

Transfers of plant, materials and technology could also be important in a chemical weapons ban. Requiring safeguards as a condition of export could readily become entangled with demands for technical assistance as a price for adherence to an agreement. In addition, expressly limiting or prohibiting transfers of highly specialized materials or technology from the start would present problems of identifying such items, and would still leave the problem of dual-use items. Such a limitation, however, would possibly help to establish a latent proliferation principle, and could be of importance if transfers were a recurring issue.

### "Threat" Coverage

A verification agency must provide appropriate assurances that all parties are complying with their obligations under a treaty. The NPT, however, does not mandate the Agency to verify that all possible routes to acquiring nuclear weapons are renounced by the parties. Also, some routes to acquiring nuclear weapons that are within the purview of the Agency's mandate to verify are not fully covered because of resource constraints.

The Agency's definitions of both its problem and its relevant tasks immediately limit the range of possible routes to acquiring nuclear weapons or the "threats" it covers. Even if its systems are quite adequate in some areas of concern, they may be only partially relevant in others. The implications of an end-use problem definition have already been noted. As for specific tasks, the Agency's systems are intended to deter diversions from safeguarded nuclear activities to proscribed activities. Clandestine production or stockpiling are not directly dealt with by the Agency, nor does it have a mandate to seek out such production or stockpiles. Some routes to nuclear weapons — possibly the more likely routes — are therefore left uncovered.

The Agency's relevance is also affected by the differences between its two safeguards systems. Although the NPT-associated INFCIRC/153 system is widely applied, a number of highly significant states are not covered by it: as of the end of 1985, 11 of 53 states with "significant nuclear activities" were under only INFCIRC/66 safeguards.<sup>1</sup> INFCIRC/66's proscription of "all military activities" is broader than the limits in INFCIRC/153 which deals with only certain military activities (i.e., nuclear weapons and other nuclear explosive devices). INFCIRC/66 has also been extended to include all nuclear explosives including those for peaceful purposes. However, INFCIRC/66 is applied to specific items, not on the full-scope basis of the NPT system. Thus, it permits states to have legitimately unsafeguarded activities. This difference arises from the history of safeguards: the INFCIRC/66 system was developed before the negotiation of the NPT. At first glance, it would seem that this problem of differences between safeguards systems, arising as it does from the unique history of the IAEA, could be avoided in the negotiation of a chemical weapons