

Bern, 18. Dezember 1992

## Beratungen der Australiengruppe, 8. - 10. Dezember 1992

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### 1. Übersicht

Die 22 Mitglieder der Australiengruppe trafen sich vom 8. bis 10. Dezember 1992 auf der australischen Botschaft in Paris, um Massnahmen zur Verhinderung der Verbreitung chemischer und biologischer Waffen zu beraten.<sup>1</sup>

Nachdem an früheren Sitzungen gemeinsame Kontrolllisten für sensitive Dual-use-Güter beschlossen werden konnten, standen am Dezembertreffen Fragen der Implementierung der Kontrollen sowie der Zukunft der Australiengruppe nach Abschluss der Verhandlungen über eine Chemiewaffenkonvention (CWC) im Vordergrund.

Einigkeit bestand darüber, dass die Arbeit der Australiengruppe auch während der kommenden Jahre ihre Bedeutung behalten wird; insbesondere ist es gegenwärtig noch nicht möglich, zu beurteilen, wie wirksam die CWC und die zu schaffende internationale Behörde in Den Haag funktionieren werden. Die Aufnahme neuer Mitglieder (Argentinien, Ungarn) und vermehrte Transparenz über die Arbeit der Australiengruppe sollen über die programmatischen Erklärungen hinaus positive Signale für die bevorstehende Unterzeichnung der CWC setzen.

Weil das Dezembertreffen einen betont politischen Charakter aufwies, sind hängige technische Beratungen verschoben worden. Das Junitreffen 1993 wird deshalb neben dem traditionellen Informationsaustausch und dem Policy Meeting gleich vier Expertengruppen aufweisen (Chemikalien, Chemische Anlagen, Biologische Güter, Licensing/Enforcement).

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## 2. Informationsaustausch

Weil der nachrichtendienstliche Informationsaustausch der Australiengruppe Ausgangspunkt für die politischen Beschlüsse wie auch für die praktischen Exportkontrollen ist, kommt seiner Qualität eine besondere Bedeutung zu. Verglichen mit früheren Sitzungen werden nicht mehr nur Einschätzungen und grobe Übersichten vorgetragen, sondern vermehrt operationell nützliche Informationen über Firmen, Programme usw. schriftlich ausgeteilt. Die grundsätzliche Einschätzung der Proliferationsrisiken hat sich seit Juni 1992 kaum verändert. Die heikelsten Gebiete sind nach wie vor der Nahe Osten, der indische Subkontinent und Südostasien, während Südamerika und Südafrika von der Liste möglicher Proliferatoren praktisch verschwunden sind. Ebenfalls verstärkt hat sich die Tendenz zu komplexeren Beschaffungsaktivitäten und zu unübersichtlicheren militärischen Programmen. Beide Aspekte sind zweifellos Auswirkungen der Massnahmen der Australiengruppe. Verstärkt treten ausserhalb der Australiengruppe Anbieter für Chemikalien und Dual-use-Anlagen in Erscheinung. Über allfällige Beiträge der GUS-Staaten für B- und C-Waffenprogramme in der Dritten Welt liegen nach wie vor widersprüchliche Informationen vor.

Seit 1983 soll der Iran den Aufbau eines Chemiewaffenprogramms intensivieren. Die Schätzungen über vorhandene Kampfstoffe sind unterschiedlich, sie reichen bis in den Bereich von mehreren hundert Tonnen. Gegenwärtig soll der Iran Nervengifte entwickeln. Es lagen nicht nur Informationen darüber vor, dass eine Anlage nach den libyschen Rabta-Plänen aufgebaut wird, sondern auch über Aktivitäten in dezentralisierten Kleinanlagen. Iran benutzt ein ausserordentlich weitverzweigtes Netz von Beschaffungs- und anderen Deckfirmen im In- und Ausland. Weil der Iran über keine Pestizidindustrie verfügt, stösst er auf viele technische Probleme; er ist auch stark von Chemikalienimporten abhängig. Als Einsatzmittel stehen Flugzeugbomben und Artilleriemunition zur Verfügung, hingegen nur wenige Raketen. Im Bereich der biologischen Waffen dürfte der Iran in einem fortgeschrittenen Forschungs- und Entwicklungsstadium stehen, bekannt ist die umfangreiche Toxinforschung.

Libyen soll mit ausländischer Hilfe eine neue Anlage im Umfang von Rabta aufbauen; bis zur Betriebsbereitschaft dürfte es aber noch mindestens fünf Jahre dauern. Kenntnisse über unterirdische Anlagen und Munitionsproduktionsprogramme wurden ausgetauscht. Die Diskrepanz von zivilem Forschungsstand und beschafften biotechnologischen Anlagen wurde als Hinweise auf ein B-Waffen-Programm interpretiert.



Syrien mit seiner unbedeutenden chemische Industrie beschafft Chemikalien für C-Waffen (und Raketentriebstoffe); es liegen auch Hinweise auf ein B-Waffen-Programm vor, das sich noch im Forschungs- und Entwicklungsstadium befinden soll.

Ägypten besitzt seit den sechziger Jahren chemische Waffen. Die Phosphor- und Schwefelvorkommen sowie die petrochemische Industrie würden es Ägypten ermöglichen, innert weniger Jahre viele Vorläufersubstanzen selber herzustellen. Über ein allenfalls laufendes Chemiewaffenprogramm gibt es nur wenige Hinweise.

In Bezug auf den Irak ist unklar, wie weit es der UNSCOM gelungen ist, das gesamte irakische B- und C-Waffenprogramm aufzudecken. Die jeweils grossen Unterschiede zwischen den Deklarationen und dem tatsächlichen Befund, aber auch die neuerdings wiedererwachte Aktivität irakischer Beschaffungsfirmen lassen Raum für Zweifel. Allerdings sind Informationen über irakische Aktivitäten mit besonderer Vorsicht zur Kenntnis zu nehmen, weil ihre Urheber politische Zwecke verfolgen könnten (Aufrechterhalten der UNO-Sanktionen).

Indien soll über ein kleines Chemiewaffenprogramm und geringe Bestände an chemischen Waffen verfügen. Die sehr umfangreiche zivile Industrie würde es Indien innert kurzer Zeit erlauben, ein grosses Chemiewaffenarsenal aufzubauen. Das gleiche lässt sich für den Bereich biologischer Waffen sagen. Indische Firmen sind wichtige Lieferanten für Vorläufersubstanzen.

Pakistan: Bereits am Junitreffen 1992 wurde darauf hingewiesen, dass das pakistanische Chemiewaffenprogramm das Forschungs- und Entwicklungsstadium überschreite. Inzwischen versucht Pakistan in China und Osteuropa Chemieanlagen zu beschaffen; der Verwendungszweck der Anlagen ist aber nicht klar. Seit 1990 hat Pakistan in grossem Umfang versucht, Vorläufersubstanzen zu beschaffen. Mehrere pakistanische Institute arbeiten mit potentiellen Agenzien für B-Waffen.

Wenig übersichtlich ist das Bild über die Proliferationsaktivitäten in Ostasien. China produzierte in den fünfziger Jahren erstmals chemische Waffen und soll vor einigen Jahren auf einem Testgelände umfangreiche Versuche unternommen haben. Seit zwanzig Jahren sollen auch militärische Programme im Bereich biologischer Waffen bestehen. Als Staaten mit nennenswerten Programmen kommen auch Burma, Nordkorea und Taiwan in Frage; andere ostasiatische Länder dürften über sehr kleine oder sogar ausschliesslich defensive Programme verfügen. Der Verbrauch an Chemikalien



der gemeinsamen Kontrollliste der Australiengruppe in Südostasien ist gering; allerdings befindet sich die chemische Industrie in raschem Aufbau.

Hong Kong, Singapur und auch Nigeria sind als Drehscheiben mit unzureichenden Exportkontrollen genannt worden. Thailand ist ein bedeutendes Herkunftsland von Arbeitskräfte für nahöstlichen Chemiefabriken (einer der Hauptorganisatoren des libyschen Chemiewaffenprogramms ist thailändischer Staatsangehöriger).

Über die trilateralen Konsultationen der Briten, Amerikaner und Russen über das frühere sowjetische B-Waffen-Programm ist nach wie vor ein strenger Schleier der Geheimhaltung gelegt, der u.a. im Herbst zu aufgebrauchten Demarchen der Deutschen und Franzosen geführt hat. Obwohl die Presse gelegentlich über die Abwerbung von B- und C-Experten aus den Gebieten der ehemaligen Sowjetunion berichtet, bestehen darüber nach wie vor keine handfesten Anhaltspunkte.

Die USA erklärten, zu keinem Zeitpunkt Kenntnisse von einem ungarischen Chemiewaffenprogramm gehabt zu haben; über den gegenwärtigen Stand der kleinen Programme in Polen und der Tschechoslowakei wurde nichts neues bekannt. Kritischer wurde Rumänien beurteilt, das auch über die industrielle Voraussetzungen zur C-Waffen-Herstellung verfügt.

Die Anschuldigungen über Chemiewaffeneinsätze in Jugoslawien konnten nicht bestätigt werden; allerdings verfügt sind die Grundlagen zur Herstellung chemischer Waffen vorhanden (jugoslawische Ingenieure waren bekanntlich am irakischen Chemiewaffenprogramm beteiligt).

Südafrika soll über ein defensives sowie über ein kleines offensives Programm verfügen; letzteres wurde möglicherweise inzwischen eingestellt. Kuba war der einzige lateinamerikanische Staat, über den Informationen ausgetauscht wurde. Die amerikanischen Verdächtigungen über kubanische B-Waffen-Programme konnten indessen von anderen Staaten nicht bestätigt werden.

Die Kontrollmassnahmen der Australiengruppe haben zu komplizierteren Beschaffungsvorgängen geführt. Anstelle der früheren "Generalunternehmer" tritt eine Vielzahl von Deckfirmen auf, die in verschiedensten Staaten domiziliert sind und nur noch Bruchstücke der benötigten Güter beschaffen. Teilweise werden die Beschaffungsaktivitäten mittels Firmen betrieben, die ansonsten legitime Zwecke verfolgen. Diese



Beschaffungsweise stösst allerdings auf Grenzen, sobald für die Inbetriebnahme von Anlagen spezifisches technisches Know-how erforderlich ist.

Das bereits während der ersten Jahreshälfte 1992 festgestellte grosse Interesse nahöstlicher Staaten an Schutzanzügen und Schutzmasken hielt ebenso an wie die Versuche dieser Staaten, selber Technologie zur Herstellung von Schutzmaterialien zu erwerben. Eine Reihe osteuropäischer Staaten tritt neuerdings mit Billigangeboten auf (GUS-Staaten, Ungarn, Polen, CSFR, Rumänien).

Über terroristische Aktivitäten im B- und C-Bereich lagen keine Hinweise vor.

### 3. Policy Consultations

#### Zukunft der Australiengruppe

Der erfolgreiche Abschluss der Verhandlungen über die Chemiewaffenkonvention an der Genfer Abrüstungskonferenz und die bevorstehende Unterzeichnung am 13./14. Januar 1992 wirft die Frage nach der Zukunft der Australiengruppe auf. Zudem galt es die Erklärung der Mitglieder der Australiengruppe an der Abrüstungskonferenz vom 6. August 1992 zu berücksichtigen, welche die Überprüfung der Exportkontrollen im Lichte der Implementierung der CWC in Aussicht stellte.

Mit leicht unterschiedlicher Betonung haben alle Staaten die Vorstellungen unterstützt, die vom australischen Vorsitzenden ausgearbeitet wurden (AG/Dec92/Policy/Chair/1): CWC und Australiengruppe verfolgen ein gemeinsames Ziel, deshalb werden die Mitglieder der Australiengruppe aktiv an den Arbeiten der Vorbereitenden Kommission der CWC mitwirken. Weil die CWC frühestens 1995 in Kraft tritt, soll die Australiengruppe mindestens bis zu diesem Zeitpunkt weiterhin funktionieren. Die Erklärung vom 6. August 1992 beinhaltet keinerlei Verpflichtung, bereits vor dem Inkrafttreten der Konvention etwas an den gemeinsamen Kontrollen zu ändern. Selbst nach Inkrafttreten der CWC wird sich erst zeigen müssen, ob die vorgesehenen Massnahmen wirksam sind und ob die kritischen Länder (Naher Osten, indischer Subkontinent, Osteuropa, Ferner Osten) das Abkommen tatsächlich ratifizieren und einhalten. Von besonderer Bedeutung ist, dass sich die Kontrollen der Australiengruppe und die CWC nicht decken (die Australiengruppe kontrolliert aktiv für die C-Waffen-Herstellung gesuchte Chemikalien, die nicht von der CWC erfasst sind; die CWC sieht keine Kontrollen für Anlagen und Anlageteile vor. Die Australiengruppe kontrolliert zudem Güter zur Herstellung biologischer Waffen).



Von vielen Staaten wurde hervorgehoben, dass die Australiengruppe im Gegensatz zur CWC in der Lage ist, rasch und flexibel auf neue Bedrohungen zu reagieren.

### Aufnahme neuer Mitglieder

Über die Aufnahme neuer Mitglieder über den OECD-Rahmen hinaus war schon längere Zeit ein Entscheid fällig. Einerseits besteht ein Interesse am Einbezug möglichst vieler Produzentenländer von BC-Dual-use-Gütern, andererseits könnte eine unbedachte Öffnung die informelle Zusammenarbeit und den sensitiven Nachrichtenaustausch erschweren.

Ein britischer 9-Punkte-Vorschlag (AG/Dec92/NM/GB/6), der sich im wesentlichen mit der schweizerischen Haltung deckt, fand allgemeine Zustimmung. Beitrittsgesuche sollen weiterhin fallweise behandelt und an eine Reihe von Bedingungen geknüpft werden (Nonproliferationspolitik, wirksame Exportkontrollen usw.). Die Australiengruppe soll weiterhin auf Staaten beschränkt bleiben, die als Produzenten oder Umschlagplätze sensitiver Güter Bedeutung haben.

Den konkreten Beitrittsgesuchen Argentinien und Ungarns wurde entsprochen. Island soll am nächsten Treffen teilnehmen können, sofern es bis dann die Exportkontrollen implementiert hat und die Mitglieder zwischenzeitlich ihr Einverständnis geben.

Die Türkei ist der Australiengruppe bisher nicht beigetreten. Trotzdem wenden drei Mitglieder (USA, D, CH) gegenüber dem OECD-Land Türkei keine Exportkontrollen an. Verschiedene Demarchen bei der türkischen Regierung vermochten die türkische Passivität nicht zu überwinden. Auf amerikanischen Vorschlag wird eine Mission nach Ankara entsandt, um festzustellen, ob die Türkei Exportkontrollen implementiert. Die Türkei soll aber entgegen dem ursprünglichen amerikanischen Vorschlag noch keine konditionelle Einladung zur Teilnahme an den Konsultationen der Australiengruppe erhalten.

Mit einer Reihe anderer Staaten werden informelle Kontakte weitergeführt (Polen, Südkorea, baltische Staaten). Japan wird in Ostasien ein Seminar über Nonproliferation von BC-Waffen für ostasiatische Länder. Die USA werden ihre bilateralen Kontakte mit Indien (Exportkontrollen) weiterführen.

### Chemikalien

Nachdem die Kontrollliste der Vorläufersubstanzen bereits im Juni 1992 um vier Chemikalien erweitert wurde, stand diesmal keine Listenänderung zur Diskussion. Hingegen haben die Briten ihre früher angekündigten "Factors of Consideration" vorgelegt. Demnach soll die Kontrollliste auf Chemikalien beschränkt bleiben, die für die C-Waffen-Produktion von erheblicher Bedeutung sind und von Proliferatoren tatsächlich gesucht werden. Der Liste sollen weder starre Kriterien zugrunde gelegt



werden, noch soll sie Chemikalien enthalten, die in der Industrie in grossen Mengen verbraucht werden (Isopropanol usw.). Als weiteres Kriterium schlugen die Japaner die Anzahl Anbieter ausserhalb der Australiengruppe vor.

An der Junisitzung 1993 soll sich eine Expertengruppe mit der Frage der Streichung von Natriumsulfat und 2-Chlorethanol (italienischer Vorschlag) sowie der Erweiterung der Liste auf die Chemikalien Thiophosphorylchlorid und N,N-Dimethylamidophosphoryldichlorid (französischer Vorschlag) befassen. Zudem soll die Frage der Kontrollpflicht für Mischungen eingehender beraten werden.

#### Chemische Dual-use Ausrüstungsgüter

Gegenwärtig verfügen 13 Mitgliedstaaten über Exportkontrollen von chemischen Dual-use-Ausrüstungsgütern; 8 Staaten sind daran, diese einzuführen. Die Zeit fehlte, um Einzelheiten der nationalen Umsetzungen zu besprechen. An der Junisitzung 1993 wird eine Expertengruppe aufgrund vorliegender Arbeitspapiere (darunter einem schweizerischen) technische Aspekte der gemeinsamen Kontrolllisten für Dual-use-Ausrüstungsgüter beraten.

#### Biologische Agenzien und Ausrüstungsgüter

Bereits an der Junisitzung 1992 wurden Kontrolllisten im B-Bereich fertiggestellt; einige Delegationen konnten diesen aber erst ad Referendum zustimmen.

Zu drei Listen liegt nun das endgültige Einverständnis aller Delegationen vor:

- humanpathogene Agenzien (AG/Dec92/BW/Chair/12);
- tierpathogene Agenzien (AG/Dec92/BW/Chair/23);
- biologische Dual-use Ausrüstungsgüter (AG/Dec92/BW/Chair/8).

Die Liste der pflanzenpathogenen Agenzien (AG/Dec92/BW/Chair/19) erhielt vorerst den Status einer Awareness-Raising-Guideline. Diese Liste soll im Juni 1993 in einer Expertengruppe vertieft beraten werden; gleichzeitig sollen auch alle anderen hängigen Fragen im B-Bereich diskutiert werden.

#### ABC-Schutzausrüstungen

Die Kontrolllisten der Australiengruppe enthalten nur Schutzmaterialien, die mit dem Produktionsprozess für BC-Waffen eng zusammenhängen (beispielsweise fremdbelüftete Schutzanzüge). Die Haltungen der einzelnen Mitglieder zur Ausfuhr von Schutzmaterialien in Proliferationsregionen sind sehr unterschiedlich. Die Schweiz hat sich während der kurzen Diskussion bereit erklärt, ein Arbeitspapier zu diesem Thema vorzulegen.



### Expertengruppe Implementation/Enforcement

Nachdem gemeinsame Kontrolllisten für alle Güterkategorien bestehen, wird zukünftig die Harmonisierung der Kontrollpraxis an Bedeutung gewinnen, die in den einzelnen Staaten sehr unterschiedlich ist. Einige Staaten halten sich an das erga-omnes-Prinzip, andere nehmen Australiengruppen-Mitglieder oder - wie die Schweiz im Bereich der Ausrüstungsgüter - OECD-Länder von den Exportkontrollen aus. Zudem bestehen verschiedenartigste Bewilligungstypen (Einzelbewilligungen, generelle Bewilligungen nach bestimmten Ländern usw.). In den Expertengesprächen konnten zwar ein vertieftes Verständnis dieser Probleme gewonnen und Vorschläge gemacht werden; da es sich aber eindeutig um politische Themen handelt, werden sie am Policy Meeting zu beraten sein. Folgende Ergebnisse der Expertengruppe Implementation/Enforcement sind zudem hervorzuheben (AG/Dec92/ExC/Chair/33):

- die Awareness-raising Massnahmen bei der Industrie sollen verbessert werden;
- die Handhabung der Informationen bei Bewilligungsverfahren ist in vielen Staaten verbesserungsbedürftig. Die Briten haben ihr Verfahren vorgestellt und interessierten Ländern Zusammenarbeit angeboten;
- die Zusammenarbeit der nationalen Bewilligungsstellen untereinander soll verbessert werden; Grossbritannien und Norwegen werden Vorschläge ausarbeiten.

### No-Undercut-Policy

Mit viel Wirbel hat die USA einen Vorschlag eingebracht, mit dem sichergestellt werden soll, dass kein anderer Staat Güter liefert, deren Ausfuhr von der Bewilligungsbehörde eines andern Mitglieds abgelehnt wurde. De facto besteht diese Politik bereits heute aufgrund der Denial notifications. Der Übergang zu rechtlich verbindlichen Denials würde eine Änderung des informellen Charakters der Australiengruppe herbeiführen und könnte zu Mechanismen ähnlich denjenigen des COCOM führen. Das Thema soll an der nächsten Sitzung erneut beraten werden.

### Catch-all-Klausel

Die Diskussionen am Policy Meetings, in der Expertengruppe Implementation/Enforcement und am Rand der Sitzung haben deutlich gemacht, dass die Idee einer Catch-all-Bestimmung an Boden gewinnt (vgl. Bericht der Junisitzung 1992). Die Haltung der Staaten, die wie die Schweiz über keine Rechtsmittel verfügen, um die Beteiligung ihrer Staatsangehörigen und Unternehmen an ausländischen B- und C-Waffenprojekten umfassend zu verhindern, dürfte zunehmend unter Druck geraten.



### International Council of Chemical Associations (ICCA)

Der ICCA hat den Vorsitzenden der Australiengruppe um Debriefings jeweils nach den Sitzungen gebeten. Dem Wunsch wurde stattgegeben, hingegen wird kein Dialog zwischen dem Vorsitz der Australiengruppe und der ICCF begonnen. Diese Kontakte sollen wie bisher zwischen den Delegationen der einzelnen Länder und den nationalen Verbänden geführt werden.

### Öffentlichkeitsarbeit

Zur verbesserten Darstellung der Australiengruppe in der Öffentlichkeit sind eine Presseerklärung sowie ein unklassifiziertes Grundlagenpapier verabschiedet worden (vgl. Beilage; AG/Dec92/Presse/Chair/8).

### 4. Follow-up

- Vorbereitung des Informationsaustausches für die Junisitzung 1992;
- Papier über ABC-Schutzmaterialien einreichen;
- Awareness-raising-Aktivitäten für chemische Industrie;
- Catch-all-Bestimmungen;
- Haltung zum amerikanischen Vorschlag (No-Undercut-Policy);
- Haltung in Bezug auf Weiterentwicklung der Chemikalienliste festlegen (Kriterien für Weiterentwicklung der Liste, Aufnahme/Streichung von Substanzen, Behandlung von Mischungen und Kleinstquantitäten im Bewilligungsverfahren)
- Haltung betr. Arbeitsgruppe Chemische Dual-use-Ausrüstungsgüter;
- Haltung betr. kontrollpflichtige pflanzenpathogene Agenzien und allenfalls weitere offene Fragen im Bereiche biologischer Anlagen und Agenzien.

### 5. Nächste Sitzungen

Chemical Equipment Experts	2. bis 4.6.1992
BW Experts Meeting	7. bis 9.6.1992
Licensing/Enforcement Group	7. bis 8.6.1992
Chemicals Group	7. bis 8.6.1992
Information Exchange	8. bis 9.6.1992
Policy Consultations	9. bis 11.6.1992

*Martin Dahinden*



Beilagen

Current Export Controls... (AG/Dec92/Press/Chair/8)

Report of the Chair of the Implementation/Enforcement Experts' Group (AG/Dec92/ExC/Chair/33)

Expansion of Membership: Factors for Consideration (AG/Dec92/NM/GB/6)

The Future of the Australia Group (AG/Dec92/Policy/Chair/1)

Factors for Consideration for the Addition of Chemicals to the Control List (AG/Dec92/ExC/GB/16)

Proposal for a No Undercut Arrangement (AG/Dec/ExC/USA/13)



## AUSTRALIA GROUP

Australia Group Doc  
AG/Dec92/Press/Chair/8CURRENT EXPORT CONTROLS ON MATERIALS USED IN THE  
MANUFACTURE OF CHEMICAL AND BIOLOGICAL WEAPONS

## I. Background

In April 1984, in response to the findings of the special investigatory mission sent by the UN Secretary General to Iran that chemical weapons had been used in the Iran-Iraq war, a number of governments imposed controls on the export of a number of chemicals used in the manufacture of chemical weapons.

2. In the absence of any multilateral instrument prohibiting the development and production of chemical weapons - negotiations on the recently concluded Chemical Weapons Convention (CWC) in the Conference on Disarmament (CD) in Geneva had only just got under way - they took this action in order to meet the political requirement for a response to

the clear and unequivocal violation of the 1925 Geneva Protocol through the use of chemical weapons against Iran in the Iran-Iraq war and

the very clear evidence that Iraq had obtained much of the materials for its CW program from the international chemical industry.

3. In these circumstances the countries concerned saw an urgent need to address the problem posed by the spread of chemical weapons and ensure that their industries were not, either on purpose or inadvertently, assisting other states to acquire and use such weapons in violation of international law and norms.

4. Likewise, in 1990 the countries concerned recognized the need to take steps to address the increasing problem of the spread of biological weapons.

5. The controls and measures imposed by the Governments concerned, however, were not uniform either in scope or application. It also became apparent that attempts were being made to circumvent them. This led Australia to propose, in April 1985, that the countries which had imposed such controls might meet in order to examine the scope for harmonizing the measures taken individually and for enhancing cooperation amongst them on this issue. Accordingly the first meeting of what subsequently became known as the Australia Group took place in Brussels in June 1985. All participating countries agreed there was benefit in continuing this process, and meetings of the Australia Group are now held in the Australian Embassy in Paris on a biannual basis. The number of countries participating in the Australia Group has grown from 15 in 1985 to 22. (The current participants in the Group are listed in Attachment 1.) At its meeting in December 1992, the Group



welcomed the applications of Argentina and Hungary to participate in the activities of the Group, and agreed to invite them to take part at the next meeting in June 1993.

## II. Australia Group Consultations

6. The Australia Group is an informal arrangement. Participants do not undertake any legally binding obligations: the effectiveness of the cooperation between participants depends solely on their commitment to CBW non-proliferation goals and on the effectiveness of measures implemented nationally which aim at preventing the spread of chemical and biological weapons. The purpose of the Australia Group meetings is to explore the scope for making the measures already taken by participating countries more effective, including through the exchange of information, the harmonisation of measures already taken and, where necessary, consideration of the introduction of additional national measures.
7. As to the nature of the export control measures taken by participating countries, important considerations are:
  - the measures should be effective in impeding the production of chemical and biological weapons;
  - they should be reasonably easy and economical to implement, and should be practical;
  - they should not impede the normal trade of materials and equipment used for legitimate purposes. They would be **controls** (ie a licencing requirement) on exports and not automatic **bans** on the export of such items. In practice they constitute monitoring and licencing control arrangements for exports: an export is denied only if there is particular concern about potential diversion for CBW purposes.
8. Controls agreed by meetings of the Group are applied on a national basis, although all participants are agreed that the measures will be the more effective if similar measures are introduced by all potential exporters of relevant chemicals and equipment and by countries of possible transshipment.
9. Export controls and other related measures also serve to demonstrate the determination of participating countries to avoid not only direct but also inadvertent involvement in the spread of chemical and biological weapons, and to express their opposition to the use of these weapons. It is also in the interest of commercial firms and research institutes and of their governments to ensure that such firms and institutes are not inadvertently supplying chemicals, chemical equipment, biological microorganisms or biological equipment for use in the manufacture of chemical or biological weapons. This principle has been firmly supported by industry.



10. Participating countries have recognized from the outset that export controls and related measures are not a substitute for the strict and universal observance of the 1925 Protocol and the 1972 Biological Weapons Convention and the early implementation of and universal adherence to the recently concluded Chemical Weapons Convention (CWC). These remain the overriding objectives of the countries participating in the Australia Group.

### **III. Outline of the Australia Group Export Control System**

11. Each participant in the Australia Group has introduced controls on the export of certain chemicals and dual-use chemical manufacturing facilities and equipment with a view to ensuring that exports of these items from their countries do not contribute to the spread of chemical weapons and to chemical warfare. All participating countries control, or are in the process of introducing controls, over 54 chemical weapons precursor chemicals. Several participating countries also control the export of dual-purpose facilities and equipment related to the manufacture of chemical weapons, and in June 1992 agreement was reached on a common equipment control list for all participants in the Group to implement. The chemicals and equipment currently controlled by all participants in the Australia Group are set out in Annexes 2 and 3.

12. Participating countries also agreed at their meeting in December 1992 to introduce controls over materials and dual use manufacturing equipment and facilities that could be diverted to the production of biological weapons. Some participating countries already control such items on a national basis, and others are proceeding to introduce such controls. The agents and equipment to be controlled by all participants in the Australia Group are set out in Annexes 4, 5 and 6.

### **IV. Evaluation of Australia Group Measures**

13. The effectiveness of the Australia Group consultations and controls cannot be established in an absolute manner, but they have clearly raised the cost of acquiring an offensive CW capability by drying up some sources and diverting the delivery routes of CW proliferators. In some cases they have imposed barriers to the programs of countries with or seeking to acquire CW by forcing them to look to other alternatives, such as less efficient production routes. In other cases they may have raised the cost of acquiring CW to the point that an interest in CW was not pursued. Similar results are hoped for in relation to the Australia Group's efforts to prevent the spread of biological weapons.

14. What can be said with more certainty is that the Australia Group has succeeded in raising the awareness of participating countries and their industries about the risks of involuntary association with CBW and has helped them to avoid



this danger. In most participating countries, particularly since the Gulf War, effective national controls have been essential in meeting the demands of public opinion that their products do not contribute to the spread of CBW.

15. Participating governments have concluded that the Group provides a viable mechanism for taking practical measures aimed at preventing the spread of chemical and biological weapons. They recognise, however, that export controls on chemicals, microorganisms and equipment alone cannot be a complete barrier to the spread of chemical and biological weapons in the longer term.

#### V. Relations with Non-Participating Countries

16. Participating countries recognize that export controls on chemical and biological weapons precursors, equipment, and technology must be multilateral to be effective. Since early 1986 individual participating countries in the Australia Group have conducted consultations on a bilateral, ad hoc, basis with other countries, particularly supplier and transshipping countries, to encourage the establishment of similar national export control regimes. A number of our interlocutors have indeed undertaken similar measures.

17. A number of Central and Eastern European countries have imposed similar export controls, and in response to requests by them for closer contact with the Australia Group, three seminars on the problems of CBW proliferation have been held for these countries, the first in London (1990), the second in Paris (1991) and the third in Budapest in December 1992.

#### VI. Relationship with the Chemical Weapons Convention

18. The participating countries in the Australia Group have given strong support to the negotiations in the Conference on Disarmament in Geneva which have resulted in the recently concluded Chemical Weapons Convention (CWC): eleven of them are members of the Conference. All of them are pledged to become Original Signatories to the Convention when it is opened for signature in Paris in January 1993 and to play an active and constructive role in the Preparatory Commission. They are all firmly committed to its early entry into force.

19. The CWC contains a number of provisions in relation to the transfer of chemicals which pose a risk to the Convention. Article I of the CWC requires States Parties to the Convention to refrain from actions which would assist others to acquire chemical weapons. Article VI requires States Parties to ensure that the transfer of toxic chemicals does not take place for purposes prohibited by the Convention, and Parts VI, VII and VIII of the Annex on Implementation and Verification impose specific restrictions on the trade in chemicals listed in the Schedules to the Convention. For these measures to be effective, the establishment



of efficient national export control mechanisms by those States Parties that do not already have them will be required.

20. Article XI. 2. (e). of the CWC requires States Parties to review their existing national regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of the Convention. The participants in the Australia Group agree there is a continuing role for the Australia Group in the harmonisation of national non-proliferation controls over CBW-related materials. They recognise that the work of the Group will need to take fully into account the entry into force of the Convention and its implementation and reaffirm the commitment embodied in the statement made on their behalf by the Representative of Australia to the Conference on Disarmament on 6 August 1992.

21. The participants in the Australia Group encourage all countries to take the necessary steps to ensure that they and their industries are not contributing to the spread of biological and chemical weapons. Export controls and related measures serve to demonstrate the determination of our countries to avoid involvement in the propagation of these weapons in violation of international law and norms. The members of the Australia Group urge other countries to adopt comparable export controls and measures on relevant materials in order to halt the spread of chemical and biological weapons and thus support the establishment of the global ban on these two entire classes of weapons of mass destruction enshrined in the Chemical Weapons Convention and the Biological Weapons Convention.



## ATTACHMENT 1

## AUSTRALIA GROUP MEMBERS

Australia  
Austria  
Belgium  
Canada  
Denmark  
European Commission  
Finland  
France  
Germany  
Greece  
Ireland  
Italy  
Japan  
Luxembourg  
Netherlands  
New Zealand  
Norway  
Portugal  
Spain  
Sweden  
Switzerland  
United Kingdom  
United States



## ATTACHMENT 2

<b>AUSTRALIA GROUP EXPORT CONTROL LIST:          CHEMICAL WEAPONS PRECURSORS</b>
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PRECURSOR CHEMICAL	CAS NO.	SCHEDULE WP/400 REV.2
1. Thiodiglycol	(111-48-8)	2B
2. Phosphorus Oxychloride	(10025-87-3)	3B
3. Dimethyl Methylphosphonate	(756-79-6)	2B
4. Methyl Phosphonyl Difluoride (DF)	(676-99-3)	1B
5. Methyl Phosphonyl Dichloride (DC)	(676-97-1)	2B
6. Dimethyl Phosphite (DMP)	(868-85-9)	3B
7. Phosphorus Trichloride	(7719-12-2)	3B
8. Trimethyl Phosphite (TMP)	(121-45-9)	3B
9. Thionyl Chloride	(7719-09-7)	3B
10. 3-Hydroxy-1-methylpiperidine	(3554-74-3)	Not Listed
11. N,N-Diisopropyl-(beta)-Aminoethyl Chloride	(96-79-7)	2B
12. N,N-Diisopropyl-(beta)-Aminoethane Thiol	(5842-07-9)	2B
13. 3-Quinuclidinol	(1619-34-7)	2B
14. Potassium Fluoride	(7789-23-3)	Not Listed
15. 2-Chloroethanol	(107-07-3)	Not Listed
16. Dimethylamine	(124-40-3)	Not Listed
17. Diethyl Ethylphosphonate	(78-38-6)	2B
18. Diethyl N,N-Dimethylsophoramidate	(2404-03-7)	2B
19. Diethyl Phosphite	(762-04-9)	3B
20. Dimethylamine Hydrochloride	(506-59-2)	Not Listed
21. Ethyl Phosphinyl Dichloride	(1498-40-4)	2B
22. Ethyl Phosphonyl Dichloride	(1066-50-8)	2B
23. Ethyl Phosphonyl Difluoride	(753-98-0)	2B
24. Hydrogen Fluoride	(7664-39-3)	Not Listed
25. Methyl Benzilate	(76-89-1)	Not Listed
26. Methyl Phosphinyl Dichloride	(676-83-5)	2B
27. N,N-Diisopropyl-(beta)-Amino Ethanol	(96-80-0)	2B
28. Pinacolyl Alcohol	(464-07-3)	2B
29. O-Ethyl 2-Diisopropylaminoethyl Methylphosphonite (QL)	(57856-11-8)	1B
30. Triethyl Phosphite	(122-52-1)	3B
31. Arsenic Trichloride	(7784-34-1)	2B
32. Benzilic Acid	(76-93-7)	2B
33. Diethyl Methylphosphonite	(15715-41-0)	2B
34. Dimethyl Ethylphosphonate	(6163-75-3)	2B



35.	Ethyl Phosphinyl Difluoride	(430-78-4)	2B
36.	Methyl Phosphinyl Difluoride	(753-59-3)	2B
37.	3-Quinuclidone	(3731-38-2)	Not Listed
38.	Phosphorus Pentachloride	(10026-13-8)	3B
39.	Pinacolone	(75-97-8)	Not Listed
40.	Potassium Cyanide	(151-50-8)	Not Listed
41.	Potassium Bifluoride	(7789-29-9)	Not Listed
42.	Ammonium Bifluoride	(1341-49-7)	Not Listed
43.	Sodium Bifluoride	(1333-83-1)	Not Listed
44.	Sodium Fluoride	(7681-49-4)	Not Listed
45.	Sodium Cyanide	(143-33-9)	Not Listed
46.	Tri-ethanolamine	(102-71-6)	3B
47.	Phosphorus Pentasulphide	(1314-80-3)	Not Listed
48.	Di-isopropylamine	(108-18-9)	Not Listed
49.	Diethylaminoethanol	(100-37-8)	Not Listed
50.	Sodium Sulphide	(1313-82-2)	Not Listed
51.	Sulphur Monochloride	(10025-67-9)	3B
52.	Sulphur Dichloride	(10545-99-0)	3B
53.	Triethanolamine Hydrochloride	(637-39-8)	Not Listed
54.	N,N-Diisopropyl-2-Aminoethyl Chloride Hydrochloride	(4261-68-1)	2B



## AUSTRALIA GROUP

Australia Group Doc  
AG/Dec91/Equip/Chair/6CONTROL LIST  
OF DUAL-USE CHEMICAL MANUFACTURING FACILITIES AND  
EQUIPMENT,  
AND RELATED TECHNOLOGY

## I. MANUFACTURING FACILITIES AND EQUIPMENT

1. Reactor Vessels
2. Storage Tanks and Containers
3. Heat Exchangers \*
4. Distillation Columns \*
5. Condensers
6. Degassing Equipment

Reaction vessels, with or without agitators, with total volume greater than  $0.1\text{m}^3$  (100 l) and less than  $15\text{m}^3$  (15000 l); storage tanks and containers with a total volume greater than  $0.1\text{m}^3$  (100 l); heat exchangers; distillation columns of diameter greater than 0.1m; condensers; degassing equipment; where all surfaces that come in direct contact with the chemical(s) being processed or contained are made from the following materials:

- (a) nickel or alloys with more than 40% nickel by weight;
- (b) alloys with more than 25% nickel and 20% chromium by weight;
- (c) glass; or
- (d) graphite (for heat exchangers only)

## 7. Filling Equipment

Remotely operated filling equipment in which all surfaces that come in direct contact with the fluid are made from any of the following materials:

- (a) nickel or alloys with more than 40% nickel by weight; or
- (b) alloys with more than 25% nickel and 20% chromium by weight.

## 8. Valves and Multi-Walled Piping

Bellows valves, diaphragm valves or double seal valves incorporating a leak detection port, and multi-walled piping incorporating a leak detection port, in which all surfaces that come in direct contact with the fluids are made from the following materials:

- (a) nickel or alloys with more than 40% nickel by weight;
- (b) alloys with more than 25% nickel and 20% chromium by weight; or
- (c) fluoropolymers including PTFE, PVDF, PFA.

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\* includes packed columns



## 9. Pumps

Double-seal, canned drive, magnetic drive, bellows or diaphragm pumps in which all surfaces that come in direct contact with the fluid are made from the following materials:

- (a) nickel or alloys with more than 40% nickel by weight;
- (b) alloys with more than 25% nickel and 20% chromium by weight;
- (c) fluoropolymers including PTFE, PVDF, PFA; or
- (d) tantalum.

## 10. Incinerators

Incinerators designed to destroy CW agents, precursors and munitions, with special handling facilities, with an average combustion chamber temperature greater than 1000°C, in which all surfaces in the waste supply system that come into direct contact with the waste products are made from or lined with the following materials:

- (a) nickel or alloys with more than 40% nickel by weight
- (b) alloys with more than 25% nickel and 20% chromium by weight; or
- (c) ceramics.

### Statement of Understanding

These controls do not apply to equipment which is specially designed for use in civil applications (for example food processing, pulp and paper processing, or water purification, etc) and is, by the nature of its design, inappropriate for use in storing, processing, producing or conducting and controlling the flow of chemical weapon agents or any of the chemicals which are included in the Core List of chemical weapon agent precursors.

## II. TOXIC GAS MONITORING SYSTEMS

### 1. Detectors

Toxic gas monitoring systems:

- (a) capable of detecting chemical warfare agents and designated chemical weapons precursors as well as phosphorus, sulphur, fluorine, chlorine and their compounds at a concentration less than 0.3 milligrams per cubic meter of air, and capable of continuous operation; or
- (b) capable of detecting compounds having an anticholinesterase function.

## III. RELATED TECHNOLOGY

### 1. Related Technology

The transfer of process technology, including licences, designed for the manufacture of chemical weapons agents or their precursors, and/or for their disposal, or for whole plants designed for their manufacture.

The transfer of technology, including licences, designed for the manufacture of the equipment designed in sections I and II.



## AUSTRALIA GROUP

Australia Group Doc  
AG/Dec92/BW/Chair/12

## LIST OF BIOLOGICAL AGENTS FOR EXPORT CONTROL

## CORE LIST

## Viruses

- V1. Chikungunya virus
- V2. Congo-Crimean haemorrhagic fever virus
- V3. Dengue fever virus
- V4. Eastern equine encephalitis virus
- V5. Ebola virus
- V6. Hantaan virus
- V7. Junin virus
- V8. Lassa fever virus
- V9. Lymphocytic choriomeningitis virus
- V10. Machupo virus
- V11. Marburg virus
- V12. Monkey pox virus
- V13. Rift Valley fever virus
- V14. Tick-borne encephalitis virus  
(Russian Spring-Summer encephalitis virus)
- V15. Variola virus
- V16. Venezuelan equine encephalitis virus
- V17. Western equine encephalitis virus
- V18. White pox
- V19. Yellow fever virus
- V20. Japanese encephalitis virus

## Rickettsiae

- R1. Coxiella burnetii
- R2. Rickettsia quintana
- R3. Rickettsia prowasecki
- R4. Rickettsia rickettsii

## Bacteria

- B1. Bacillus anthracis
- B2. Brucella abortus
- B3. Brucella melitensis
- B4. Brucella suis
- B5. Chlamydia psittaci
- B6. Clostridium botulinum
- B7. Francisella tularensis
- B8. Pseudomonas mallei
- B9. Pseudomonas pseudomallei
- B10. Salmonella typhi
- B11. Shigella dysenteriae
- B12. Vibrio cholerae



B13. *Yersinia pestis*

### Genetically Modified Micro-organisms

- G1. Genetically modified micro-organisms or genetic elements that contain nucleic acid sequences associated with pathogenicity and are derived from organisms in the core list.
- G2. Genetically modified microorganisms or genetic elements that contain nucleic acid sequences coding for any of the toxins in the core list.

### Toxins

- T1. Botulinum toxins  
 T2. *Clostridium perfringens* toxins  
 T3. Conotoxin  
 T4. Ricin  
 T5. Saxitoxin  
 T6. Shiga toxin  
 T7. *Staphylococcus aureus* toxins  
 T8. Tetrodotoxin  
 T9. Verotoxin  
 T10. Microcystin (Cyanginosin)

## WARNING LIST/AWARENESS-RAISING GUIDELINES

### Viruses

- WV1. Kyasanur Forest virus  
 WV2. Louping ill virus  
 WV3. Murray Valley encephalitis virus  
 WV4. Omsk haemorrhagic fever virus  
 WV5. Oropouche virus  
 WV6. Powassan virus  
 WV7. Rocio virus  
 WV8. St Louis encephalitis virus

### Bacteria

- WB1. *Clostridium perfringens*\*  
 WB2. *Clostridium tetani*  
 WB3. Enterohaemorrhagic *Escherichia coli*, serotype 0157 and other verotoxin producing serotypes  
 WB4. *Legionella pneumophila*  
 WB5. *Yersinia pseudotuberculosis*

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\* The Australia Group recognizes that these organisms are ubiquitous, but, as they have been acquired in the past as part of biological weapons programs, they are worthy of special caution.



### Genetically Modified Micro-organisms

- WG1. Genetically modified micro-organisms or genetic elements that contain nucleic acid sequences associated with pathogenicity and are derived from organisms in the warning list.
- WG2. Genetically modified micro-organisms or genetic elements that contain nucleic acid sequences coding for any of the toxins in the warning list.

### Toxins

- WT1. Abrin
- WT2. Cholera toxin
- WT3. Tetanus toxin
- WT4. Trichothecene mycotoxins



## AUSTRALIA GROUP

Australia Group Doc  
AG/Dec92/BW/Chair/8

**LIST OF DUAL-USE BIOLOGICAL EQUIPMENT FOR EXPORT CONTROL**

The experts propose that the following items of equipment should be subject to export controls.

**1. Complete containment facilities at P3, P4 containment level**

Complete containment facilities that meet the criteria for P3 or P4 (BL3, BL4, L3, L4) containment as specified in the WHO Laboratory Biosafety manual (Geneva, 1983) should be subject to export control.

**2. Fermenters\***

Fermenters capable of cultivation of pathogenic micro-organisms, viruses or for toxin production, without the propagation of aerosols, and having all the following characteristics:

- (a) capacity equal to or greater than 300 litres;
- (b) double or multiple sealing joints within the steam containment area;
- (c) capable of in-situ sterilisation in a closed state.

\* Sub-groups of fermenters include bioreactors, chemostats and continuous-flow systems.

**3. Centrifugal Separators\***

Centrifugal separators capable of the continuous separation of pathogenic micro-organisms, without the propagation of aerosols, and having all the following characteristics:

- (a) flow rate greater than 100 litres per hour;
- (b) components of polished stainless steel or titanium;
- (c) double or multiple sealing joints within the steam containment area;
- (d) capable of in-situ steam sterilisation in a closed state.

\* Centrifugal separators include decanters.

**4. Cross-flow Filtration Equipment**

Cross-flow filtration equipment designed for continuous separation of pathogenic microorganisms, viruses, toxins and cell cultures without the propagation of aerosols, having all the following characteristics:



- (a) equal to or greater than 5 square metres;
- (b) capable of in-situ sterilization.

**5. Freeze-drying Equipment**

Steam sterilisable freeze-drying equipment with a condenser capacity greater than 50 kgs of ice in 24 hours and less than 1000 kgs of ice in 24 hours.

**6. Equipment that incorporates or is contained in P3 or P4 (BL3, BL4, L3, L4) containment housing, as follows:**

- (a) Independently ventilated protective full or half suits;
- (b) Class III biological safety cabinets or isolators with similar performance standards.

**7. Aerosol inhalation chambers**

Chambers designed for aerosol challenge testing with pathogenic micro-organisms, viruses or toxins and having a capacity of 1 cubic metre or greater.

**ITEMS FOR WARNING LIST/AWARENESS-RAISING GUIDELINES**

1. Equipment for the micro-encapsulation of live micro-organisms and toxins in the range of 1-10 um particle size, specifically:
  - (a) Interfacial polycondensers;
  - (b) Phase separators.
2. Fermenters of less than 300 litre capacity with special emphasis on aggregate orders or designs for use in combined systems.
3. Conventional or turbulent air-flow clean-air rooms and self-contained fan-HEPA filter units that may be used for P3 or P4 (BL3, BL4, L3, L4) containment facilities.



## AUSTRALIA GROUP

Australia Group Doc  
AG/Dec92/BW/Chair/23

## ANIMAL PATHOGENS FOR EXPORT CONTROL

## Viruses

AV1.	African swine fever virus
AV2.	Avian influenza virus*
AV3.	Bluetongue virus
AV4.	Foot and mouth disease virus
AV5.	Goat pox virus
AV6.	Herpes virus (Aujeszky's disease)
AV7.	Hog cholera virus
AV8.	Lyssa virus
AV9.	Newcastle disease virus
AV10.	Peste des petits ruminants virus
AV11.	Porcine enterovirus type 9
AV12.	Rinderpest virus
AV13.	Sheep pox virus
AV14.	Teschen disease virus
AV15.	Vesicular stomatitis virus

\* This includes only those Avian influenza viruses of high pathogenicity as defined in EC Directive 92/40/EC:

"Type A viruses with an IVPI (intravenous pathogenicity index) in 6 week old chickens of greater than 1.2: or

Type A viruses H5 or H7 subtype for which nucleotide sequencing has demonstrated multiple basic amino acids at the cleavage site of haemagglutinin"

## Bacteria

AB3.	Mycoplasma mycoides
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## Genetically-modified Micro-organisms

AG1.	Genetically modified micro-organisms or genetic elements that contain nucleic acid sequences associated with pathogenicity and are derived from organisms in the list.
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## AUSTRALIA GROUP

Australia Group Doc  
AG/Dec92/ExC/Chair/33

### REPORT OF THE CHAIR OF THE IMPLEMENTATION/ENFORCEMENT EXPERTS' GROUP

A meeting of the group of implementation/enforcement experts met on 7-8 December to consider the items on the agenda agreed before the meeting and set out in AG/Dec92/ExC/Ag. There were two major strands to the group's work

- an exchange of information on aspects of the implementation and enforcement of CBW non-proliferation controls, drawing on recent developments in members experience with such controls
- as a more policy oriented exercise, the development for consideration by the Plenary of a draft paper seeking to identify a framework which could be agreed by all members of the Group on effective arrangements for the licensing of CBW export controls

It was evident during the discussion that there is some tension - particularly in terms of the current structure for this group - between these two tasks. This question will be returned to at the end of this report.

#### Exchanges on Implementation Experiences

On awareness raising in enforcement agencies, discussion focussed on the UK paper AG/Jun92/ExC/GB/10. There was general endorsement of the need for active programs to raise the awareness of CBW proliferation issues by staff responsible for the implementation of export controls, including by wider adoption of the sorts of mechanisms outlined in that paper. Many AG members indicated they were already undertaking programs with similar objectives.

On information sharing, many members indicated they had established similar centralised coordination arrangements to those described by the UK in AG/Dec92/ExC/GB/14 on interdepartmental information sharing to enhance cooperation among relevant agencies and thereby the operation of controls. Members with central coordination points stressed the need for this mechanism to operate flexibly, and to be able to be convened on a timely basis if its effectiveness is to be maximised. Under this heading the group also considered the utility of open source material drawing on the UK paper AG/Dec92/ExC/14. There was acknowledgement of the value of such information, when verified by other (including more sensitive) collateral, in agencies' awareness raising efforts, and in explaining to applicants the background to licensing decisions.

The group noted and welcomed an offer by the UK delegation to receive visits by relevant officials of AG countries to demonstrate the operation of its information sharing system.



Possible arrangements for improved information sharing among AG countries, especially of risk assessment intelligence were considered. Strong support was expressed for improved arrangements for the sharing of intelligence including general profiling information and that resulting from enforcement investigations, via the Group's chair. An offer by the UK and Norway was accepted to draft a format for the exchange of such information before the next AG meeting.

The exchange on members' preparations for the implementation of biological weapons control lists highlighted differences between the controls in this area and existing controls on chemical weapons related precursor chemicals and dual-use equipment, including in the direction of awareness raising programs, and in training and other arrangements for enforcement agencies. It was agreed that members should cooperate as closely as possible in exchanging experiences, as these develop, with the operation of BW controls.

The exchange of comments on the practical experiences with the operation of "catch-all" controls were assisted greatly by UK and German contributions on the operation of their controls, and the elaboration of their plans or interest in such controls by a number of countries including the Netherlands, Australia and Japan. A number of other members reiterated during the exchange that they were inhibited by legal and other constraints from adopting such controls. Points which emerged from members' experiences with such controls included the difficulty of meeting judicial standards in proving knowing assistance to programs of concern, and the additional administrative burden on licensing agencies from the need to respond to requests by exporters for early clearances of planned transactions. There was recognition overall of the merit in the introduction of such controls where this was possible.

### **Harmonising Export Controls Implementation Arrangements**

Discussions on the second day of the group's meeting focussed on the scope for harmonising licensing aspects of CBW export controls. The group explored initially several specific aspects, based on discussion papers contributed by several members.

Discussion of the scope of coverage of controls, including approaches to the implementation of the "erga omnes" principle, focussed on the paper submitted by Japan AG/Dec92/ExC/J/11. The exchanges among experts indicated a number of member countries were in the process of re-examining the operation of their controls (including those operated on an "erga omnes" basis) to make provision for forms of expedited licence arrangements. These members indicated this change would reduce the administrative burden of controls, while not reducing their effectiveness in preventing association with CBW programs. Some members indicated that they would not introduce expedited licence arrangements on broad policy grounds - including those related to national support for the Chemical Weapons Convention. The conclusion from the discussion was that as some members regarded the introduction of expedited licensing arrangements as raising significant policy issues for them, it would not be possible, at the level of experts, to reach agreement on the adoption of such measures by the Group as a standard in the implementation of controls.

The group then considered the scope for harmonising practices on quantitative



thresholds and on chemical mixtures, and based this part of its discussion on the German paper AG/Dec92/ExC/D/12, the UK paper AG/Dec92/ExC/GB/15 and the Japanese paper AG/Dec92/ExC/J/15. Discussion indicated a wide range of practices within the group on these aspects of controls and the concern of some members that a simple proportional approach in setting a threshold for mixtures could create a loophole in controls. It was agreed that any move towards a more harmonised approach would require consideration and input by technical experts, and could not be decided by implementation experts alone. It was agreed that to further consideration of this matter the group should recommend that the Chair conduct a detailed survey of members' practices on thresholds and chemical mixtures intersessionally.

Consideration of re-export/retransfer controls was based on the Japanese paper AG/Dec92/ExC/J/12. The Japanese delegation noted that the proposal for member governments' consent being secured before any retransfers to third countries would be consistent with the practices of the Missile Technology Control Regime and of the Nuclear Suppliers Group. Discussion of this matter was inconclusive, with a number of members underlining difficulties with the issues this proposal raised of extraterritorial application of their domestic export control legislation.

The group's consideration of end-user certificates was based on the Japanese paper AG/Dec92/ExC/J/13, the UK paper AG/Dec92/ExC/GB/12 and the Italian paper AG/Dec92/ExC/I/4. It was evident from the discussion that members placed differing degrees of reliance on end-user assurances in coming to judgements on licence applications, and accordingly there were differing views on the merit and effectiveness of seeking to standardise members' practices with end-user certificates. There was wide support for the proposals in the AG/Dec92/ExC/I/4 of verifying the authority of those offering end-user assurances. On the proposal for a form of 'blacklist' mechanism to be established within the Group, it was noted that existing information exchange mechanism, and the proposal (reported above) for the Chair to facilitate the exchange of risk assessment intelligence should assist members in identifying suspect trading entities.

Discussion of members' practices on denial notifications was based on the Japanese paper AG/Dec92/ExC/J/14 and relevant aspects of the US paper AG/Dec92/ExC/USA/12. Although participants' comments indicated broad general support for the principle of no undercutting, and in this context of the desirability of measures such as regular review of denials, many of the experts commented during the exchange that they believed proposals to formalise Group policy on denial notifications and the 'no undercutting' principle raised policy issues which were beyond their competence to decide as implementation experts. Some participants also noted that an obstacle to the establishment of a common practice on this matter is the variation between members on aspects such as thresholds and treatment of chemical mixtures. It was agreed that the question of establishing a more formal approach within the Group on denial notifications and 'no undercutting' should be referred to the Plenary for further consideration.

The discussion reported above on specific aspects raised in examining the scope for a more harmonised approach to licensing practices provided the background to the final task dealt with in the Group : the definition of an agreed document setting out a framework for effective licensing arrangements for CBW-relevant export controls.



The intention behind this exercise was to produce a parallel document, on licensing, to that produced at the June 1992 meeting on enforcement (AG/Jun92/ExC/Chair/28). It was recalled that there was strong support for the production of such a document at the June meeting of the Group. In this context the group considered a draft developed by the Chair (AG/Dec92/ExC/Chair/32), and papers submitted by the Japanese delegation (AG/Dec92/ExC/J/16) and by the US delegation (AG/Dec92/ExC/USA/12).

The group agreed to transmit the draft framework developed in the group to the Plenary for further consideration and adoption. The Plenary's attention is drawn to two specific aspects in considering this document :

- there was no consensus within the experts group on a US proposal for the addition of a point, square bracketted in the text, specifying that "arrangements for a no-undercut policy and on common scope for controls" should form part of the framework paper. A number of experts commented that this proposal raised policy issues beyond their competence to decide

- there was no consensus in the experts group on the addition of a section at the end of the third dot point, as proposed by Japan, suggesting specific areas where the Australia Group might seek to develop a common approach in implementing licensing arrangements. Some participants questioned the appropriateness of including specification of these areas, in view of the differences of approach revealed in the earlier discussion. Other participants questioned whether such a document should contain what in effect is suggestions for a future work program on efforts to harmonise controls

Plenary is urged to consider these three matters in its examination of the draft paper.

#### **Experts' group mandate**

The tension mentioned in the introduction between the two strands of the work of the experts' group were remarked on by a number of participants at the end of the discussion, and also evident to the Chair. The plenary is accordingly urged, in its examination of the work of the group, to consider the desirability of reviewing the experts group's mandate.



**AUSTRALIA GROUP**Australia Group Doc  
AG/Dec92/Policy/Chair/1**THE FUTURE OF THE AUSTRALIA GROUP****- A DISCUSSION PAPER -**

(Draft of 7 December 1992)

*With the end of the negotiations on the Chemical Weapons Convention (CWC) in sight, the June 1992 meeting of the Australia Group discussed issues relating to the activities of the Group and its relationship with the CWC. The Chair undertook to prepare a paper drawing on and developing the ideas expressed in June to prepare members for a more detailed consideration of the issue at the meeting in December.*

**Background**

The controls imposed by the members of the Australia Group have their origins in

- the use by Iraq of chemical weapons in the Iran-Iraq war;
  - the clear evidence that Iraq had obtained many of the precursor chemicals used in its chemical weapons program from Western chemical industries;
  - the absence at that time of an international mechanism to address the problem of chemical transfers to proliferators, and;
  - the political need to respond to Iraq's violation of the 1925 Protocol and the threat that this violation posed to the authority of the 1925 Geneva Protocol and to the integrity of the negotiations on a comprehensive convention outlawing chemical weapons (the CWC) then under way in the Conference on Disarmament (CD) in Geneva.
2. The response by Western countries to this situation was to impose controls on the export of certain chemical weapons precursor chemicals and, through the Australia Group meetings which began in 1985, to harmonise the measures taken by them. These measures were seen at the time as interim measures pending the conclusion of the CWC.
3. In its formative years the Group concentrated on chemical weapons precursor chemicals. It later expanded its activity to issue Warning Guidelines on dual-use manufacturing equipment and biological agents and equipment. At its meeting in May 1991, the first following the Gulf War and the threatened use of CBW against the Coalition forces by Iraq, the Group decided to expand its controls on precursor chemicals and to introduce controls on dual-use chemical and biological manufacturing equipment and biological agents.



4. The negotiations in the Conference on Disarmament in Geneva which had as their objective the conclusion of a comprehensive convention to ban chemical weapons proceeded in parallel with this process and earlier this year were brought to a successful conclusion. Since its inception, the members of the Australia Group have been committed to upholding the principles and objectives of the Chemical Weapons Convention. Underlying their approach has been the recognition that the ultimate answer to the challenge of the proliferation of chemical weapons is an effective global, multilateral convention outlawing chemical weapons.

5. The members of the Australia Group, in their individual capacities, have made a substantial contribution to the conclusion of the Convention. All are pledged to become Original Signatories to the Convention and to participating actively and positively in the Precom process which will commence in February 1993. All are committed to seeing the Convention's early entry into force and to ensuring its universality.

6. At the most recent meeting in June 1992, the members of the Australia Group discussed the role of the Group under the Chemical Weapons Convention. There was agreement that there was value in the work of the Group continuing into the foreseeable future but that, over time, its activities would need to be reviewed to ensure consistency with the CWC. The press release issued after the June meeting incorporated language reflecting this conclusion. The Chair undertook to prepare a paper looking towards the Group's future, based on the views expressed at the meeting.

### **The Australia Group and the Chemical Weapons Convention**

7. Articles I, VI, VII and XI and Parts VII and VIII of the Verification Annex of the CWC impose obligations on States Parties in relation to the export of chemicals which pose a risk to the Convention.

8. The General Obligations under Article I require States Parties not to assist anyone to acquire chemical weapons. Article VI requires States Parties to subject toxic chemicals and their precursors to international monitoring in accordance with the Verification Annex. The Verification Annex places a number of requirements on States Parties in relation to the transfer of scheduled chemicals to non-States Parties: under Part VI, Schedule 1 chemicals can only be transferred to other States Parties; Part VII requires the introduction of licencing procedures for transfers of Schedule 2 chemicals to non-States Parties for an interim period of three years after which such transfers are banned; and Part VIII requires the introduction of licencing procedures for transfers of Schedule 3 chemicals to non-States parties for an interim period of five years after which the situation will be reviewed.

9. The Convention is silent on specific measures to be taken in relation to chemical weapons precursor chemicals that do not appear on the schedules to the Convention (which, as Article II of the CWC makes clear, are listed only for the application of verification measures). The assumption is that the General Obligation in Article I will apply here as well,



and that if there is any indication that such chemicals are being sought for purposes inimical to the CWC, then States Parties would be obliged to respond effectively.

10. Although not actually specified in the Convention, the provisions of Article VIII suggest it is likely that the Prepcom/OPCW will, over time, respond to the clear need for a mechanism to coordinate the development and promotion of national measures to implement, in accordance with Article VII, the monitoring and reporting obligations on States Parties under Articles I and VI.

11. There is thus a clear parallel between the activities undertaken by the members of the Australia Group in relation to the controls they have placed on the export of chemicals and the obligations placed on States Parties under the Convention. As the chart at Attachment 1 shows, there is also a good deal of overlap between the chemicals on the Australia Group Control List and the Schedules to the Convention: some 34 or almost two thirds of the 54 chemicals controlled by the Australia Group also appear on the Schedules to the Convention.

### Review of Australia Group Controls

12. Article XI 2. (b) requires States Parties to "undertake to facilitate....the fullest possible exchange in chemicals, equipment and scientific and technical information ... for purposes not prohibited under this Convention". Article XI 2. (e) requires States Parties "...to review their existing national regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of this Convention." It was in this context that the members of the Australia Group issued their statement in the CD on 6 August (full text at Attachment 2), in which they undertook to

"review in the light of the implementation of the Convention, the measures that they take to prevent the spread of chemical substances and equipment for purposes contrary to the objectives of the Convention, with the aim of removing such measures for the benefit of States Parties to the Convention acting in full compliance with their obligations under the Convention."

13. The question thus arises as to the future directions of the Australia Group in the light of the foregoing. It would seem that a CWC which attracts widespread adherence and is judged by the international community to be functioning effectively would render at least one major function of the Australia Group - the controls in relation to precursor chemicals - redundant at some stage in the future. Certain important practical considerations, however, will determine movement in this direction.

14. First, it will be some time before the Convention enters into force. This cannot occur before early 1995, and it could be later. There is a clear need for the Australia Group to continue in its present form until then at least, and the statement of 6 August does not commit



Australia Group members to undertake any review of their measures relating to precursor chemicals prior to the entry into force of the Convention.

15. Secondly, it may be some considerable time after entry into force of the CWC before States Parties will feel confident about making judgements as to the efficiency of implementation of the provisions of the Convention, and thus before the members of the Australia Group feel confident enough to take action in relation to measures on exports to States Parties.

16. Thirdly, while there is substantial overlap between the CWC Schedules and the Australia Group Control List, there are some chemicals on the AG Control List which do not appear on the CWC Schedules and which have been actively sought by proliferators. Members of the AG will need to decide - in line with their Article I, VI and XI obligations - whether to maintain their controls on these chemicals after the CWC enters into force and if so in what form.

#### Cooperation with the CWC

17. The approach by the members of the Australia Group to implementation of the CWC is ultimately for each participating country to decide but should desirably be based on the following:

the shared objective of ensuring that the arrangements adopted by signatories and later States Parties by the Prepcom and the OPCW are as effective as possible in establishing mechanisms to ensure that chemicals are not used in the manufacture of chemical weapons;

to meet this objective, agreement on the necessity of the members of the Australia Group, in their individual capacities:

- participating to the fullest possible extent in the work of the Prepcom;
- indicating their willingness to share the experience gained by the Group in controlling the transfer of chemicals with other signatories and later States Parties, and with the Prepcom and the Provisional Technical Secretariat;
- and also indicating their willingness to offer their services, for as long as is required, to maintain and strengthen the regime against CW proliferation.

18. Opportunities will emerge for practical cooperation between the members of the Australia Group and the Prepcom and later the OPCW from the time of commencement of the Prepcom in early 1993. Cooperation could take place in different forms and at various stages of the CWC's development.



A mechanism will need to develop within the Technical Secretariat of the OPCW to reflect the obligation on States Parties to impose national measures to govern trade in scheduled chemicals. In their individual national capacities members of the Australia Group could work closely with the Prepcom, including the Provisional Technical Secretariat in an advisory capacity, injecting their experience in the development of export control monitoring and coordination procedures. The members of the Australia Group could

- advise the Prepcom in developing or expanding lists of chemicals for export controls, based on the Group's experience in developing lists on the basis of intelligence and commercial information.
- provide arguments for the need to control CW dual-use manufacturing equipment, an area the Group has found to be equally important in erecting barriers to the proliferation of chemical weapons, into the deliberations of the relevant bodies.

In the initial stages of the Convention's entry into force, there is the potential for the Australia Group to play an ongoing cooperative or complementary role.

- The informal nature of the Group and the flexibility it has in controlling trade in CW-related dual-use materials ensures a unique capacity to respond quickly to new CW proliferation threats. This could be of particular advantage with respect to dealing with non-parties to the Convention and any States Parties suspected of not being in full compliance with the Convention. These complex issues of judgement will inevitably be more formal, slower and more conservative in the CWC mechanism than is the case in the Australia Group.

19. In terms of perceptions by non-members of the nature of the Group's approach to the CWC, active, evident support for the early and effective implementation of the Convention will be important. The AG members will need to be seen to be working for the primacy of the CWC which they have all strongly endorsed. Without this the attitude of others would be ambivalent and the emergence of a fully effective CWC, essential to the long-term elimination of CW, could be put in doubt.

### **Membership**

20. The future of the Group and the expansion of its membership - including in particular the current applications for membership of the Group - are linked: current pressures to admit new members must be considered in parallel to the approach the Group takes to its future activities now that the CWC has been concluded. There would seem to be three major options:



The AG could freeze participation at its current membership, with the possible exception of the very small number of applicants, such as Argentina, Hungary, Iceland and Turkey, which have already received positive signals from the Group.

- A cap on membership would guard against the possibly detrimental effects expansion of the Group would pose for the establishment of an effective CWC.

The Australia Group could, on the other hand, actively seek as wide membership as possible from supplier countries, thus demonstrating its willingness to inculcate others in the "export control culture" and to prepare countries for the trade monitoring elements of the CWC. This would indicate that the AG is not a closed First World grouping. Clear and more formalised criteria for the admission of new members, such as are currently being developed, would need to be developed by the Group.

- Rapid membership expansion, however, would have implications for a number of the Group's current operating characteristics - such as its informality, flexibility and information exchange - which many members feel have contributed to its effectiveness in its efforts to counter CBW proliferation.

The third option would be to maintain, generally, the current approach - assessing future applications for membership on their individual merits and in the light of the criteria being developed by the Group.

- The general feeling in June 1992 was that the Group could not afford the luxury of an uncoordinated approach to membership expansion given the importance, for the CWC, of the Group developing a clear political message, reinforced by consistent practice, of its future intentions.

### **AG Activities not Covered by the Convention**

21. Members should recall that even if the CWC, at a later stage, adequately replaces the Australia Group's function in harmonising chemical export controls - which has been its core function to date - a number of areas of the Group's current work would not necessarily be captured by the CWC.

The Australia Group is in the process of imposing controls on the export of biological weapons proliferation sensitive items. This aspect of the Group's work is, of course, not covered under the CWC.

It is possible that future amendments to the Biological Weapons Convention (BWC) might see the introduction of an export control regime under that



Convention, but even if such a development does eventuate, it is unlikely to occur for some time yet.

The CWC concentrates on chemicals. There is no specific mention of equipment in the CWC. Some States Parties might interpret the General Obligation under Article I not to assist anyone to acquire chemical weapons as requiring them to impose controls on the transfer of technology, equipment or know-how which are relevant to CW production but there is no indication that such views would be universally held: they are more likely to evolve in the light of experience in implementing the CWC.

The exchange of sensitive information, much of it derived from national intelligence sources, has been very important in the AG context in defining the nature of the proliferation problem and thus to the effectiveness of the Group's response.

### Transparency

22. The low profile seen as desirable for the effective operation of the Australia Group in its formative years now appears unnecessary and even counterproductive. Much more is now on the public record about the Group as a result of growing concern over the past few years about the proliferation of weapons of mass destruction and the consequent need for Governments to take action to respond to this unwelcome development, and to explain their response to their publics. Moreover the Group has itself in recent months become more transparent about its activities in response to developments in the CWC negotiations, the 6 August statement being the most obvious example of this.

23. It would seem to be in the best interests of the members of the Australia Group for them to be as open and forthcoming as possible about their activities in order to counter inaccurate or ill-informed comment about the Group by some non-members, and to be actively involved on a national basis in the work of the CWC Prepcom.

24. A positive public statement by the Group at its meeting in December welcoming the conclusion of the Convention, reaffirming the August statement to the CD, and expressing the intention of the members of the Group to do their utmost to bring the CWC effectively into force as soon as possible could be a useful first step in this direction. Another could be the release of a paper, which would replace the current press guidelines, outlining in general terms the objectives of the Group and the measures it has taken to prevent the spread of CBW. The Chair has prepared such a paper (AG/Dec92/Press/Chair/8) which has been circulated to members of the Group for comment.



## ATTACHMENT 1

<b>AUSTRALIA GROUP EXPORT CONTROL LIST:          CHEMICAL WEAPONS PRECURSORS</b>
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PRECURSOR CHEMICAL	CAS NO.	SCHEDULE WP/400 REV.2
1. Thiodiglycol	(111-48-8)	2B
2. Phosphorus Oxychloride	(10025-87-3)	3B
3. Dimethyl Methylphosphonate	(756-79-6)	2B
4. Methyl Phosphonyl Difluoride (DF)	(676-99-3)	1B
5. Methyl Phosphonyl Dichloride (DC)	(676-97-1)	2B
6. Dimethyl Phosphite (DMP)	(868-85-9)	3B
7. Phosphorus Trichloride	(7719-12-2)	3B
8. Trimethyl Phosphite (TMP)	(121-45-9)	3B
9. Thionyl Chloride	(7719-09-7)	3B
10. 3-Hydroxy-1-methylpiperidine	(3554-74-3)	Not Listed
11. N,N-Diisopropyl-(beta)-Aminoethyl Chloride	(96-79-7)	2B
12. N,N-Diisopropyl-(beta)-Aminoethane Thiol	(5842-07-9)	2B
13. 3-Quinuclidinol	(1619-34-7)	2B
14. Potassium Fluoride	(7789-23-3)	Not Listed
15. 2-Chloroethanol	(107-07-3)	Not Listed
16. Dimethylamine	(124-40-3)	Not Listed
17. Diethyl Ethylphosphonate	(78-38-6)	2B
18. Diethyl N,N-Dimethylsophoramidate	(2404-03-7)	2B
19. Diethyl Phosphite	(762-04-9)	3B
20. Dimethylamine Hydrochloride	(506-59-2)	Not Listed
21. Ethyl Phosphinyl Dichloride	(1498-40-4)	2B
22. Ethyl Phosphonyl Dichloride	(1066-50-8)	2B
23. Ethyl Phosphonyl Difluoride	(753-98-0)	2B
24. Hydrogen Fluoride	(7664-39-3)	Not Listed
25. Methyl Benzilate	(76-89-1)	Not Listed
26. Methyl Phosphinyl Dichloride	(676-83-5)	2B
27. N,N-Diisopropyl-(beta)-Amino Ethanol	(96-80-0)	2B
28. Pinacolyl Alcohol	(464-07-3)	2B



29.	O-Ethyl 2-Diisopropylaminoethyl Methylphosphonite (QL)	(57856-11-8)	1B
30.	Triethyl Phosphite	(122-52-1)	3B
31.	Arsenic Trichloride	(7784-34-1)	2B
32.	Benzilic Acid	(76-93-7)	2B
33.	Diethyl Methylphosphonite	(15715-41-0)	2B
34.	Dimethyl Ethylphosphonate	(6163-75-3)	2B
35.	Ethyl Phosphinyl Difluoride	(430-78-4)	2B
36.	Methyl Phosphinyl Difluoride	(753-59-3)	2B
37.	3-Quinuclidone	(3731-38-2)	Not Listed
38.	Phosphorus Pentachloride	(10026-13-8)	3B
39.	Pinacolone	(75-97-8)	Not Listed
40.	Potassium Cyanide	(151-50-8)	Not Listed
41.	Potassium Bifluoride	(7789-29-9)	Not Listed
42.	Ammonium Bifluoride	(1341-49-7)	Not Listed
43.	Sodium Bifluoride	(1333-83-1)	Not Listed
44.	Sodium Fluoride	(7681-49-4)	Not Listed
45.	Sodium Cyanide	(143-33-9)	Not Listed
46.	Tri-ethanolamine	(102-71-6)	3B
47.	Phosphorus Pentasulphide	(1314-80-3)	Not Listed
48.	Di-isopropylamine	(108-18-9)	Not Listed
49.	Diethylaminoethanol	(100-37-8)	Not Listed
50.	Sodium Sulphide	(1313-82-2)	Not Listed
51.	Sulphur Monochloride	(10025-67-9)	3B
52.	Sulphur Dichloride	(10545-99-0)	3B
53.	Triethanolamine Hydrochloride	(637-39-8)	Not Listed
54.	N,N-Diisopropyl-2-Aminoethyl Chloride Hydrochloride	(4261-68-1)	2B



AG/DEC 92 INM/GB16

PAPER B BEGINS

AUSTRALIA GROUP: EXPANSION OF MEMBERSHIP: FACTORS FOR CONSIDERATION  
(U/LINE EIGHT)

FACTORS FOR CONSIDERATION BY THE GROUP

1. ~~ADDITIONAL~~ COMMITMENT TO PREVENT THE SPREAD OF CBW, INCLUDING CONSIDERATION OF PREVIOUS NON-PROLIFERATION RECORD,
2. MANUFACTURER OR ~~TRADER OR IMPORTER~~ <sup>Exporter or Transshiper</sup> OF AG CONTROLLED ITEMS OR ITEMS BEING CONSIDERED FOR CONTROL,
3. ACCEPTANCE OF ALL EXISTING AG CONTROLS FOR ALL ITEMS ON THE AG LIST,
4. NATIONAL CONTROLS COVERING ALL SUCH ITEMS,
5. CREATION AND IMPLEMENTATION OF EFFECTIVE EXPORT CONTROL SYSTEMS, AND ADEQUATE LICENSING AND ENFORCEMENT REGIMES.
6. LEGAL PENALTIES AND SANCTIONS FOR CONTRAVENTION OF CONTROLS. CAPABILITY AND WILLINGNESS TO IMPOSE SANCTIONS AGAINST DIVERTORS.
7. WILLINGNESS TO CREATE RELEVANT CHANNELS FOR THE EXCHANGE OF INFORMATION.
  - A) ACCEPT THE CONFIDENTIALITY OF THE INFORMATION EXCHANGE AND THE RESTRICTION ON THE SPREAD OF SUCH INFORMATION,
  - B) CREATE LIAISON CHANNELS FOR EXPERT DISCUSSION, CUSTOMS INFORMATION,
  - C) CREATE A DENIAL NOTIFICATION SYSTEM PROTECTING

COMMERCIAL CONFIDENTIALITY, AND ACCEPTING TRADING RESTRAINTS.

8. AGREEMENT BY ALL MEMBERS OF THE GROUP TO THE ADMISSION OF A NEW MEMBER BASED ON AN APPRECIATION THAT THE ADDITION WOULD STRENGTHEN THE EFFECTIVENESS OF THE GROUP IN PREVENTING CBW PROLIFERATION.

PAPER B ENDS

Membership and good status in CWC, BTWC and



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## AUSTRALIA GROUP

Australia Group Doc  
AG/Dec92/ExC/GB/16FACTORS FOR CONSIDERATION FOR THE ADDITION OF CHEMICALS  
TO THE CONTROL LIST*(Revised version of AG/Dec92/ExC/GB/11)*

1. The UK believes that for export controls on CW agent precursors to remain effective, the control list must be sharply focused, limited to those chemicals of greatest concern and kept under constant review. The combination of such a list with comprehensive national warning guidelines is we believe the best way to retain the cooperation of the chemical industry and to prevent proliferators from obtaining chemicals for their CW programs.

2. We consider that the control list should be focused on CW agent precursors and that adjuncts to production such as solvents, acid scavengers and basic chemicals, such as phosphorus and chlorine, used in the production of the precursors, should be included in national warning guidelines. We also believe that controls on certain key precursors, such as isopropanol, which are used extensively in the chemical industry, may be of limited effectiveness because such chemicals are traded in very large quantities. These too should be included in national warning guidelines. Some basic chemicals, heavily traded precursors, adjuncts and other chemicals of concern are listed in the annexes to AG/Dec91/Exc/Chair/25.

3. We propose that the use of the term criteria be discontinued since it carries with it an implied formality and rigidity which does not actually exist. We prefer instead "**factors for consideration**". The following factors are intended as a framework within which the arguments for the addition of chemicals to the control list can be considered.

A. Whether the chemical has been sought or procured by a country of concern for CW purposes.

Consideration of this factor should include: the existence of reasonable grounds for suspecting that the chemical has been sought or procured by a country of concern for CW purposes; and the quantities involved. Even if a chemical is sought in small quantities it can assist a proliferator with research on, and development of, CW agents.

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- B. Whether the chemical is a CW agent precursor or an adjunct to CW agent production.

This should include consideration of the agent to be produced, the production routes, and the importance of the chemical in the production process. Consideration should also include other forms of precursor chemicals, such as salts.

There is a wide range of possible adjuncts to the production of CW agents such as solvents and acid scavengers. Due to the diversity and widespread use of many of these chemicals in industry, controls on them may be of only limited effectiveness, in that as one such chemical is brought under control a proliferator could easily switch to an alternative.

- C. Whether the chemical is produced or traded in quantities that would make its export control practical.

This should include consideration of the extent to which the chemical is traded and its availability. Controls on certain precursors such as isopropanol and some basic chemicals used in precursor production such as phosphorus and chlorine may be of limited effectiveness because they are traded in very large quantities.



## AUSTRALIA GROUP

Australia Group Doc  
AG/Dec92/ExC/USA/13

### Proposal for a No Undercut Arrangement

The following paper outlines elements the U.S. believes would contribute significantly toward enhancing the coordination of AG export controls. A 'no undercut policy' would ensure that the group is following a coherent approach to denials of CBW-related exports. If one member denies an export for CBW non-proliferation reasons, all other members would be bound to honour that denial - by denying essentially identical exports - pending consultations with the member that issues the original denial.

To be effective, a 'no undercut policy' requires the adoption of a number of common elements: mandatory notifications of denials, provisions for honouring denials by another member pending consultation with the denying member, a sunset clause for the binding nature of the denial, an agreed approach to the application of export controls, agreed criteria for denials of exports, and protection as 'proprietary' of information passed in denials. The AG should adopt this mechanism for consultation on all control items.

#### I. Mandatory Denial Notifications

The member government will provide prompt and comprehensive notification to all other member governments of a decision taken to deny an application for transfer of controlled chemical precursors, biological pathogens, materials, equipment, or related technologies.

#### II. Honouring Denials Pending Consultations

In the event that a denial of transfer is notified pursuant to the criteria listed below, member governments will not approve a transfer which is essentially identical without consulting the government which provided the notification. After such consultations, in the event of approval of the transfer, the approving government should notify other member governments of its approval, and the restriction on transfers set forth in this paragraph will no longer apply.

#### III. Sunset Clause

Denial notification shall remain in effect for a period of three years. Members may extend a denial's validity by reviewing the basis for the denial and advising other members at the conclusion of the three year period that they wish it to remain in force.

#### IV. Scope of Application

Each member agrees to uphold the 'no undercut' procedure only in the event of denials to those destinations to which the member itself requires an export licence.

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**CONFIDENTIAL****V. Denial Criteria**

In considering whether to authorize transfers of controlled items, members will take these relevant factors into account:

- (a) The significance of the transfer in terms of the potential development, production or stockpiling of chemical or biological weapons.
- (b) Whether the equipment, material, or related technology to be transferred is appropriate for the stated end-use;
- (c) Whether there appears to be significant risk of diversion to chemical or biological weapons programs;
- (d) Whether a transfer has been previously licensed to the end-user or whether the end-user has diverted for purposes inconsistent with non-proliferation goals any transfer previously authorized;
- (e) Whether the recipients have been engaged in clandestine or illegal procurement activities;
- (f) Whether the recipient state is a party to the Chemical Weapons Convention or Biological Weapons Convention and is in compliance with its obligations under these treaties; and
- (g) Whether governmental actions, statements, and policies of the recipient state are supportive of chemical and biological weapons non-proliferation and whether the recipient state is in compliance with its international obligations in the field of non-proliferation.

**VI. Proprietary Protection**

Members will protect information gathered in support of this policy in accordance with the procedures already in effect as part of the Exchange of Denial Notification Procedures.

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EIDGENÖSSISCHES DEPARTEMENT  
FÜR AUSWÄRTIGE ANGELEGENHEITEN  
DÉPARTEMENT FÉDÉRAL DES AFFAIRES ÉTRANGÈRES  
DIPARTIMENTO FEDERALE DEGLI AFFARI ESTERI

p.B.51.14.21.20 (28) - DAH

Bern, 18. Dezember 1992

Bitte dieses Zeichen in der Antwort wiederholen  
Prière de rappeler cette référence dans la réponse  
Pregasi rammentare questo riferimento nella risposta

EMD

DMV, Rechtsdienst  
GRD, AC-Labor, Spiez  
GGST, UNA  
AFM  
Abt. AC-Schutzdienst

EVD

BAWI, Autonome Aussenwirtschaftspol.  
BAWI, AEA

EJPD

Bundesanwaltschaft

EDI

BAG

EDA

Sekretariat Staatssekretär  
Politische Abteilung I  
Politische Abteilung II  
Völkerrechtsdirektion  
DIO, UNO-Sektion

Missionen Genf, New York, Brüssel

Botschaften Amman, Ankara, Beijing, Bonn,  
Budapest, Bukarest, Damaskus, Islamabad,  
Kairo, London, Moskau, New Dehli, Paris,  
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Tripolis, Warschau, Washington,

Delegationsmitglieder

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PFI 12. Jan. 1993 08

PFI 12. Jan. 1993 08

**Bericht über die informellen Konsultationen der Australiengruppe  
Paris, 8. bis 10. Dezember 1992**

In der Beilage erhalten Sie den Bericht über das jüngste Treffen der Australien-Gruppe, an dem Massnahmen zur Verhinderung der Verbreitung biologischer und chemischer Waffen beraten wurden. Sofern Sie zusätzliche Unterlagen wünschen, sind wir gerne bereit, Ihnen diese zukommen zu lassen.

DIENST FÜR ABRÜSTUNGSPOLITIK  
UND NUKLEARFRAGEN

*Armin Ritz*  
(Armin Ritz)