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## Cuba BW allegations

On 25–27 August, a 'Formal Consultative Meeting' of states parties to the 1972 Biological and Toxin Weapons Convention (BWC) was held in Geneva at the request of the government of Cuba to discuss allegations by that state that it had been the subject of biological attack by the United States of America.

The meeting was attended by 75 states parties plus 3 state signatories and was chaired by Ambassador Ian Soutar of the United Kingdom. The UK was in the chair as a depositary state to the BWC.

Statements were made by both Cuba and the US with discussion involving other parties following.

The meeting was unable to come to any formal conclusions although the chair has said it was not possible to draw a 'direct causal link' between the alleged activities and the outbreak of the insect infestation.

Amb. Soutar has indicated that he wishes to produce a final report on the allegations by the end of the year.

### Outline of the allegations

The detailed allegations are contained in an annex to a letter to the United Nations Secretary-General, reproduced as UN document A/52/128, dated 29 April 1997.

The Cuban authorities allege that a single-engined 'Model S2R' aircraft, registration N3093M, operated by the US State Department crossed Cuban airspace on 21 October 1996, en route to Grand Cayman. This aircraft was allegedly seen at 10.08 hours by a Cuban commercial aircraft and was 'apparently spraying or sprinkling unknown substances'.

The aircraft in question is equipped for crop spraying and is used for spraying herbicides onto narcotic crops.

On 18 December 1996, according to the annex, the first signs of the presence of *Thrips palmi* — an insect that feeds on crops — in the region overflown by the aircraft were detected.

Following a request for clarification on this incident, US authorities stated on 12 February 1997 that the pilot of the US aircraft had spotted the commercial aircraft but was not certain that he had been seen. The pilot then used a 'smoke generator' on his aircraft to indicate his location.

The annex states that *Thrips palmi* is indigenous to Asia and was not previously known in Cuba. The insect has appeared in other Caribbean states, such as Haiti, but the area in Cuba affected is 600 kilometres from the closest point of Cuba to previously affected countries.

The outbreak was reported through the UN and Food and Agriculture Organization as an unusual outbreak of disease.

Cuban scientists allege that they can date the initial 'infection' with the insects as close to the date of the aircraft overflight.

The annex concludes with: 'There is reliable evidence that Cuba has once again been the target of biological aggression'.

### Response to the allegations

The United States responded on 6 May, denying the allegation. The US stated that the tank normally used for holding materials to be sprayed was being used for fuel on this flight, owing to the distance to be covered and that could rule out all possibility of any spraying.

Cuba, in return provided further information on 27 June.

### Reporting the allegations

Rather than report the allegation through Article VI of the BWC, the Cuban authorities reported the allegation through consultative channels.

Article VI of the BWC reads:

(1) Any State Party to this Convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council.

(2) Each State Party to this Convention undertakes to cooperate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Convention of the results of the investigation.

Cuba has relied instead on the procedures adopted at the Third BWC Review Conference in 1991 to strengthen Article V of the

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Convention which deals with consultations between parties.

The Final Declaration of the Third BWC Review Conference includes the following language on the subject:

- 'A formal consultative meeting could be preceded by bilateral or other consultations by agreement among those States parties involved in the problems which had arisen'; and
- 'Requests for the convening of a consultative meeting shall be addressed to the Depositaries, who shall immediately inform all States parties of the request and shall convene within 30 days an informal meeting of interested States parties to discuss the arrangements for the formal consultative meeting, which shall be convened within 60 days of receipt of the request'.

### Previous BW allegations

The use of biological means of warfare dates back to ancient times when diseased corpses were catapulted into towns under siege.

The 1925 Geneva Protocol, in addition to prohibiting the 'use in war of asphyxiating, poisonous or other gases', also banned 'bacteriological methods of warfare'.

There is strong evidence that during World War II Japanese forces used biological weapons in China. In addition, 'Unit 731' of the Japanese army carried out biological warfare experiments on prisoners of war [see also elsewhere in this *Trust & Verify*]. This led to provisions in the Geneva Conventions of 1949 which defined grave breaches as 'involving any of the following acts [against protected persons] ... wilful killing, torture or inhuman treatment, including biological experiments, ...' [Article 130 of the Third Geneva Convention].

During the Korean War, allegations were made by the Democratic People's Republic of Korea (DPRK) that biological warfare was being used against it by the United States and its allies. These allegations were never proven.

In the early 1980s, the United States alleged that the Soviet Union and its allies were using a toxin in a formulation known as 'yellow rain' from the spots left behind on vegetation. This allegation has never been proven.

There is strong evidence that 'yellow rain' is a natural phenomenon caused by mass defecation of swarms of bees, although the US government still maintains that yellow rain was a biological weapon, with officials claiming that there are undisclosed intelligence data, so far not shared even with the closest allies, that supports this contention.

## Ottawa Process

### Progress toward a text

As *Trust & Verify* went to press, progress was being made toward the text for a treaty banning anti-personnel mines at the last of the 'Ottawa Process' meetings in Oslo which started on 1 September and is scheduled to finish on 19 September.

Canadian authorities hope to be able to hold a signing ceremony for the treaty on 2-4 December in Ottawa.

### United States and APMs

On 18 August the US Government formally pledged support for the 'Ottawa Process' which aims to conclude a treaty banning

anti-personnel land mines by the end of 1997. A White House press release that day stated:

The United States will participate in the Ottawa process negotiations on a treaty banning anti-personnel landmines.

The release also expressed the hope that the treaty would be concluded and signed by the end of the year.

However, the release also stated:

At the same time, the United States will continue other efforts to address the problem of landmines, including our work to establish step-by-step negotiations toward a global ban in the Conference on Disarmament.

This was followed, on the 21 August, by a US statement to the Conference on Disarmament in Geneva:

We want to take advantage of the momentum behind the Ottawa Process and help build on the support it already has.

US security perspectives will make its participation in the Ottawa process potentially difficult. Most participants wish to see a global ban on anti-personnel mines (APMs) without any exceptions; the US is insisting on exceptions for APMs on the inner-Korean border.

The Republic of Korea has expressed its support for this exception.

## Open Skies — flight over Bosnia

On 27 August an overflight of Bosnia-Herzegovina was carried out under the auspices of the Organization for Security and Co-operation in Europe (OSCE) using the German 'Open Skies' aircraft.

The aircraft, a Tu-154M, was once the East German equivalent of 'Air Force One' in the time of Erich Honecker.

The flight covered a total of 2,300 kilometres, overflying and

photographing 120 civilian and military sites — 60 each in the Federation and the Republika Srpska.

On board the aircraft were representatives of the three former conflicting parties in Bosnia, the OSCE, the Contact Group and the NATO-led Stabilization Force (SFOR). In addition seven media representatives were on board — three each from the Federation and

the Republika Srpska together with one from Germany.

The flight was operated from Split, Croatia, as the runway at Sarajevo was considered unsuitable for an aircraft of this size owing to war damage. Participants were flown by German SFOR helicopters from Sarajevo to Split.

A further Open Skies flight over Bosnia-Herzegovina, a joint US-Russia project, is scheduled for the third week of October 1997.



## Activities on the Korean peninsula

### KEDO reactor ceremony

On 19 August, a ceremony to mark the start of construction of two 1,000-megawatt nuclear reactors was held in the Democratic People's Republic of Korea (DPRK).

The reactors, being constructed by the Korean Peninsula Energy Development Organization (KEDO), are the result of the 1994 Agreed Framework under which the DPRK froze work on its graphite-moderated reactors.

The ceremony was attended by 81 westerners who travelled to North Korea from the South on a recently opened sea route owing to the lack of crossing points on land.

Construction is currently 18 months behind schedule and is primarily

being funded by the Republic of Korea.

### Ballistic missile talks

Following the defection of senior North Korean diplomats based in Cairo on 26 August, the DPRK withdrew from bilateral talks with the US on ballistic missile proliferation concerns that were due to start the following day. The talks were set to last for three days.

According to press reports, the defectors have provided information on ballistic missile sales from the DPRK to Iran and Syria as well as details of other weapons programmes.

### Chemical weapons allegations

The Joint Chiefs of Staff of the Republic of Korea have claimed that the DPRK is producing 15 tonnes of chemical weapons every day and that it has amassed an arsenal totalling over 1,000 tonnes.

However, the military chiefs did not publish any accompanying evidence to support this claim.

### Civil and political rights

On 27 August, the DPRK announced its intention to withdraw from the 1976 International Covenant on Civil and Political Rights, citing United Nations criticism of the country's human rights record as its reason.

## Climate Negotiations — AGBM VII

The Ad Hoc Group on the Berlin Mandate (AGBM) — the negotiating forum for the protocol or amendment to the Framework Convention on Climate Change — held its seventh meeting on 4–7 August in Bonn.

The meeting began on a sour note: with the hands of the USA seemingly tied by the Senate decision (see last *Trust & Verify*) and the developing countries, in the form of the Group of 77 and China, being absolutely opposed to any linkages between commitments and developing countries until the developed countries take some sort of lead in reducing their emissions.

The AGBM split into three so-called 'Non-Groups' to debate different aspects of the Chair's huge compilation document comprising all of the protocol proposals, or elements of them, made by Parties. Of these, the most interesting was probably that concerning quantified emission limitation and reduction objectives (QUELROs) or, in common parlance, commitments.

The Non-Group on QUELROs rapidly became bogged down in the first item on its agenda: the subject of which greenhouse gases might reasonably be covered by a protocol if it is intended to verify compliance with commitments. In terms of

national baselines, it is only possible to reasonably accurately estimate carbon dioxide emissions from energy use and yet most protocol proposals cover not only carbon dioxide but also methane — typical measurement inaccuracy 20 per cent, and nitrous oxide — typical measurement inaccuracy 50 per cent. Inaccuracies from greenhouse gas sinks are similarly large and, indeed, often unknown.

The QUELROs Non-Group did not successfully resolve this problem and only managed to get through the first one and a half pages (out of about twenty five) of its compilation text — even then heavily bracketing the text that it did consider. What needs to happen before the next AGBM meeting in October, is for Parties with similar proposals to get together and consolidate them. The text on differentiated commitments is, for example, unnegotiable as it stands.

The other Non-Groups likewise made little headway. One of the more kindly remarks on progress was that 'the soil had been loosened a little' (like cats do, and we all know what cats do after they have loosened the soil!)

In fact, progress overall was not as bad as it appeared. The USA will probably agree on an emission

reduction target (possibly based on its own budget approach) with the EU, and with emissions trading as a *quid pro quo* for a fairly significant target. Japan seems to be heading towards advocating a smallish, carbon dioxide-only target, and has no basic objections to emissions trading.

Most other developed countries are heading in roughly the same direction, with the exception of a few, such as Australia, who are unlikely to join any protocol at all unless it allows them to increase emissions.

At the August AGBM, some of the developing countries (notably members of the Alliance of Small Island States [AOSIS] and some of the Association of South East Asian Nations [ASEAN]) tried hard to form a 'green group' that would propose a significant emission reductions target on behalf of the bulk of the G77 and China. This move made significant headway and such a group may well emerge at the October meeting, dropping the OPEC countries but possibly carrying some really important states such as China. If this happens, it could transform the negotiations.

There will be one more meeting of the AGBM before the Kyoto conference at the end of the year.



## In the news

### Unexplained seismic event

A report in the *Washington Times* has claimed that on 16 August 1997 there was an unexplained seismic event close to a former Russian nuclear test site.

This has been followed by statements by US officials that the seismic event is anomalous.

The seismic data is imprecise and reportedly indicates an event some 100km out to sea from the coast of the island of Novaya Zemlya, possibly at surface level.

Officials claimed that the seismic data available indicated that the event showed 'impulsive characteristics' and was consistent with the shock caused by a nuclear test. However, officials also stressed that no conclusions had yet been reached on what was the cause of the seismic event.

### CTBT Organization

The Preparatory Commission for the international organization to be established under the Comprehensive Test Ban Treaty will hold its third plenary session in Vienna on 15-19 September.

### Stop press: land mines

As we went to press, a treaty text was agreed in Oslo (see page 2), however the United States has indicated it will not sign it as it contains no exceptions.

### Trust & Verify

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### Openness on BW history

Japanese historian Saburo Ienega has won a case before the Japanese Supreme Court which ruled that the removal of details of his country's biological warfare research in World War II from a school textbook was unlawful.

The operations of Unit 731 had been described in his textbook but had been excised on government orders in 1983.

The court ruled on 29 August that he should be awarded damages but did not outlaw future government control over the content of school books.

Unit 731 was notorious for conducting biological warfare experiments in occupied Chinese territory on prisoners while they were still alive. The unit has never been formally acknowledged to have existed by the Japanese Government, although its activities have been well documented.

### Stealth watered down

It has been revealed that the radar absorbing materials used in the US

B-2 stealth bomber may be seriously adversely affected by rain.

This greater radar visibility will increase transparency in military operations — a classic confidence-building measure.

### THORP safety licence

On 22 August, the Thermal Oxide Reprocessing Plant (THORP) at Sellafield in the UK was given the go ahead for operations by safety watchdog the Nuclear Installations Inspectorate.

THORP is to be used to separate plutonium from UK and overseas civil reactors.

### Thomas Graham

Thomas Graham, who was President Clinton's Special Representative for Arms Control, Nonproliferation and Disarmament Matters until 1 July has been appointed as the president of the Lawyers Alliance for World Security.

At this time it is not clear if President Clinton is going to appoint a new Special Representative.

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### What is VERTIC?

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