

Attachment (D)Cluster IVCo-ordinator's PaperModel Agreements on How to Implement the Verification
Provisions of the Chemical Weapons Convention

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1. Co-operation among States Parties is the element which will lend stability and viability to a CW Convention. The main organs to be set up pursuant to the future Convention, i.e., the Consultative Committee, the Executive Council and the Technical Secretariat, will function as the principal instruments of co-operation. Agreements between States Parties and the above-mentioned organs on practical aspects of the implementation of verification provisions will provide a high degree of objectivity and ensure that the organs will work smoothly and effectively. Agreements of this type will link the general, binding stipulations of the Convention, including its annexes, with the many facets of the actual and juridical situation prevailing in the various States that are party to the treaty. Those agreements will have to be the result of negotiations between States and representatives of the Technical Secretariat. It has been proposed, therefore, that guidelines be drawn up on which such agreements could be patterned and which have been termed model agreements.
2. The model agreement idea has been derived from IAEA experience. In its activities related to the peaceful use of nuclear energy under a safeguards system, this organization has been relying widely and successfully on legal instruments worked out on the basis of model agreements. For that reason, IAEA experience should be taken into consideration when it comes to implementing the verification régime of a CW Convention. Naturally, full account need to be taken of the differences existing between safeguards in the nuclear field and the verification of a CW Convention. What must be borne in mind is that Articles IV to VI and the relevant annexes of the Convention do not only contain elaborate verification provisions but also specific instructions for their implementation. It would inevitably, lead to unacceptable legal ambiguities if such provisions were duplicated in agreements between States Parties and organs to be set up pursuant to the Convention. Model agreements should be restricted to those aspects of verification which require further concretization in response to the situation prevailing in the country concerned. There are very few subjects left in need of negotiated agreements covering the general relationship between States Parties and organs. Agreements will mostly focus on specific facilities.
3. Drafting and using models for the conclusion of agreements with States Parties would have some important advantages:
 - (a) There would be a guarantee that such agreements are similar in substance and take into account the diverse juridical and factual conditions