

THE CWC IN THE CONTEXT OF THE 1925 GENEVA DEBATES

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Over the past decade, the international community has adopted a two-pronged approach to the prevention of chemical warfare (CW). On the one hand, it has agreed on a global disarmament treaty, the 1993 Chemical Weapons Convention (CWC); on the other, it seeks to establish a broad multilateral nonproliferation regime based on the implementation of national export control regulations by participating states. In addition, in its January 1992 summit session, the U. N. Security Council declared the proliferation of chemical weapons¹—as well as other unconventional types of weaponry—to be a threat to international peace and security, thus creating the opening for legal justification of military intervention against such developments.²

This paper first places the CWC in an historical context. Then, it discusses the three issues that preoccupied delegates in 1925 and are still intensely debated during the preparations for the implementation of the

CWC: the distribution of protective means, the international trade in dual-use commodities, and the principle of nondiscrimination between the "haves" and "have-nots." The conclusion argues that due to changing circumstances in both technical and political arrangements among states, the CWC may be able to overcome the obstacles that stymied the negotiations in 1925.

CW DEBATES AFTER WORLD WAR I

Many nations carried out offensive chemical weapons operations in World War I, in some cases despite being unable to produce such ammunition or agents domestically. Consequently, transfers of munitions, agents, knowledge, or technology from one state to another took place. Belgium purchased its chemical munitions in France and Great Britain and, according to contemporary field manuals, integrated captured German shells filled with irritant agents into its doctrine. Bel-

gian representatives participated in inter-Allied meetings on gas warfare and CW trials.³ Similarly, American troops only used chemical munitions supplied by England and France.⁴

After the Armistice, many a politician—despite deeply resenting the novel mode of warfare—felt that he could not afford leaving his country unprepared for the eventuality of CW. In addition, some felt that CW-capable powers should aid smaller countries in meeting the imbalance that would arise if one side held a CW monopoly. While CW was widely despised, some European powers saw assistance in offensive and defensive aspects of CW, as well as the sale of chemicals, technologies, and factories to smaller or less-advanced states, as beneficial to their own national security. Not the number of states with a chemical capacity, but the size of the arsenals of potential enemies was the primary concern.⁵ Rather than today's illicit involvement of private companies from in-

dustrialized nations, direct government-to-government CW-related transactions typified the immediate post-World War I years.⁶

But, even with the defeat of Germany, the continent's strongest chemical industrial power, policymakers had to ponder the security implications of chemical weapons possession in the new European political constellation. Articles 170 and 171 of the Versailles Treaty, for instance, forbade Germany from engaging in both the importation and exportation of arms, munitions, and war material of every kind, and, specifically of chemical weaponry. The treaty, of course, did not envisage a nonproliferation regime. Rather, it laid down conditions on the vanquished that did not affect the victors. The problem at the time was that a well-developed chemical industry symbolized national power and was seen as granting a decisive military advantage. Such capabilities partitioned Europe into industrialized advanced and rural backward societies. Despite widespread expressions of revulsion, policymakers and military leaders understood the security dilemma they faced if one nation were to develop a formidable CW capacity and they failed to take preventive measures. Moreover, they faced questions of how to prevent lesser powers from being blackmailed or forced into submission on the battlefield by an enemy's chemical arsenal.

In spring 1925, the League of Nations convened the "Conference for the Supervision of the International Trade in Arms and Ammunition and in Implements of War" to address the security concerns raised by the international transfer of weaponry. Although not

initially on the agenda, the issue of the transfer of chemical weapons surfaced early. Delegates of great and small powers alike expressed the security dilemma their countries would face if the trade in these materials were to be formally prohibited. Most interestingly, they understood some of the core contentions still bedeviling global nonproliferation policies today and identified their prime cause: the lack of a universal prohibition on the use of chemical weapons. In fact, the 1925 Geneva "Protocol for the Prohibition of Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare" originated from the failure to ban the trade in chemical weapons.

Despite worldwide expressions of horror about CW, the draft documents submitted to the delegations dealt with the trade in more traditional weaponry only. Expressing America's moral concerns regarding the permissibility of CW, the U.S. representative therefore proposed the following amendment at the outset of the deliberations:

The use in war of asphyxiating, poisonous or other gases and all analogous liquids, materials or devices has been justly condemned by the general opinion of the civilised world, and a prohibition of such use has been declared in treaties to which a majority of the civilised Powers are parties. The High Contracting Parties therefore agree absolutely to prohibit the export from their territories of any such asphyxiating, poisonous or other gases, and all analogous liquids, intended or designed for use in connection with operations of war.⁷

The United States also advanced an alternative text that called for

"adequate penalties, applicable in all places where such High Contracting Parties exercise jurisdiction or control."⁸ In addition, the Polish delegation proposed that "any decisions taken by the Conference concerning the materials used for chemical warfare should apply equally to the materials employed for bacteriological warfare."⁹

Policymakers thus did not perceive the export of CW-related materials as a security issue separate from that of the arms trade. Some qualitative distinctions nonetheless existed. As noted earlier, large-scale production of CW agents was seen as an expression of a power's advanced technological and industrial base. CW also met with widespread moral opprobrium.

PROLIFERATION OF PROTECTIVE MEANS AS A SECURITY ISSUE

The first issue discussed during the 1925 conference that relates to the current CW debate is the proliferation of protective means as a security issue. In 1925, during the discussions on the American proposal to ban the trade in chemical weapons, the question arose whether methods or implements for the defense against CW should also be subjected to export prohibitions. The Hungarian delegate noted that the Conference's purpose was but a subset of the broad problem of the general reduction of armaments. CW, however, posed a greater danger for which the antidote, namely protection against poisonous gases, had to be found.¹⁰ As a practical and effective step to render CW ineffective, he proposed to make public,

all discoveries concerning

the methods of defence against this warfare and of making these methods accessible to everyone, even non-combatants in all countries of the world. No one would continue to use a weapon against which his adversary possessed effective means of defending himself. The real danger for a nation was to go to sleep peacefully trusting to an international undertaking and to awake finding itself defenceless.¹¹

In 1925, in view of the lack of a global prohibition on CW, the position had its critics. Specifically, the French delegation argued that the regulation of the methods of defence might be construed as admitting to the possibility of CW, which, in turn, would undermine the "moral and effective scope of the desired prohibition."¹² Hungary consequently withdrew the proposal, while reserving the right to present it another time.¹³

The current CWC debate also involves the proliferation of protective means as a security issue. Abiding by the CWC can place a country in an acute security dilemma. Each state party commits itself individually to the treaty regime, irrespective of whether other states have acceded to the CWC or not. Each renounces CW under all circumstances, including in-kind retaliation. A treaty violation or a chemical threat from a non-state party would consequently create a highly asymmetrical security condition, whereby the appropriate response must be sought in alternative measures. The CWC provides for a range of remedying or preventive actions. For instance, it explicitly authorizes states parties to equip themselves with the most efficient protection against CW agents.¹⁴ Defensive gear such as gas masks

and suits will significantly reduce any military advantage an attacker might hope to gain from chemical weapons use and thus diminish the attraction of CW for potential proliferators.¹⁵ Moreover, to redress an imbalance, Article X, §8 stipulates that each state party has the right to request and receive assistance and protection against the use or threat of use of chemical weapons. In this way, Article X contributes to the goal of universality by assisting those states parties not in a position to acquire protection for themselves.¹⁶

The utility of the proliferation of protection against chemical attacks to reduce the attraction of this mode of warfare was recognized several decades ago. However, to be effective, CW had to be formally delegitimized. In other words, Article X and related provisions in the CWC make up powerful disincentives for potential proliferators but derive their force from the Convention's overall prohibition of CW. Moreover, as the requests for assistance and protection have to be made through the Organization for the Prohibition of Chemical Weapons (OPCW), established under the CWC, a guarantee of universal application has been built in. By itself, the proliferation of protection against chemical weapons would not offer an alternative to global disarmament and only holds limited value as a disincentive for proliferation because many countries do not produce their own defensive equipment.

DUAL-USE COMMODITIES

A second point raised during the 1925 conference, relevant to today's proliferation debates, involved the

widespread civilian applications of many goods covered by the proposed export-control regime. In an immediate statement welcoming the American proposal, the French delegate noted the need "to define, if possible, the characteristics of gases and chemicals which cannot be utilised in war, or of those which can be utilised both for warlike and non-warlike purposes."¹⁷ The conference's Military, Naval, and Air Technical Committee investigated the issue in detail, but was unable to overcome the problems posed by dual-use technologies. The committee sought expert opinion from chemists, who testified unanimously that the CW materials were in everyday use for nonmilitary industrial applications. In the words of its rapporteur, the Committee concluded:

the prohibition of the trade in chemical products is not practicable in the majority of cases, and that, even if it could be effected, it would prove of no avail against Powers possessing a highly developed chemical industry.¹⁸

During the Committee's discussion, the French military representative pointed out that the delegations had paid particular attention to political considerations and expressed his opinion that, from a technical viewpoint, the prohibition of the export of chemical arms was impossible, because "all products used in chemical warfare were merely part of the economic necessities of a country." At best, a provision might be included to ban the export of certain types of shell filled with chemical weapons agents, but the foreign sale of the chemical substances could never be forbidden.¹⁹ Following the argument, the Military, Naval, and Air Technical

Committee adopted a compromise resolution that anticipated a prohibition on the use of CW materials rather than a ban on their international trade.

From the Conference proceedings, it is impossible to deduce whether France's diplomatic language, welcoming but gradually wearing away the initial American proposal on technical grounds, shrouded ulterior motives. For example, France was reported to have delivered an entire filling facility for CW agents to Spanish Morocco in 1921, but refused to sell state-of-the-art agents such as mustard gas, for which Spain eventually turned to Germany.²⁰ In the mid-1930s, Belgium purchased the thiodiglycol for its limited mustard-gas production from the French government.²¹ However, the size of a particular chemical arsenal rather than the number of states possessing chemical weapons was the primary concern.

At the time of the League of Nations Conference, the international situation was already far more complicated than the diplomatic exchanges or these few cases of exports suggest. Both Paris and Madrid were dealing with a prolonged tribal uprising in Morocco, and Spain made widespread use of chemical bombs to quell the rebellion.

Meanwhile, the German *Reichswehr*, which conducted its secret independent foreign policy, was involved in illicit collaboration with Spain and the Soviet Union in violation of the 1919 Versailles Treaty. Neither Great Britain nor France intervened in the German-Spanish CW collaboration because both powers had major stakes in the outcome of the Moroccan uprising

and the resulting control over the Straits of Gibraltar.

The inability to distinguish unambiguously between chemicals used as warfare agents and those that have peaceful industrial purposes rendered any ban on their trade or transfer impractical because of the impossibility of verifying the end use in the recipient state. It was also recognized that the measure was discriminatory because those powers already in the possession of an advanced chemical industry would remain unaffected by the regime and thus increase their superiority in chemical armaments. As the geopolitics of the time demonstrated, even if the technical issue had been resolved, effective implementation of the trade restrictions would have been greatly constrained by short-term security goals. Again, in the absence of a formal global ban on CW, the measures would have had extremely limited impact.

Today, it is still impossible to draw a clear line between those chemical compounds and technologies with legitimate civilian application and those required for a CW program, and therefore to determine which transfers might pose a threat. Moreover, threat assessments are always high in political content, so that a similar transaction between two states might be perceived as more threatening in one case than another.

The CWC has worked around the problem in two ways. First, it categorizes chemical compounds of particular concern in schedules depending on their relative importance for the production of CW agents or for legitimate civilian manufacturing processes. Apart from their importance for verification and reporting routines, the three sched-

ules also form the basis of an export control regime among states parties and between states parties and non-parties. The overriding criterion is, of course, that none of the transactions may contravene the basic purpose of the CWC. End-use is again the object of routine reporting by the state party's National Authority, or, if the need arises, of verification inspections.²²

Second, the workability of this approach again rests entirely on the global ban of CW and any preparations for its use. Consequently, it becomes possible to distinguish between permitted and prohibited activities and is no longer necessary to determine the intrinsic threat posed by a chemical compound. It is fundamental that within the restrictions imposed by the treaty regime, all states parties have equal access to these chemicals and other materials. Discrimination only exists with non-state parties, and may be viewed as an added incentive to join the CWC. As the Convention calls for the abolition of other existing export-control regimes, and all states are expected to comply with the treaty provisions, there is no room for geopoliticking with the transfers as in the 1920s, at least in theory.

NONDISCRIMINATION BETWEEN "HAVES" AND "HAVE-NOTS"

A third concern that enters the debates on banning chemical weapons is dealing with the disparity between those countries that possess the capability to produce chemical weapons and those that either do not have that capability or have not chosen to produce such weapons. This concern in turn raises issues about

the role of the treaty in international development efforts.

In 1925, upholding the principle of equality was one of the major reasons why the international community decided against banning trade in implements of CW and concluded the Geneva Protocol instead. When submitting the amendment, the U.S. delegate was fully aware of the problem:

The prohibition of exportation would make it possible for producing nations to supply themselves with these very barbarous implements of warfare while the non-producing nations would be denied the opportunity of doing so. I am sure it will be one of the main objects of this Conference to place the producing and non-producing countries, if possible, on the same footing, in accordance with the principle of equality.²³

The precept, which conformed to the spirit of the Covenant of the League of Nations, emerged on different levels as the frame of reference for any proposal. Greece submitted to the conference's General Committee the principle of equal treatment between producing and nonproducing countries alike as a touchstone for the convention under consideration.²⁴ The Turkish representative, echoing some earlier remarks by his Brazilian colleague,²⁵ summarized the security dilemma with specific reference to the American proposal to prohibit the transfer of chemical weaponry:

It is important that a prohibition to export should not place a producing State in a position of advantage as compared with a non-producing State.²⁶

At the core of this security dilemma lay an absence of a general principle absolutely prohibiting the use of chemical weapons in war un-

der all circumstances. In other words: "merely to prohibit the export of gas would not prevent its use."²⁷ The Japanese delegation stated unequivocally that the ban on the export of such substances implied "the formal recognition that the prohibition to use asphyxiating or noxious gases, poisonous liquids, bacteria, and other similar methods, constitutes an integral part of International Law."²⁸

Existing laws of war—notably the 1899 and 1907 Hague Conventions "Respecting the Laws and Customs of War on Land," which outlaw the application of poison or poisoned weapons and the 1899 Hague Declaration (IV, 2) "Concerning Asphyxiating Gases"—had proven of little value during the First World War. Moreover, they were only legally binding between states parties. The period between the Armistice and the 1925 League of Nations conference saw the emergence of two international agreements prohibiting the use of chemical weapons among the contracting parties. The first, the 1922 Washington "Treaty Relating to the Use of Submarines and Noxious Gases in Warfare," was signed by some leading Allied powers but never entered into force for reasons unrelated to the provision on CW. The second, the 1923 "Convention on the Limitation of Armaments of Central American States," had only regional scope.

As long as this situation persisted, many countries felt unable to discontinue efforts to manufacture CW agents because particular wartime conditions may have permitted CW without any violation of international law.²⁹ The Italian delegate stated flatly that in view of the impossibility of prohibiting the trade

in materials required for CW and of sanctioning the violator, he would not cast his vote in favor of any such provision. However, his country was fully prepared to support any initiative that would lead to the abolition of CW.³⁰ By June 1925, the negotiators had recognized the impossibility of a prohibition on the export of materials relating to chemical and biological warfare without a universal ban on their use, and thus proceeded to negotiate the Geneva Protocol.

Interpretations of the CWC

The function of the CWC is open to diverging views. Some countries may see the treaty as primarily addressing security issues such as proliferation while another group treats it as an instrument to facilitate the trade in chemicals and technology.³¹

Most Western states reject the position that the CWC's resolution of certain security concerns should be linked to programs supporting economic and technological development in the field of chemistry. In particular, they are reluctant to abolish other existing chemical weapons nonproliferation regimes until they are satisfied that suspected proliferators are complying with the Convention. These Western states base their position on the argument that Article I takes precedence over Article XI. Article I does not allow states parties "to assist, encourage or induce, in any way, anyone to engage in any activity" outlawed under the Convention; Article XI states that states parties shall "not maintain among themselves any restrictions, including those in international agreements, incompatible with the obligations undertaken under this Convention, which would

restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes." The latter paragraph's introductory sentence, however, places Article XI in the context of the CWC's other provisions and "the principles and applicable rules of international law," giving the Western position added credibility.³²

In other words, the presumption of chemical weapons proliferation by a state may trigger preventive action such as the restriction of trade relationships, in order not to assist the prohibited activity. The position, however, suffers from an unclear definition of proliferation and criteria by which a state can be deemed a proliferator. In addition, it is unclear who will certify a state party's compliance with the Convention, namely some major power unilaterally or the OPCW? It furthermore seems to doubt the efficacy of the CWC's verification and reporting mechanisms. Consequently, the position introduces a new line of discrimination between those countries already possessing an advanced chemical industrial base and those still developing it. As such, it echoes many an argument about the equity of the nuclear Non-Proliferation Treaty and the Biological Weapons Convention and risks creating another fault line between North and South.³³ This attitude can discourage many governments from joining the CWC treaty regime. Consequently, the lack of universality could defeat the CWC's major aim: offering enhanced security to the global community.

CONCLUSIONS: LESSONS FROM THE LEAGUE OF NATIONS DEBATES

To summarize, in less than eight weeks of deliberations, the negotiators at the League of Nations conference identified some key obstacles to the establishment of an effective international export control regime to prevent CW. In 1925, chemical weapons had not yet been defined as an instrument of mass destruction threatening global security. The delegates nonetheless recognized the arms category to be a particular concern for national security, especially since the necessary scientific and industrial base tended to differentiate between the power status of nations. However, in the absence of a firm condemnation of CW, aiding smaller or weaker nations to deter a potential chemical threat was viewed as in the leading powers' national security interest because it reduced the overall attractiveness of chemical weapons.

The negotiators also accepted the consequences of their conclusions. By agreeing to the ban on use enshrined in the Geneva Protocol, they moved to lay the foundation of a global ban on the entire category of weapons. However, the projected disarmament treaty never materialized because of the failure of the League of Nations' arms reduction conference in the 1930s. The 1925 Geneva Protocol did not address the issue of production or possession. As a contract with limited scope among signatory states only, it did not remove the grounds for chemical armament. On the contrary, the rationale for CW was reinforced from the standpoint of legitimate defense. The reservations attached

by many countries reflected security concerns and effectively reduced the value of the document to a no-first-use pledge.

To negotiators in 1925, the 1993 CWC would have appeared the ideal solution to their concerns regarding an international ban on the trade in implements for CW. Not only does the CWC prohibit use, but it also delegitimizes any preparation to wage chemical warfare. Moreover, the Convention provides for far-reaching verification measures, making it very difficult for the recipient of chemicals and other related goods to misuse them for proscribed purposes. Yet, today some governments feel that a universal prohibition offers insufficient security guarantees and advocate a supplementary nonproliferation regime. What factors may have caused this major shift of perceptions between the 1920s and the present?

One factor, which undoubtedly plays an important role, is the ideological perception of the value of international cooperation and organizations in providing adequate security for states. Five decades ago, the belief in international collaboration to prevent war was great, but states nonetheless practiced self-reliance to ensure their security. This view permitted the greater powers to assist in the development of CW programs of smaller or less-developed countries, because their capacities, albeit small, contributed to the overall security system. Today, nations have formed a formal international security structure based on a common security policy instead of absolute self-reliance, and have abandoned their CW armament programs in the process.³⁴ Realism in post-World War II international

security politics, however, has introduced far greater reservations, if not suspicions, about the motives of states in international collaboration. Thus, the emergence of new CW powers would create a fresh security dilemma that all participants wish to prevent. Precisely this dilemma has created the feeling among some governments that an export-control regime must be maintained to supplement the CWC, despite the inherent inequalities that this will perpetuate among states parties.

Second, as the discussion of the 1925 League of Nations conference revealed, a ban on the international trade in implements for CW was proposed essentially because contemporary international law was felt to be inadequate to deal with the chemical scourge. The trade initiative was abandoned precisely because an international regime delegitimizing CW was a prerequisite. By adopting the Geneva Protocol, the delegates moved to create the right conditions for the disarmament treaty envisaged for the 1930s.

The CWC, by rejecting any hampering of economic and technological development of states parties and supporting international cooperation in the field of chemical activities, promises to stimulate scientific, technological, and industrial preconditions for CW armament programs. The convention, therefore, does *not* consider the mere presence of these preconditions in a particular country as constituting a threat to international security. This is the logical outcome of a clear policy decision that states parties have made when acceding to the treaty. It is also a prerequisite for treating countries equally with re-

spect to their economic interests under the CWC regime.

The CWC, as a treaty aiming at deproliferation, holds the best promise for reducing chemical threats worldwide by building an environment of confidence and security. Some of the instruments it will employ, apart from verification, are aid and assistance in the area of CW defenses and in case of an attack, and equal access to dual-use chemicals and technologies for all states parties. In that sense, the CWC will influence the demand-side of the proliferation process with positive incentives. As the negotiators in 1925 came to realize, non-proliferation policies without a global prohibition on possession and use may well be a futile endeavor.

¹ Chemical weapons are defined here as anti-personnel, casualty-causing, poison-agent weapons. Excluded from this usage are flame-throwers, incendiaries such as napalm, obscurant smoke, herbicides, and riot-control agents, which feature in the definitions advanced in some armed forces manuals. The two latter categories are the subject of officially sanctioned transfers to other states when intended for riot-control and law-enforcement purposes (e.g., police interventions during demonstrations or the spraying of coca fields in Latin America).

² *High-Level Meeting of the Security Council: Note by the President of the Security Council on Behalf of the Members*, U.N. Security Council Document S/23500, January 31, 1992.

³ Jean Pascal Zanders, "The Destruction of Old Chemical Munition in Belgium," paper delivered at the conference "The Challenge of Old Chemical Scrap-Munition and Toxic Armament Wastes" organized by the Stockholm International Peace Research Institute at Munster, F.R.G., October, 18-21, 1993 (proceedings forthcoming).

⁴ Letter dated October 27, 1983, from T. S. Gold, Deputy Assistant to the Secretary of Defense (Chemical Matters), addressed to Captain Joseph R. McClary, Navy Office of Legislative Affairs.

⁵ Edward M. Spiers, *Chemical and Biological Weapons. A Study of Proliferation* (Basingstoke: MacMillan, 1994), pp. 9-10.

⁶ For identification of the different actors and processes involved in different generations of CWW proliferation see, Jean Pascal Zanders, "Towards Understanding Chemical-Warfare Weapons Proliferation," *Contemporary Security Policy* 16 (April 1995), pp. 91 ff.

⁷ *Proceedings of the Conference for the Supervision of the International Trade in Arms and Ammunition and in Implements of War. Held at Geneva, May 4th to June 17th, 1925*, League of Nations, Document A. 13. 1925. IX, September 1925, p. 155.

⁸ *Ibid.*, p. 161.

⁹ *Ibid.*, p. 161.

¹⁰ *Ibid.*, p. 157.

¹¹ *Ibid.*, p. 530. The Hungarian delegate also clarified that his proposal only concerned means of personal defense, i.e. gas masks, not the defensive use of gas.

¹² Statement by the French delegate, *Ibid.*, p. 533.

¹³ *Ibid.*, p. 534.

¹⁴ For instance, Article II, §9(b), which states that "protective purposes" are not prohibited under the CWC, Article X, §2, which states that nothing in the CWC will be interpreted as impeding the right of a state party to provide itself with means of protection against chemical weapons, and the Verification Annex, Part VI, §2(a), which allows production, acquisition and retention of Schedule 1 chemicals *inter alia* for protective purposes; §3, which allows the transfer of these chemicals to other states parties for such purposes; §8, which allows for the establishment by a state party of a single small-scale facility for the production of Schedule 1 chemicals for these purposes; and §10, which permits production for protective purposes of Schedule 1 chemicals in aggregate quantities not exceeding 10 kg per year at one facility outside the single small-scale facility.

¹⁵ See for instance, Herbert C. De Bisschop, "The Role of Anti-Chemical Protection in Deterrence and the Need for Protection after a Global Chemical Convention" in Jean Pascal Zanders, ed., *The 2nd Gulf War and the CBW Threat, Proceedings of the 3rd Annual Conference on Chemical Warfare*, Vredesonderzoek, Special Issue, (Interfacultair Overlegorgaan voor Vredesonderzoek, Vrije Universiteit Brussel, November 1995), pp. 165-169.

¹⁶ Walter Krutzsch and Ralf Trapp, *A Commentary on the Chemical Weapons Convention* (Dordrecht: Martinus Nijhoff Publishes, 1994), p. 201.

¹⁷ *Proceedings* [...], p. 156.

¹⁸ *Ibid.*, pp. 308-309. See also the Committee discussion at pp. 531-532 and Annex 4, "Report of the Military, Naval and Air Technical Committee on Chemical and Biological Warfare" (Rapporteur: General de Marinis (Italy)), pp. 739-740.

¹⁹ *Ibid.*, p. 540.

²⁰ Rudibert Kunz; Rolf-Dieter Müller, *Giftgas*

gegen *Abd el Krim. Deutschland, Spanien und der Gaskrieg in Spanisch-Marokko 1922-1927*. Einzelschriften zur Militärgeschichte 34 (Freiburg im Breisgau: Rombach GmbH + Co Verlaghaus KG, 1990), p. 59.

²¹ Zanders (October 18-21, 1993).

²² The relevant passages in the CWC are: Article I, §1(a) and §1(d); Article VI, §2; Article VII, §1(c); and Article XI, §2(e). The schedules are defined in the "Annex on Chemicals" attached to the CWC. The regimes governing the transfer of chemicals are detailed in the Verification Annex, notably Part VI, B for Schedule 1 chemicals, Part VII, C regarding the transfer of Schedule 2 chemicals to non-state parties, and Part VIII, C regarding the transfer of Schedule 3 chemicals to non-state parties. The import and export of Schedule 2 and 3 chemicals to other states parties are the subject of the initial and annual declarations to be submitted by each state party (Part VII, A and Part VIII, A respectively).

²³ *Proceedings [...]*, p. 155.

²⁴ *Ibid.*, p. 161.

²⁵ *Ibid.*, p. 156.

²⁶ *Ibid.*, p. 162.

²⁷ Statement by the representative of the British Empire in the Military, Naval and Air Technical Committee. *Ibid.*, p. 533.

²⁸ *Ibid.*, p. 162.

²⁹ Interventions by the representatives of the Kingdom of the Serbs, Croats and Slovenes and Italy in the Military, Naval and Air Technical Committee. *Proceedings [...]*, pp. 529 and 531.

³⁰ *Ibid.*, p. 315.

³¹ Thomas Stock and Anna De Geer, "Chemical Trade Control and Article XI of the CWC" [<http://www.sipri.se/projects/group-cw/Paper-4.html>], June 1994.

³² Krutzsch and Trapp, pp. 214-215.

³³ Samir K. Sen, "Controlling Non-nuclear Weapons of Mass Destruction: Problems and Prospects in a Changing World," *Comparative Strategy* 15 (1996), pp. 174-175.

³⁴ This trend is certainly observable for the European NATO-member states, many of whom had active CW armament programs during the *interbellum*. Similarly, if one observes the Gulf region, states that are highly dependent on an outside power (cf. the conservative monarchies) for their security display are far less associated with CW proliferation than the revolutionary regimes, which seek to meet each security challenge independently. (Jean Pascal Zanders, "Dynamics of Chemical Armament: Towards a Theory of Proliferation," Ph.D. diss., Vrije Universiteit Brussel, 1996.)