

Progress at the CD

major breakthrough. Never before had the superpowers simultaneously been willing to consider a genuine international agency as part of a verification system for a treaty that imposed major obligations and restrictions upon themselves.

There is no suggestion that the superpowers were at any time acting in collusion on these matters either prior to or after their change in position. The important point is that they are now both on record as agreeing to the type of agency that appears to be one essential element of a full-scope verification system.

It appears that the superpowers now recognize that, for a multilateral treaty that is aimed at all the countries of the world, there is no way of avoiding a verification system that is genuinely international. Even though this may appear to them as a substantial surrender of control over the verification process, they seem to have concluded that it is in their interest to accede to this type of system.

Latest developments

The rolling text of the CWC negotiations tells most of the story, and represents "the present stage of elaboration of the provisions of the draft convention" by the forty countries at Geneva.

The rolling text, as well as the other reports now being issued by the CD, are beginning to convey an air of optimism. No longer is the international body to be known as the Consultative Committee. Agreement has been reached on the name "Organization for the Prohibition of Chemical Weapons" (OPCW). No longer is there talk of prohibiting the governing body of this agency from voting on matters of substance.

According to the rolling text, the OPCW is to have three organs:

1. A General Conference, which will meet once a year and which will be composed of all treaty parties, each with one vote.
2. The Executive Council, which will meet "for regular sessions...as often as may be required," and will be composed of possibly fifteen states to be elected by the General Conference.
3. The Technical Secretariat, which will have a staff of possibly several hundred inspectors and administrative personnel, and which will be supervised by the Executive Council.

The CD documents suggest that the superpowers may be willing to discuss a role for the OPCW not only in the area of evaluation of compliance data, but also in the area of responding to possible violations. According to the rolling text, the functions of the Executive Council are to include:

1. promot[ing] effective implementation of, and compliance with, the Convention"; and
2. consider[ing] concerns regarding compliance and cases of non-compliance."

All is not plain sailing just yet. It appears that there are problems as to exactly what powers are to be conferred upon the OPCW. For instance, there is a disturbing footnote attached to the item of the rolling text just quoted:

A view was expressed that the report of a fact-finding inquiry should not be put to a vote, nor should any decision

be taken as to whether a Party is complying with the provisions of the Convention.

Nevertheless, it is encouraging to know that these topics are being actively negotiated. There are a number of specific items on the agenda dealing with the powers and functions of the OPCW. From the agenda prepared by the chairman of the relevant subcommittee, we learn that the following topics are under discussion:

The character of the evaluation:

- (a) The role of the requesting State [i.e., the state that has filed a complaint with the Executive Council alleging a violation and requesting action by the OPCW] and the significance of whether that State Party is satisfied or not.
- (b) Should the Executive Council establish formally...whether it considers a violation of the Convention has taken place?
- (c) If a violation has been established as a consequence of the evaluation of the report, what further steps?

Continuing problems

Anyone reading this agenda might draw the conclusion that, while the CD may have been tardy in facing up to the task of constructing a full-scope verification system, nevertheless, matters are now in hand, and there is no longer any cause for concern. That conclusion may have been safe enough except for two factors. The first is that it seems possible that the middle powers have adopted a policy of allowing the superpowers a free hand in the process of designing the new system. If this is true, we should be concerned as to whether the OPCW will be given adequate powers in the field of evaluation and response. Nothing has occurred to remove the apparent advantages of the self-help system for the superpowers. Their acceptance of the concept of a genuine agency was reluctant, late and limited. If left to themselves, it is likely that they will attempt to restrict the powers of the Agency as much as possible. If this were to happen, the new system is unlikely to be strong enough to support the Treaty.

Whether the middle powers are in fact sitting back and letting the superpowers decide these matters is difficult to tell from the published documents. There are grounds for concern, however, because after the superpowers relented on the matter of consensus, thus opening the door for new developments in the field of evaluation and response, the middle powers have not yet responded to these opportunities. Since the beginning of 1988 they have submitted only two proposals. One of these proposals came from East Germany and the other from Canada. Neither attempts to deal with the system as a whole, each being confined to one particular aspect. Unless there are some unpublished working papers from the middle powers setting forth some comprehensive proposals (which is unlikely), then we must conclude that the middle powers are indeed letting the superpowers decide what powers should be given to the OPCW in the area of evaluation and response.

The second problem with the present situation relates to the historic significance of the negotiations now underway. Even if the superpowers have had a change of heart and are now as anxious as anybody to create a reliable full-scope verification system, which of course is possible, there are still strong reasons why the process of designing the system should be shared as widely as possible.