

international law, and allowing for on-site collection of evidence.² Procedures for such investigations have been elaborated by a group of consultant experts. Its report, submitted in 1983 and supplemented in 1984, specifies criteria for initiating an investigation of alleged breaches, and guidelines for its organization and implementation.³ The Secretary-General has a list of names of qualified experts who are available at short notice to undertake an investigation, and a list of laboratories which could test for the presence of prohibited chemical agents.

The Imperative of Disarmament

The main weakness of the Protocol is one inherent in all rules of conduct in war: having been agreed to in time of peace, they may not stand up to the strain of actual hostilities. As long as states are allowed to retain weapons, improve their quality and increase their stocks, any ban on their use is likely to yield to military exigencies. The way to ensure that a prohibited weapon is never used is by concluding an international convention prohibiting its very possession, and by having the prohibition universally observed.

A step in this direction was made in 1972 with the signing of the Biological Weapons (BW) Convention, which prohibits the development, production, stockpiling or acquisition by other means, or retention of biological agents and toxins. It also bans weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict. The remarkable feature of this Convention is the requirement to destroy the biological weapons, or to divert them to peaceful purposes. However, because of their uncontrollability and unpredictability, biological weapons have always been considered of little utility.

Chemical weapons are deemed to be militarily more useful and more predictable than biological weapons. They can bring about a great variety of effects on humans, animals and plants; they can be used with different delivery vehicles, such as hand grenades, artillery shells, missiles, aerial bombs or spray tanks, as well as rocket launchers; and they can produce effects over a much larger area than explosive munitions of a comparable weight. For these and other reasons, the parties to the BW Convention recognized that it was only a step towards an agreement prohibiting the possession of chemical weapons as well. Indeed, biological weapons had, from the early 1920s, been considered together with chemical weapons, and were closely associated with them in the public mind. Without the inclusion of a formal commitment in the BW Convention that an analogous treaty should be

reached regarding chemical weapons, many countries would probably have refrained from joining the Convention.

NEGOTIATIONS FOR A CHEMICAL WEAPONS CONVENTION

According to Article IX of the BW Convention, a comprehensive ban on chemical weapons was to be reached at an 'early' date, but the bilateral US-Soviet talks, as well as the multilateral negotiations, have so far failed to produce the desired agreement. A series of important obstacles which had stood in the way of a treaty were removed only in the past year or two. In particular, the Soviet Union has accepted the principle of mandatory on-site inspection on challenge, which can be set in motion, on very short notice, upon request by any state party suspecting a violation. It has thus acceded to the view held by the United States since 1984. Moreover, the Soviet Union, which earlier had not even admitted to possessing chemical weapons, followed the US example set 18 years before and announced that it had ceased the production of such weapons. It also declared that it did not have chemical weapons outside its borders, and that it had begun the construction of a special facility for the destruction of chemical weapon stocks. These various statements, coupled with international visits to US and Soviet chemical weapon storage facilities, have helped to build a significant measure of confidence in the seriousness of the superpowers' intent to be rid of chemical weapons. The signing in December 1987 of the US-Soviet Treaty eliminating a whole class of nuclear weapons — the intermediate-range nuclear forces — has created an international climate propitious for the elimination of chemical weapons as well.

AREAS OF AGREEMENT

Scope of the obligations. The aim of the envisaged convention is to bring about general and complete chemical disarmament and thereby to complement the 1925 Geneva Protocol. Consequently, the parties should undertake not to develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer them to anyone, as well as not to assist, encourage or induce others to engage in these activities.

In order to ensure the implementation of these undertakings, all chemical weapons and chemical weapon production facilities would be declared to an international authority and placed under international