

Agency nuclear recipients would have had a much stronger political base. Political controversy and damaged legitimacy might have been the price for more effective controls and co-ordination. Attempts to reverse the supply-safeguards link, noted earlier, have been one result. Agency safeguards could be used by recipients as a protection against more extensive and rigorous supplier requirements — as both a ceiling on these and an implied guarantee of unimpeded access. Some suppliers, on the other hand, might regard them as a floor for safeguards and as subject to further considerations with respect to access. The Agency is thus either pulled in contrary directions or used as a mere channel for information on decisions reached elsewhere.

A detailed control system set out in a chemical weapons convention possibly could reduce or avoid many of these difficulties, by setting out clearly at the start the materials, plant and technology subject to controls, and what those controls would be. Parties would then be clear as to their rights and obligations, and resort to action by suppliers outside the verification body might be avoided. Four difficulties, however, would still possibly arise.

First, the problem of handling transfers to non-parties would have to be dealt with: should these also be detailed in such a convention, or should they be left up to individual exporters? Second, if demands for revisions of controls arise, there could still be a temptation for some states to work outside the treaty while others insist on staying within it: the problems, in other words, might be postponed but not necessarily avoided completely. Third, the relationship between the controls in such a convention and national policies would have to be addressed: would states be free to place additional conditions on transfers, or would the treaty's controls be an international maximum? Fourth, reliance on a convention-based set of controls without reference to safeguards based on bilateral agreements between suppliers and bilateral networks could have a cost. In the nuclear area these bilateral networks still exist and, in some cases at least, provide a safety net in the event the Agency is unable to carry out its functions. While the existence of bilateral agreements in the chemical area would complicate international control, preventing or replacing such a network would mean forfeiting this safety net.

The safety net argument presents some difficulties, though. If a state is determined to violate or to withdraw from its safeguards obligations, it is unlikely that merely an additional set of such obligations would have more than a marginal influence at best on its decision. Such a safety net is probably more useful for technical problems that could arise in the application of safeguards if a state leaves the international safeguards system for other reasons.