small Island States (AOSIS) which tabled its formal proposal for carbon dioxide reductions in line with the Toronto Targets (20 per cent by 2005) back in February 1995.

By the end of the week there was essentially an impasse between the pro and anti protocol groupings. OPEC and JUSCANZ (possibly soon losing Japan) were running out of credible delaying tactics and were faced

[Editor's note: following the item in the last *Trust & Verify* on the new protocol on blinding laser weapons, the full text of the protocol follows.]

### **Additional Protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects**

#### **Article 1: Additional Protocol**

The following protocol shall be annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects ("the Convention") as Protocol IV:

#### **"Protocol on Blinding Laser Weapons (Protocol IV)"**

##### **Article 1**

It is prohibited to employ laser weapons specifically designed, as their sole combat functions, to cause permanent blindness to unenhanced vision, that is to the naked eye or to the eye with corrective eyesight devices. The High Contracting Parties shall not transfer such weapons to any State or non-State entity.

##### **Article 2**

In the employment of laser systems, the High Contracting Parties shall take all feasible precautions to avoid the incidence of permanent blindness to unenhanced vision. Such precautions shall include training of their armed forces and other practical measures.

##### **Article 3**

Blinding as an incidental or collateral effect of the legitimate military employment of laser systems, including laser systems used against optical equipment, is not covered by the prohibition of this Protocol.

##### **Article 4**

For the purposes of this Protocol 'permanent blindness' means irreversible and uncorrectable loss of vision which is seriously disabling with no prospect of recovery. Serious disability is equivalent to visual acuity of less than 20/200 Snellen measured using both eyes."

##### **Article 2: Entry into Force**

This Protocol shall enter into force as provided in paragraphs 3 and 4 of Article 5 of the Convention.

[Text reproduced from CCW/CONF.I/7]

with a protocol proposal from a developed country block which it is difficult to totally ignore for long, unlike AOSIS. On the other hand, the EU needs to build upon its proposal in terms of numbers before it can push hard for its detailed consideration. The next meeting in February and March 1996 should prove interesting, especially as the second conference of parties, to which the AGBM must report, has now been brought forward and will be held in July in Geneva.

The AG13 meeting was altogether more civilised. The parties did not fall into policy related groupings and, under the Chairmanship of Patrick Szell from the UK, they began to debate the possible form of a multilateral consultative process for resolving questions of implementation. Apart from a few parties which questioned whether such a process might really be necessary, there seemed to be general consensus that the process might usefully fill a gap between the implementation review processes and the dispute resolution processes established by the Convention. The idea is that one could have something which could allow one party to seriously question another's implementation without having to 'take it to court' in a full blown dispute resolution procedure. Apart from this, however, few parties had a clear idea as to what they really wanted. Some were inclined towards a non-compliance procedure, as in the Montreal Protocol, whereas others favoured considerably less stress on 'compliance' and more on dispute defusing and confidence building.

In a skilful piece of chairing, Szell steered the Group away from confusing itself and towards the concept of composing a questionnaire which all parties would fill in over the next few months and which would hopefully provide answers as to what states hoped the process might achieve and how it might operate. The next meeting of the AG13 will be in July, just before the next Conference of Parties, and will begin with a seminar at which presentations will be made by those with experiences of similar processes in other environmental agreements.

In between the AG13 and AGBM meetings there were discussions on the question of the AGBM Bureau (which remains unresolved) and the makeup of the Technical Panels of the Subsidiary Body on Scientific and Technological Advice (SUBSTA) where substantial, if informal, progress was made. (It now looks as though the previously proposed panels on technology and methodologies will be merged into a single twenty-person panel.)

## Biodiversity Convention

November 1995 saw the second meeting of the Conference of the Parties (CoP) to the Convention on Biological Diversity (CBD) in Jakarta, Indonesia. The CBD entered into force on 29 December 1993 and has now been ratified by 134 states. Its objectives are three-fold: the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits from the use of genetic resources.

As the CBD entered into force only 18 months after the Earth Summit in Rio, the first CoP, in November 1994, concentrated largely on organisational matters, whereas the Jakarta meeting was expected to establish the mechanisms to put the Convention into operation. Key agenda items in this respect were designation of the permanent financial mechanism, a Clearing House Mechanism for scientific and technical cooperation, and the location of the permanent

secretariat. Some progress was made: Montreal was selected to host the secretariat and a pilot phase of the Clearing House Mechanism was agreed for 1996-97, but a final decision could not be reached on the financial mechanism. The concern voiced by developing countries that the restructured Global Environment Facility (GEF), the interim mechanism, still has insufficient funds proved a major sticking point, together with their dissatisfaction over the emphasis on funding purely conservation, as oppose to sustainable use, of biodiversity. The GEF was therefore designated as the continuing interim mechanism and CoP 3 shall endeavour to agree on permanent designation.

One of the most contentious issues to be dealt with in Jakarta was a protocol on biosafety, that is, the safety of living modified organisms (LMOs) resulting from biotechnology (usually referred to as genetically modified organisms). General consensus on the need for a protocol was reached fairly rapidly, and negotiations then centred around the scope it should have and what measures should be taken in the meantime. Calls were made by some Parties (and several NGOs) for a moratorium on the release of LMOs while a protocol was negotiated, while most favoured a two-track approach, adopting voluntary guidelines in the interim. A so-called compromise was reached on the scope of the protocol, limiting it to transboundary movements of LMOs, as favoured by industrialised nations, rather than their transfer, handling and use, which developing countries had pushed for. An Open-ended Ad Hoc Working Group was set up to elaborate a draft protocol, with the aim that negotiations are concluded by 1998. Priorities for the Ad Hoc Group are to establish procedures for advanced informed agreements and to identify categories of LMOs that will be covered by the protocol.

Conservation, the Conventions main objective, had received little attention at CoP 1, being largely overshadowed by such issues as biosafety and access to genetic resources. Conservation issues were, however, given greater prominence at CoP 2, and two key decisions emerged: the Jakarta Mandate on Coastal and Marine Biodiversity and the inclusion of forest issues on the CBDs agenda. The Jakarta Mandate adopted by Ministers in the second week of the conference reaffirms the critical need to address the conservation of coastal and marine biodiversity and calls for states to take immediate steps to implement the decisions adopted on this issue. (The decision later adopted recommends the integrated management of coastal and marine areas and also establishes a roster of experts to aid the secretariat in producing options for the conservation and sustainable use of coastal and marine biodiversity. Although the mandate should certainly raise the profile of coastal and marine ecosystems, the decision it endorsed was lacking in any real commitments to action).

Although proposals put forward in the first week to establish an intersessional working group on forests were dropped, the CBD secretariat will contribute to the work of the Intergovernmental Panel on Forests (IPF) set up by the Commission for Sustainable Development, and delegates approved a statement to the IPF on forests and biodiversity requesting the IPF to acknowledge the need for biodiversity concerns to be incorporated into relevant sectoral plans and programmes. Delegates also agreed that the CoP will explore how environmental goals in forestry and other sectors will assist the conservation and sustainable use of forest biodiversity. Whether further inputs will be made to the IPF will be decided at CoP 3.