FOCUS

Hyping Chinese Espionage

With little evidence and flawed logic, the Cox Report has concluded that China, exploiting purported U.S. nuclear weapons design information, can now match U.S. nuclear weapons technology and emerge as a major nuclear threat to the United States. The report, presented in three lavishly illustrated volumes suitable for coffee table display, is clearly designed to hype a new Chinese nuclear missile threat rather than objectively examine the extent and implications of alleged Chinese nuclear espionage. Whatever the truth about the extent of the espionage, this extreme worst-case assessment is grossly misleading and threatens rational U.S. diplomatic and defense policy toward Beijing.

The report’s case rests primarily on a reference in a classified Chinese document to certain aspects of the design of the Trident D-5 missile’s W-88 thermonuclear warhead, which indicates Chinese access to classified information from an unidentified source.

However, Cox Committee member Representative John Spratt (D-SC), in an act of considerable political courage, has revealed the paucity of evidence supporting the report’s stark conclusions and pointed out that the Cox Committee had no evidence that the Chinese had actually obtained any blueprints or detailed engineering specifications on the W-88 or any other U.S. thermonuclear weapon. This important conclusion was also reached by the intelligence community in its damage assessment of the material presented in the classified version of the report.

While China would undoubtedly profit from the details of the W-88, Beijing would pay steep price to make a “Chinese copy” of the sophisticated W-88, which does not match Chinese strategic needs and cannot be built with the necessary precision. The report fails to recognize that China, with a substantial nuclear weapons program and 35 years’ experience since its first test in 1964, already has the ability to develop small thermonuclear warheads based on its own technology. Such warheads would be suitable for China’s anticipated, more survivable mobile ICBM or for future MBIRW missiles if it decides to develop them. Consequently, even if Beijing did obtain the detailed blueprints for the W-88, which is pure speculation, this would not change the limited Chinese nuclear threat to the United States that has existed for almost 20 years.

The report’s feigned outrage with China’s alleged efforts to steal U.S. nuclear secrets is a non sequitur: in a world of nuclear proliferation, one cannot tolerate violations of nuclear non-proliferation agreements. The report has created a cottage industry of recommendations on how to solve this difficult problem. But the answer certainly does not lie in creating insulated, Soviet-style nuclear enclaves where many of the brightest U.S. scientists would not work.

The report also attacks China and the international community for its views on nuclear arms control and non-proliferation. China’s statement that the United States should move toward non-proliferation with the same energy it applies to arms control is not unreasonable. The United States has agreed to non-proliferation with all 195 parties to the Nuclear Non-Proliferation Treaty and at the same time has conducted one-third of all the nuclear tests since 1950.

The Cox Committee is as concerned about Chinese espionage as it professes, it is puzzling that it chose to reject Spratt’s proposal to recommend ratification of the CTB Treaty, which would prevent future Chinese tests from exploiting alleged purified information. Experts agree that no rational state would risk producing thermonuclear weapons based on information, including even blueprints and full technical specifications, obtained from another state without tests, and would not rely on another country’s computer codes to simulate the detonation of a device as a surrogate for actual testing. The U.S. Senate now has the opportunity and responsibility to correct this glaring omission in the next round of the test ban treaty, which Senate Foreign Relations Committee Chairman Jesse Helms has held hostage—advancing his own agenda—for nearly two years.

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The CWIC at the Two-Year Mark:
An Interview With Dr. John Gee

In the little more than two years since it entered into force on April 29, 1997, the Chemical Weapons Convention (CWC) has become one of the most widely adhered to arms control treaties in the world. The Organization for the Prohibition of Chemical Weapons (OPCW), established to oversee implementation of the convention, has been working steadily to fulfill the CWC’s extensive verification and inspection mandate and push for treaty universality.

In late May, Dr. John Gee, OPCW deputy director-general, was appointed acting director-general during a short leave of absence by José Bustariti. Dr. Gee, a former IAEA senior official, brings extensive experience in arms control and degrees in chemistry. He played the principal role in the day-to-day administration of the treaty Secretariat and served as the chief policy advisor to Mr. Bustariti.

Born in Launceston, Tasmania, Dr. Gee joined the Australian Department of Foreign Affairs in 1971 and served in various missions in Cairo, Moscow, New Delhi and Bangkok. He began his involvement in chemical weapons disarmament issues with the Foreign Service in 1982, and has continued amid other assignments. From May 1991 to April 1993, Dr. Gee was a member of the UN Special Commission on Iraq (UNSCOM), serving in 1991 as UNSCOM’s coordinator of the CBW Working Group. In April 1993, he was appointed director of the Verification Division of the OPCW’s Provisional Technical Secretariat, and deputy director-general in May 1997.

On May 28, Arms Control Today editor Tom Pfeiffer spoke with Dr. Gee about the first two years of the convention’s operation and the road ahead.

The following is an edited version of their conversation.

Arms Control Today: What is the current status of the CWC and what are the accomplishments of the OPCW during its first two years of operation?

John Gee: The Chemical Weapons Convention is built on four main pillars: first, the destruction of existing stockpiles and chemical weapons production capacity and the verification of this process [Articles Ill, IV and V]; second, non-proliferation [Article VI]; thirdly, assistance and protection [Article X], and fourthly, international cooperation in the peaceful uses of chemistry [Article XI]. All four are interrelated. Because of the very strict and demanding timelines in the convention in relation to the first two in particular, we have had to devote much more attention since entry into force to the disarmament and non-proliferation pillars. Our programs in the Article X and XI areas are, however, now also starting to be developed and to gather momentum.

As of today, Friday, May 28, which is 759 days after entry into force, we’ve completed 475 inspections at 278 sites in 29 states-parties, for a total of just over 30,000 inspector days since we commenced inspection operations almost exactly two years ago, on June 1, 1997. We have carried out all of the initial inspections of the chemical weapons-related facilities that were declared to us by three possessor states at entry into force, and in January 1998 by the Russian Federation, which ratified the convention in November 1997.

We have carried out initial inspections at 33 chemical weapons storage sites and 63 chemical weapons production facilities or former chemical weapons production facilities. The purpose of these inspections was to verify that all the facilities were for peaceful purposes and to establish a baseline for ongoing routine re-inspections since then. We have a continuous monitoring presence at three operating chemical weapons destruction facilities in the United States. We have also monitored, as required, destruction operations at five non-operationally operating sites in the United States, and we have begun monitoring destruction operations in another state-party, which has just started destroying its chemical weapons. We have also conducted industry inspections. We have carried out all the initial inspections of the declared Schedule 1 facilities. We are now working on the way to completing the initial inspections of declared Schedule 2 facilities. As you know, all initial inspections of Schedule 2 facilities have to be carried out, if possible, within the first three years after the entry into force of the convention. We currently have approximately 120 declared Schedule 2 facilities, and we have carried out the initial inspections at just over 100 of them. We have also begun the inspection of Schedule 3 facilities. So the verification regime is proceeding very satisfactorily at the moment.

ACT: What have been the priorities for the OPCW leading to the two-year mark in terms of establishing the inspection regime?
Gee: From the Secretary's point of view, we have learned a number of things. The first of these is that multilateral verification carried out by a multinational agency like ours not only works but works well. We have an inspection force of approximately 200 inspectors from over 50 different nationalities. They underwent a very thorough five-month training course before they joined the organiza-
tion. I think that has paid off in terms of making them good inspectors and well equipped to carry out their task.

The second element that we've learned is that a cooperative approach can be difficult but for different reasons. It's more difficult to answer the question of complexity of the problem in both cases, and because there are important differences between the two cases. In the U.S., the destruction program is by now very firmly estab-
lished and destruction is proceeding on the basis of the baseline technology of high-tem-
perature incineration. There are three de-
struction facilities already in operation and there is a relative lack of progress in the destruction program. If the U.S. has not yet been able to met the timelines that are set out in

our approach is simply to assist the state-party to ensure that all the facts that have to be laid out on the table are addressed. That's not to say that problems don't arise from time to time in the course of inspections—they do. But in the great majority of cases they are solved pretty quickly. So I think that's been a considerable achievement. Also, our inspectorate is an independent body. All of our inspectors are international civil servants on the OPCW, they are not experts on loan from member-states.

From the point of view of the member-states, I think they too have learned something. There was a great deal of concern prior to entry into force, particularly from state-parties that had never had inspections before, about the intrusiveness of the on-site inspection process, particularly given the provisions of the convention, which are very stringent indeed. A lot of them have now concluded that the experience isn't as bad as they thought it might have been. So that in itself has also been a helpful development.

ACT: Have there been any surprises so far in the initial declarations that have been received by the OPCW?

Gee: There have been some or two small surprises. But what is sig-
nificant is the fact that the declarations have been made and the key parts of each state-party's declaration are available to all other state-parties. That, I think, has been a considerable confidence-building measure because it has, within the strict confidentiality provisions of the convention, enabled states-party to see what other states have declared and, if necessary, to seek clarifi-
cation. This process has answered a lot of questions that were out there prior to entry into force. Frankly, prior to entry into force, before state-parties made their declarations, all that other coun-
tries had to go on were press reports and intelligence estimates and so forth. The whole process of having declarations available to other states-parties has been a great success and a very substantial confi-
dence-building measure.

ACT: What is your assessment of the current destruction timetable for the CWC? Do you have a sense now of how realistic the time-
table really is?

Gee: The convention requires that destruction of chemical weap-
on based on Schedule 1 chemicals should start not later than two years after the convention enters into force for the state-party. De-
struction of unfilled chemical munitions must start not later than one year after the state-party joined the OPCW. For three states-

ACT: Are there other state-parties that now face the problem of aban-
doned chemical weapons? Can the experience of China and Japan apply to these cases?

Gee: By the end of last year six states—Belgium, France, Germany, Italy, Japan and the United Kingdom—submitted decla-
rations of old chemical weapons on their territories, while three states—China, Panama and Italy—submitted declarations of abandoned chemical weapons on their territories. Japan notified the OPCW of its abandoned chemical weapons in China.

There are substantial numbers of old chemical weapons that were used during World War II, albeit in a very limited theater, ba-
sically northern France and Belgium. Germany has also declared the presence of old chemical weapons on its territory. During World War II, enormous numbers of chemical munitions were produced and stockpiled for transportation of weapons, but in most cases never used. But quite often at the end of World War II they were disposed of in situ rather than taken back to the states that produced them. Sometimes they were dumped at sea, sometimes they were burned in open pits, but sometimes they were just simply forgot-
ten about. Unfortunately, the latter pop up from time to time, as happened, for example, with some U.S. chemical munitions dat-
ing from World War II, which were discovered in the Solomons Is-

ACT: The CWC destruction process won't include those munitions that have been dumped into international waters. Do you have any idea about the scope of that problem?
ACT: There are many countries that signed the CWC but have not yet ratified it. What do you believe are the reasons they have not yet ratified it?

Gee: When you look at the number of states-parties that we have and also the number that have not ratified it, many of those were very successful indeed. We will soon have 125 states-parties; Estonia ratified just two days ago, bringing the total to 125. We have a further 45 signatories and we are hoping that maybe by the end of this year we will have 170 members of the international community that have either signed or ratified the convention. It is important to respect the ratifications of the non-states-parties. We also follow up with an effective direct contact with representatives here in The Hague and also in capitals. This approach has also been successful, most re- cently with Malaysia and Indonesia. In the case of Sudanese here in The Hague. It was successful also in Nigeria’s case. I visited Kazakhstan and Malaysia last year and they both assured me that they are very interested in the process of the CWC, and they are very interested in the convention and politically there is no problem. It’s just a question of bureaucratic delay and assigning it the necessary priority. Our Ex- ecutive Director, Mr. Hills, and the Chemical Weapons Convention Assistance Division run a number of seminars on an annual basis in various countries and regions of the world, and we invite both signatory and the non-signatory countries—most of them—to go to the goal of the elimination of chemical weapons, but we don’t have any and therefore membership in the OPCW is not as high a priori- tity for us as some other arms, and I think what we have to do and what we try to do is persuade them of the benefits of joining the convention, and perhaps they might even do it with the help of the Chemical Weapons Assistance Division.

One of the things that will assist universalism is seeing the convention implemented successfully and realizing that there is some- thing worse than not having signed the convention in terms of the cost, the limitation and the non-participation in the inspection processes in relation to trade in chemicals that appear on the schedule.

ACT: How has the 10th anniversary of the convention’s entry into force [April 29, 1999] changed the director-general’s viewpoint of the convention?

Gee: Twenty years of the OPCW has brought many changes to the organization and the director-general. From that perspective then, our convention becomes the most widely ad- hered to arms control-disarmament convention after the nuclear Non-Proliferation Treaty [NPT]. I think only the Biological Weapons Convention [BWC] comes close in terms of the number of states that have signed and ratified. That’s a pretty impressive achievement for the OPCW. The reason that it received that recognition is that when you consider how long it took to get the membership of the NPT that we have today—over two decades—we’ve managed to achieve much more in a shorter period of time. If you look back to the early years, this due to the universal character of the convention and also, of the times in which we live and the desire of the international community to eliminate chemical weapons.

I want to assure you that we assign a very high priority to achieving universal adherence to the convention. In fact, the first official visit that the director-general and I made together, after the entry into force of the convention and the establishment of the OPCW was, in fact, in September 1997 to two non-states-part- ties—Russia and Ukraine. They were the two signatory states at that stage but they hadn’t ratified it. I am pleased to say that both of them have since done so. As for the states that have signed but not yet ratified, we continue to take every opportunity in our resources and means to do whatever we can to get them to ratify. Our resources are not unlimited, so we have to prioritize. We are also in contact with the other 23 states that have neither signed nor ratified.

We carry out our contacts with all non-states-parties through a number of channels. When the director-general goes to New York each month for the meetings of the UN General Assembly, First Com- mittee, he takes advantage of his presence there to talk to the rep- resentatives of the non-states-parties. We also follow up with an er- direct contact with representatives here in The Hague and also in capitals. This approach has also been successful, most re- cently with Malaysia and Indonesia. In the case of Sudanese here in The Hague. It was successful also in Nigeria’s case. I visited Kazakhstan and Malaysia last year and they both assured me that they are very interested in the process of the CWC, and they are very interested in the convention and politically there is no problem. It’s just a question of bureaucratic delay and assigning it the necessary priority. Our Ex- ecutive Director, Mr. Hills, and the Chemical Weapons Convention Assistance Division run a number of seminars on an annual basis in various countries and regions of the world, and we invite both signatory and the non-signatory countries—most of them—to go to the goal of the elimination of chemical weapons, but we don’t have any and therefore membership in the OPCW is not as high a priori- tity for us as some other arms, and I think what we have to do and what we try to do is persuade them of the benefits of joining the convention, and perhaps they might even do it with the help of the Chemical Weapons Assistance Division.

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to the next step if the state-party wants to do so. If it feels that this process of bilateral discussions has not yielded all the answers, it can then formally request that the Executive Council assist in clarifying any matter that it may think has not been adequately covered. I think it would be fair to say that we're seeing at the moment is a process that is confined to individual state-parties approaching other state-parties, with the possibility that some state in the future could approach the council and ask it to attain clarification, but so far it hasn't happened.

"It's very important, as I mentioned earlier, that the U.S. provide us with its industry declaration as soon as possible so that the issue of non-compliance can be removed, because it's threatening to become a very divisive issue."

ACT: During the Third Session of the Conference of States-Parties (November 16-20, 1998), some delegations had expressed concern over the non-compliance of states-parties in submitting their initial declarations or submitting incomplete declarations. How many states now do you consider to be in non-compliance and what is the OPCW doing to correct that?

Gee: The current situation is that approximately 25 percent of our member states have declared in full accordance with the declaration requirement as set out in Article III, which holds coverings of holdings of chemical weapons, chemical weapons production facilities, old and abandoned chemical weapons facilities, and chemical weapon and toxic agent control agents; and Article VI, which covers portions of the commercial chemical industry. There is a number of other declarations or notifications that are required as well. For example, states-parties are required to inform the OPCW of their national authority of the designated point of entry; of a special diplomatic or consular representative to be in charge of these matters; and other things. Here the record is even worse, if that's the right term. Both the conference and the Executive Council have expressed concern over the states-parties that have not yet made declarations to do so as soon as possible. They have published, for themselves, a list of states-parties that have not declared in full, and the states-parties that have not made declarations to do so as soon as possible. We have offered assistance to do so. We have established a network of "declaration experts," that is, experts from the Secretariat and states-parties in various regions around the world who can be sent on request to assist states-parties with their declarations. A number of states-parties have already requested, and received, such assistance.

Clearly, from a political point of view it's undesirable to have a situation where approximately one-quarter of our states- parties have not made the declarations required of them. On the other hand, most of the countries would, on any objective yardstick, consider that we have not made the declarations necessary. It's true that there are not all that serious. But in a political sense, of course, they are, and that's what the most important thing.

As to who's made an incomplete declaration, well, it's not always clear what an incomplete declaration is. But unfortunately the United States is the one country that has clearly not yet made a complete declaration because it hasn't yet provided us the required declaration for its chemical industry. Anyway, we've been very happy that the existing U.S. position, that the U.S. implementation legislation was passed last October, and we have been informed that the requisite executive order is likely to be signed by President Clinton. The process is therefore moving along. That should pave the way for the U.S. to make its industry declaration in the very near future, which would be a significant boost to the convention.

ACT: From the OPCW's perspective, what exactly is the nature of the problem with the U.S. implementing legislation? What effect, if any, has it had on the implementation of the convention?

Gee: There are three problems, two regarded as substantial. The third is also important but perhaps not in quite the same category as the other two. The first one is Condition 18, under which the United States Senate decided that we not challenge any sample collected by the OPCW in the course of its inspections activities in the United States would be taken out of the country for analysis at our network of laboratories. This is a problem because if we have a sample that was collected in the United States, it would be difficult to conduct the inspection on that sample, which is not so much a question of strict incompatibility with the language of the convention because the convention talks about off-site analysis. But it was always concerned with the aftercare. The Preparatory Commission believed that off-site meant, in effect, out of country, and all of our analytical procedures and the work that has gone into setting up our network of designated laboratories in Iraq are based on the assumption that we carry out analysis of samples taken off-site was based on that premise. While no other country has followed the United States in removing the preface provision, a number of states-parties have indicated to us informally that if these things remain, then they may well themselves take similar action.

Faced with this problem, the U.S. implementation legislation is in relation to the low concentration limit set for the declaration of Schedule 3 chemicals, which is 80 percent. While there is no concentration limit set for the schedule 3 limit, it could only have a much lower figure, in the vicinity of 20 to 30 percent. It is hard to see how the figure of 80 percent could be considered "low."

ACT: So no other state-party has placed unilateral conditions on its own implementation?

Gee: Not to my knowledge. Some states have hinted informally to us that they've contemplated doing so, but to my knowledge so far nobody has done that.

ACT: How would the OPCW deal with the issue of other state-parties declaring unilateral conditions in their implementation of the convention?

Gee: That's not clear at this stage. There has not been a great deal of discussion on the issue within the OPCW's policy-making or
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Divisions and Doubts
At the Third NPT PrepCom
Rebecca Johnson

Special Section: The Cox Report
Overview Summary Text and Related Documents, and Commentaries by:
- Representative John M. Spratt, Jr.
- Jonathan D. Pollack
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Arms Control Today

Volume 29, Number 3  April/May 1999

U.S. $6.00, Canada $7.00

A Publication of the Arms Control Association