

possible differences in the composition of chemical weapon stockpiles, and because of technical difficulties in working out a means of comparing various categories of chemicals, the entire elimination period should be divided into nine one-year subperiods. Within each subperiod the parties concerned would have to eliminate no less than one-ninth of their chemical weapon stockpiles in each of the existing categories.⁵

Mexico and Argentina would prefer that the most dangerous chemical weapons be destroyed first, whereas the least lethal ones would be left until the end of the destruction process. Such an order would, in the view of these two countries, help build confidence from the early stages of the convention's implementation.⁶

France has put forward a concept of 'security balance,' which would allow each country — during the first eight years after entry into force of the convention — to keep and maintain a stock of chemical weapons. This so-called security stock, composed of munitions (shells, rockets, bombs, etc.), could contain up to 1000-2000 tons of toxic chemicals, including nerve agents, which is the amount regarded by France as militarily significant. The stock would be declared at the end of the eighth year, and be subject to destruction only during the ninth and tenth years, or even later, if the agreed 10-year period of stock destruction were to be extended and the timetable called into question. To ensure the maintenance of the security stock, as well as its renewal and modernization, the parties would also be allowed — according to the French scheme — to possess technical means for the production of toxic chemicals and chemical munitions. The relevant production facility would be destroyed or withdrawn from service before the end of the ninth year after entry into force of the convention.⁷

The French proposal has met with criticism. It was interpreted by many as an encouragement to those countries which do not possess chemical weapons to acquire them, contrary to the objective of the planned convention. Pakistan said that secret stockpiling of chemical weapons by the parties, even in limited quantities, would deepen suspicion among states and undermine confidence in the concluded agreement.⁸ The Soviet Union considered that the French proposal would lead to a legalized proliferation of chemical weapons and, thereby, to 'increased insecurity.'⁹

'Balanced' security on a world-wide scale could be achieved either by building up chemical arsenals in non-chemical weapon countries or by eliminating all existing chemical weapons. The first solution amounts to re-armament. It is the second solution that constitutes the essence of the convention now under consideration. French comparisons between a chemical weapons convention and the 1968 Non-Proliferation

Treaty (NPT), made with the purpose of demonstrating the alleged unequal treatment of the parties, seem out of place.¹⁰ The NPT contains only a pledge to pursue negotiations on measures of disarmament, whereas a chemical treaty would provide for actual disarmament to be completed within a specified period of time.

Moreover, the principle of undiminished security in the process of eliminating the chemical weapon potential is applicable exclusively to chemical weapon countries. Those who do not possess chemical weapons cannot claim that they would feel less secure at a time when other states were destroying stocks of these weapons. According to a statement by its foreign minister, France belongs to the category of non-chemical weapon states,¹¹ as it is only now planning to acquire a deterrent capability in this area.

Institutional arrangements. Since the principal organ of the convention is to be composed of all states parties, it may not be able to intervene rapidly and effectively during a crisis. It has, therefore, been agreed that there should be a subsidiary body of limited membership — an executive council — having the day-to-day responsibility for ensuring compliance. In the performance of its functions it would be assisted by a technical secretariat which would include an international inspectorate. As a central management authority, the executive council would be, in political terms, the most 'powerful' body set up by the convention. Its composition, however, has not yet been agreed upon. Quite naturally, each country defends those formulas which could make its own participation possible.

Even more controversial is the decision-making procedure. The choice is between majority decisions and consensus decisions. The latter would be tantamount to introducing the right of veto, which could paralyze the operation of the convention.

OTHER OUTSTANDING ISSUES

Definitions. The term 'chemical weapon' applies both to toxic chemicals and to munitions or other devices designed to cause harm by the release of toxic chemicals, as well as to any equipment designed for use directly in connection with the employment of such munitions or devices. But it is still not clear whether this formula would be taken as a final definition of the object of the intended ban. The task of agreeing on a definition is all the more complicated, because toxicity alone is not enough to classify a chemical substance as a chemical warfare agent; it is the purpose for which it has been acquired that is decisive. Thus, there is the problem of irritants, such as tear gas, that may be used in warfare, but are also often employed for domestic law enforcement and riot control; therefore, many