

Emergence of an export control regime

The Rabta CW factory as a case study

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Constituents of an export control regime

- List as many elements as possible that make up an export control regime
- Identify as many government agencies involved in export control as possible
- What international treaties, legal instruments or arrangements inform export control regimes?
- Who are the partners in a technology transfer process?
- How would you know that an illicit technology transfer
 - Is taking place?
 - Is being prepared?

What was the 'Rabta affair'?

- A chemical weapons (CW) factory in Libya
 - Constructed in second half of 1980s
 - Rabta = town about 85km south of Tripoli
 - Libya claimed it was a pharmaceutical plant
- A network for technology transfers
 - 1984: **Imhausen Chemie** (FRG) manufactures chemicals and buys equipment from several German companies for Project Pharma 150
 - Pharma 150 = 'official' pharmaceutical project in Hong Kong
 - Pharma 150 = is also name of the project in Rabta, Libya
 - 1985: **Ishan Barbouti International (IBI) Engineering** purchases technologies for Libya and set up a purchasing network in Europe
 - 1985: Belgian trading company **Crosslink** begins transshipment of commodities from Germany to Hong Kong (in reality: Libya)
 - Many other companies *unwittingly* involved in the supply network

Rabta facility - 1st public impression (from Imhausen trial, 1990)



Rabta, Libya

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(Retraced from German court documents, 1999)

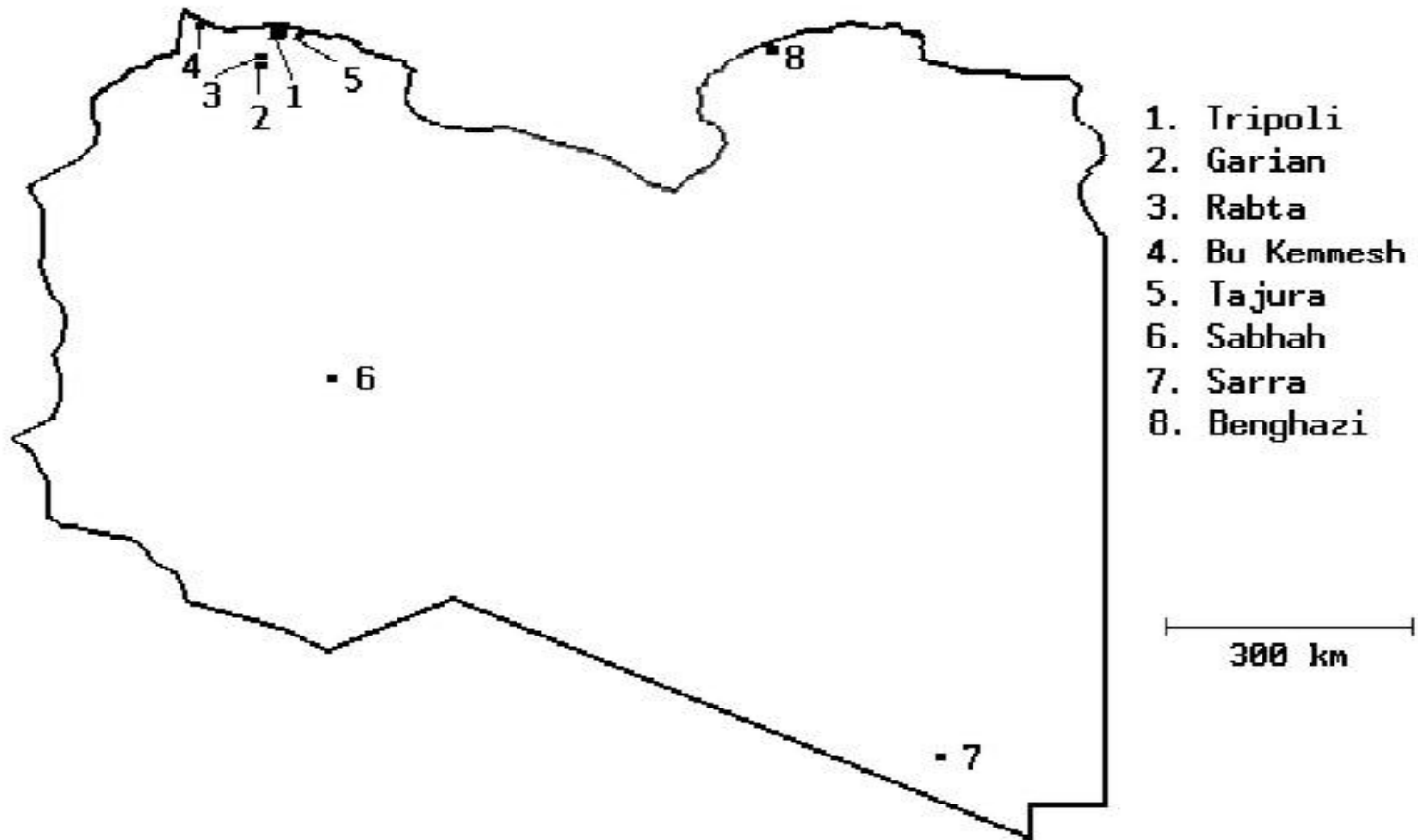
Rabta facility – Satellite picture (end 1990s)



Intelligence collection

- Early indications
 - 1980: First FRG intel concerning Libya's CW activities
 - 1983: Identification of Bu Kemmesh as site (west of Tripoli); mustard agent production as of 1981.
 - 1987: 1st FRG intel citing Rabta; believed to start up sarin production in September (1-3 tonnes/day)
 - 1988: FRG retracts intel assessment about Bu Kemmesh
- Crisis and confirmation
 - 1989: More detailed information about Rabta and more precise public accusations against Libya and specific German companies
 - 1989: Crosslink owner arrested in Belgium for falsifying documents for IBI Engineering
 - 2/1990: US escalated accusations of German involvement in Rabta
 - 3/1990: US alleges Rabta produces small amounts of mustard agent and sarin; FRG intel agency rejects the sarin claim
 - 8/1990: CEO of Imhausen Chemie condemned of fraud

Intelligence: various locations cited



Export control framework - domestic

- Iran – Iraq war (1980 – 88)
 - Iraqi CW use
 - Many companies in Europe and USA assisted with Iraqi CW programme (chemical precursors; equipment; plant designs)
 - No CW-specific export controls until 1984
 - Very small list with some agents and their precursors
- Rabta crisis (1989 – 91)
 - Broad expansion of the chemical control lists
 - Adoption of common nomenclature (to avoid confusion about different commercial names for a compound)
 - Gradual adoption of CW-specific legislative measures (before the lists functioned in conjunction with existing arms export laws)
 - Individual responsibility of companies (e.g., via catch-all principle)
- Post-Rabta
 - More than 60 chemicals today under export control
 - International coordination of national export control policies
 - Specific criminal and penal law
 - Closing of loopholes discovered during Rabta crisis (e.g. end-user certificate: 'open sea')
 - Still issues remaining (e.g., chlorine, isopropanol, etc.)

Export control framework – international

- Iran – Iraq war (1980 – 88)
 - Initially nothing
 - 1985: Establishment of Australia Group:
 - adoption of common control lists for chemicals (to be included in national legislation)
 - Adoption of specific country lists (Iran, Iraq, countries under international sanctions, ...)
- Rabta crisis (1989 – 91)
 - Australia Group: Broad expansion of the chemical control lists
 - Adoption of CAS numbers (to avoid confusion about different commercial names for a compound)
 - Became applicable to wider categories of countries
 - Adoption of the no-undercut principle (to avoid one country authorising an export after another Australia Group member had refused authorisation)
- Post-Rabta
 - Conclusion of negotiation of Chemical Weapons Convention in 1992 and entry into force in 1997
 - Article VI: reporting and monitoring of transfers of scheduled chemicals
 - Technology transfers to terrorists and criminals after Aum Shinrikyo
 - After 9/11: UN Security Council Resolution 1540 (2004)
 - Sanctions

Aftermath

- 4/1997: Entry into force of Chemical Weapons Convention
- 12/2003: Libya announced its intention to eliminate all its non-conventional weapon programmes, in collaboration with the USA and several other countries
- 2/2004: Libya acceded to the CWC
 - Submitted initial declaration.
 - It had produced 20-25 tonnes of mustard agent and sizeable volumes of precursor chemicals.
 - Rabta is the only declared production facility; as well as Ruwagha storage facility (SE Libya)
- 1/2014: Completion destruction Cat. 1 CW
- 1/2018: Completion destruction Cat. 2 CW,
 - with international assistance, and
 - after evacuation from territory due to internal war

Review your answers to questions

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