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## CANADA

### A PROPOSED VERIFICATION ORGANIZATION FOR A CHEMICAL WEAPONS CONVENTION

#### I. INTRODUCTION

1. The second United Nations Special Session on Disarmament (UNSSOD II) succeeded in reaffirming the urgency of dealing effectively with the Chemical Weapons (CW) problem and in recognizing the application of international verification techniques as the critical issue in CW negotiations. Several potentially significant initiatives announced during the Special Session could serve to reinforce the mandate of the CD in coming to grips with the issue.
2. First, the Soviet Union in its memorandum concerning curbing the arms race, urged intensification of "joint efforts by States of the Committee on Disarmament to draft an international convention on the prohibition and elimination of Chemical Weapons". It recognized "international procedures including on-site verification on an agreed basis" as an essential element of the verification process. Acceptance of the principle of on-site inspection after having "taken into account other States' wishes", was assessed by Foreign Minister Gromyko as a basis for a breakthrough in reaching an international agreement. This assessment has generally been accepted as a positive approach to the development of an acceptable international verification procedure in the negotiation of a CW convention.
3. The principle of on-site verification in the context of a Chemical Weapons Convention has been of particular concern to the Federal Republic of Germany. As the only country to have renounced the production of chemical weapons and to have accepted international controls including on-site inspection to this effect, the Federal Republic of Germany has unique and valuable experience which it has shared with the CD in a number of working papers. The invitation issued by Chancellor Schmidt on 14 June during his address at UNSSOD II, to organize a symposium on the subject in 1983 is therefore of special significance. Since the establishment of the CW ad hoc working group extremely useful work under the Chairmanships of Ambassadors Okawa, Lidgard and Sujka has been accomplished in the technically demanding areas of toxicity.
4. There now appears to be a requirement to develop in more concrete terms the structure of a CW verification organization taking into consideration the verification aspects of the proposals by the USSR on basic provisions of a convention as well as the submission by the Federal Republic of Germany concerning principles and rules for verifying compliance with a Chemical Weapons Convention, both of which were tabled at UNSSOD II. The proposed organization in this paper has been developed using those submissions as well as the working papers already available to the CD as background.

## II. BACKGROUND

5. Between 1970 and 1978 there were a number of working papers submitted to the Conference of the Committee on Disarmament (CCD) proposing wording for a draft convention on the prohibition of the development, production and stockpiling of chemical weapons and on their destruction. The last of these (CCD/512) was submitted by the United Kingdom on 6 August 1976 and contained provisions which seemed to summarize much of the thought expressed by delegations up to that time, particularly as it pertained to possible verification of such a convention. In 1979 and in 1980, the United States and the Soviet Union tabled with the Committee on Disarmament (CD) joint reports (CD/48 and CD/112) which helped to define areas of common agreement.

6. During the 1980 and 1981 sessions of the CD, Canada submitted working papers (CD/113 and CD/167) which served to develop further some of the verification and control requirements for a chemical weapon treaty based on an analysis of activities. CD/167 was seen as a very useful guide outlining what needed to be verified and possible minimum approaches which might be made. Subsequently the Netherlands in CD/203 developed some thoughts on certain aspects of possible verification procedures and the Chemical Weapons Working Group in its final report (CD/220) of the 1981 session summarized progress made in this area.

7. These papers placed before the CD a framework within which to consider in more concrete terms the structure of a verification organization. In this regard working papers of the United Kingdom (CD/244) and the Federal Republic of Germany (CD/265) contributed useful guidance on principles and rules for verifying compliance with a chemical weapons convention. This Canadian working paper proposes an organization which combines the national and international aspects of CW verification in a manner of application which is fair, simple reciprocal and non-discriminatory in nature.

## III. VERIFICATION, SCOPE AND STRUCTURE

8. Each State party to the convention would be expected to provide implementation within its territory through a national implementing authority in accordance with its constitutional processes. Implementation provisions and such national involvement in verification as is required would be undertaken under international direction to ensure equitable implementation within all national territories. The national authority would provide assistance to the international committees and would support international verification measures in order to provide adequate assurance of compliance by and to all States.

9. For the purpose of ensuring compliance with the provisions of the Convention by other States Parties, any State Party would have the right to use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

10. States Parties which possess national technical means of verification would in cases of necessity place the information which they obtained through those means and which is important for the purposes of the Convention, at the disposal of other Parties.

11. Each State Party would undertake not to impede, including through the use of deliberate concealment measures, the national technical means of verification of other States Parties.

12. International measures of verification would be carried out through international procedures in a manner consistent with the United Nations Charter and through consultations and co-operation between States Parties as well as through the services of the International Consultative Committee of States Parties to the Convention.

13. To verify compliance with the terms of the convention dealing with the initial declaration and destruction of chemical stocks and production facilities and with the total and general prohibition of development, production and stockpiling of such weapons three levels of responsibility comprising international and national elements would be required. These elements would, of course, be considered complementary to each other. The structure would include all States parties to the convention and would be set up upon signing of the treaty in order to commence operation upon the entry into force. The structure referred to in this paragraph would consist of the following three elements:

- (a) International Consultative Committee
- (b) International Verification Organization
- (c) National Authorities.

#### IV. INTERNATIONAL CONSULTATIVE COMMITTEE

14. The International Consultative Committee of States Parties to the Convention (ICC) referred to in CD/220 as "the committee", would consist of representatives from all States parties of the Convention. It would be expected to hold regular sessions at least once per year and be prepared to meet at the request of any State party with a view to considering matters connected with the implementation of this convention on verification of compliance with its provisions.

15. Such a Committee would undertake to:

- (a) ensure compliance with the obligations undertaken by States parties to the convention by verifying the execution of measures agreed upon and detailed in the convention and its annexes;
- (b) assist States in developing the details of agreed implementation and verification procedures;
- (c) report to the appropriate body of the United Nations to periodically inform it of the progress achieved in the implementation of the provisions of the convention and promptly notify it of any failure in compliance by States parties with their obligations under the convention;

- (d) provide for the establishment of such advisory bodies as may be necessary for working out the details of further verification measures which will be required as the programme of destruction of stocks and facilities and of the implementation of the other provisions (vis-à-vis chemical weapons production, stockpiling and use) progresses;
- (e) provide for other expert study groups as may be required to give study to the elaboration of the verification process as it applies to chemical weapons and to unforeseen problems;
- (f) receive reports on the progress of the implementation of the programme through approved information exchange and verification arrangements; and
- (g) recruit staff for the Secretariat on an equitable international and geographic basis.

16. The Consultative Committee would be assisted by a small permanent secretariat which would act on behalf of the Committee in the administration and implementation of the verification processes. The secretariat would develop and maintain a system, available to the Committee and to States parties to the Convention, which would document the destruction of declared stockpile and production facilities in the initial phases and the assurances of non-development, production and stockpiling in follow-on stages. The actual verification process, using a number of methods including periodic on-site inspections, as required and agreed upon, would be accomplished by the International Verification Agency.

#### VI. INTERNATIONAL VERIFICATION AGENCY

The International Verification Agency (IVA) would act on behalf of the International Consultative Committee in the verification process and would continue to evolve as its responsibilities developed.

17. It would be supplemented by technical and non-technical experts nominated by States parties. Some experts would be on staff while others would be provided temporarily when required. During the period of destruction of declared stocks and facilities, methods of verification and the number of inspections might vary from that required for the longer-term aspects of the convention. The IVA would be expected to:

- (a) apply a combination of verification methods (remote sensing, on-site inspection, data analysis) to ensure that States parties are adhering to the convention;
- (b) offer support to the national authorities to fulfil their mandates;
- (c) develop a capability to evaluate submissions of national authorities;
- (d) be responsible for the co-ordination of inspections with national authorities;
- (e) receive and validate complaints from member States as directed by the Consultative Committee.

## VII. NATIONAL IMPLEMENTATION AUTHORITIES

18. Each signatory to this convention would be required to maintain a National Implementation Authority (NIA) for implementation and verification of the provisions of the convention. It would be appropriate for each State party to identify a national point of contact for the IVA. For most, however, this national responsibility could probably be met through the use of existing government agencies. In any event these authorities would be expected to:

- (a) have access to a selection of inspection personnel both technical and non-technical;
- (b) be prepared to maintain documentation of the type required to satisfy international verification requirements;
- (c) be responsible for routine monitoring required by the convention;
- (d) receive and assist international inspections determined by the IVA according to the direction of the International Consultative Committee on the provisions of the convention for those activities requiring routine inspections;
- (e) provide data and other relevant information to the IVA for exchange;
- (f) co-operate in providing expertise to the IVA; and
- (g) ensure prompt and effective reception and co-operation if required to host an IVA inspection directed by the International Consultative Committee under complaints procedures.

## VIII. CONCLUSION

19. The verification organization proposed in this paper is based on the four principles of equity, non-discrimination, reciprocity and the preservation of national sovereignty. It should be possible therefore to adopt provisions which will provide adequate security for all States in the conclusion of a chemical weapons treaty.