NAME: Adeyemi Gbenga Mayode

MATRIC NO:16/SMS10/001

DEPARTMENT: Peace and Conflict Studies

COLLEGE: Social and Management Sciences

LEVEL:400

COURSE TITLE: Weapons Proliferation and Weapons of Mass Destruction

COURSE CODE: PCS 408

ASSIGNMENT QUESTION

The Chemical Weapons Convention or CWC which enter into force in April 1997 prohibits the development, production, stockpiling, acquisition, or transfer of chemical weapons. In relation to this statement how effective is CWC in eliminating chemical weapons under universally applied international control?

Chemical Weapon Convention aims to eliminate an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by States Parties. States Parties, in turn, must take the steps necessary to enforce that prohibition in respect of persons (natural or legal) within their jurisdiction.

Therefore, the CWC is effective in eliminating chemical weapons under universally applied international control because all States Parties have agreed to chemically disarm by destroying any stockpiles of chemical weapons they may hold and any facilities which produced them, as well as any chemical weapons they abandoned on the territory of other States Parties in the past. States Parties have also agreed to create a verification regime for certain toxic chemicals and their precursors in order to ensure that such chemicals are only used for purposes not prohibited under the Convention.

A unique feature of the Convention is its incorporation of the ‘challenge inspection’, whereby any State Party in doubt about another State Party’s compliance can request a surprise inspection. Under the Convention’s ‘challenge inspection’ procedure, States Parties have committed themselves to the principle of ‘anytime, anywhere’ inspections with no right of refusal.

The Chemical Weapons Convention (CWC) which entered into force in April 1997 prohibits the development, production, stockpiling, acquisition, or transfer of chemical weapons.

The chemical weapons convention (CWC) is one of the most successful arms control treaties in existence. It outlaws the production, stockpiling or research on offensive lethal chemical weapons.

Yet chemical weapons have still been featured, such as the Novichok poisonings in the UK, and the convention is facing questions.

The chemical weapons convention is a legacy of the end of the cold war. The collapse of the Soviet Union reinvigorated the long-dormant chemical weapons control process. This culminated with most nations signing and ratifying the chemical weapons convention, which came into force in 1997.

Each nation is responsible for the destruction of its own stockpile of weapons either alone, or with the help of others, with compliance monitored by OPCW. So far about 96% of declared stocks of chemical weapon agents have been eliminated, including all of Russia’s declared stockpile.

Most nations accept that chemical weapons are an anachronism, with only limited military value against an enemy of similar technological sophistication.

But there has been a rise in recent years in the use of chemical weapon agents against civilian populations, as in the Syrian civil war, and as tools of assassination, such as in the murder of Kim Jong-nam and the attempted murder of former Russian spy Sergei Skripal and his daughter in Salisbury in the UK.

 The convention establishes three types of on-site activities that aim to generate confidence in states-parties’, CWC compliance aims at eliminating chemical weapons under universally applied international control by:

* “Routine inspections” of chemical weapons-related facilities and chemical industry facilities to verify the content of declarations and to confirm that activities are consistent with CWC obligations.
* “Challenge inspections” which can be conducted at any facility or location in states-parties to clarify questions of possible noncompliance. (To prevent abuse of this measure, the OPCW’s executive body can vote by a three-quarters majority to stop a challenge inspection from going forward.)
* Investigations of alleged use of chemical weapons.

If states-parties are found to have engaged in prohibited actions that could result in “serious damage” to the convention, the OPCW could recommend collective punitive measures to other states-parties. In cases of “particular gravity,” the OPCW could bring the issue before the UN Security Council and General Assembly.

States-parties must take measures to address questions raised about their compliance with the CWC. If they do not, the OPCW may, inter alia, restrict or suspend their CWC-related rights and privileges (such as voting and trade rights).

 The CWC will monitor trade in certain chemicals that may be used to manufacture chemical weapons. Trade in "military agents with no or low commercial use" such as phosphorofluoridates, and certain protonated salts and mustard compounds, and "high risk precursors and toxic chemicals with moderate commercial use," such as methyl, ethyl, or propyl compounds bonded with phosphorus atoms will be restricted three years after the treaty enters into force. Five years after entry-into-force, treaty members can vote to enact legislation to enact restrictions on "high commercial volume dual-use chemicals," that is, chemicals that have wide commercial usage. Examples of this last set of chemicals include phosgene and hydrogen cyanide.

 In the U.S., the CWC efforts were initiated by the Reagan Administration. Since that time, both Presidents Bush and Clinton have been active proponents of the CWC. And some of the very large, well-known chemical companies (Dow Chemical, DuPont, Union Carbide) in the U.S. supported the CWC.

The political difficulty within the U.S. for passage of the CWC had to do with certain Senators (Jesse Helms and others) leading a very lengthy and vocal fight against passage. The theme of the Senators' arguments was that the CWC merely provides a false sense of security. Regimes most likely to use chemical weapons will not sign the treaty, and of those that do sign, some would use such weapons if the appropriate situation presented itself (governments have been known to break other arms control treaties). And therefore, it is important for the U.S. to have adequate defenses against chemical weapons. However, much of the comment from the opposing Senators was focused on money matters; that is, the alleged concern over intelligence issues as they relate to the financial impact on the U.S. chemical industries - the risk of losing industry secrets because of the intrusive nature of the short-notice international inspection process. The concern over the rogue states, and their supposed refusal to sign the treaty, was countered by CWC supporters using the argument that most of the chemical industry supports the CWC, and hence would not fill orders from rogue states for the necessary ingredients to make chemical weapons. Also, the treaty does call for political and economic sanctions to be imposed upon non-signatories of the treaty. In actuality, Senator Helms was trying to leverage the CWC passage with his personal goals of having eliminated certain U.S. government activities, and also the downsizing of the U.N. in order to make it a less expensive operation. On the other hand, the potential cost to the U.S., for its failure to ratify the CWC, was estimated to be well in excess of $500 million annually because of treaty-imposed trade restrictions on U.S. exports by treaty signatories. In addition, lack of expedited action on ratification would mean that the U.S. would be unable to influence or provide input to CWC processes being set up for inspection procedures, budget and decisions.

In the preamble, the parties to the Convention express their goal to achieve a complete disarmament under international control as well as a prohibition and elimination of all weapons of mass destruction. The principals and objectives of both the 1925 Geneva Protocol and the 1972 Biological and Toxin Weapons Convention are reaffirmed. For the "sake of mankind," the signatories are determined to eliminate the possibility of the use of chemical weapons, and also agreed to the prohibition of herbicides as a means of warfare. International cooperation and exchange of scientific and technical data relating to chemical activities not prohibited under the Convention are recognized for being desirous endeavors, and free trade in a Convention-approved list of chemicals is encouraged. However, advances and achievements in the field of chemistry should be accomplished solely for the benefit of mankind. A necessary step toward the achievement of the aforementioned objectives is the complete elimination of the class of weapons known as chemical weapons as defined in the Convention.

The Convention contains 24 articles. A summary of some of the more significant articles follows below. Article I is concerned with the general obligations of the Convention, that is, the prohibition of producing, acquiring, storing, transferring, using or encouraging others to use chemical weapons. The destruction of existing weapons is addressed, as is the prohibition of the use of riot control agents as a method of warfare.

The definitions for chemical weapons and agents, and the criterion for production and processing of chemicals is given in Article II. See the beginning of this paper for the Convention-definition of chemical weapons.

Article III requires signatories to declare, within 30 days, the existence, location, and quantity of any chemical weapons or production facilities (including laboratories, and test and evaluation sites) owned or possessed by that state, and located on either their own national soil or the soil of some other sovereign state. Chemical agents intended for riot control use are to be declared as well.

Access to, and on-site verification of, the declared chemical weapon storage and destruction facilities are addressed in Article IV. The process for the planning of the destruction of existing weapons is presented, and the cost obligations regarding weapon destruction and on-site monitoring and verification inspections are discussed.

The provisions of Article V read in a similar manner as Article IV, but are concerned with chemical weapon production facilities.

**The CW Convention**

Article VI talks to those activities not prohibited under the Convention; that is, the development, production, acquisition, retention, transfer, and uses of toxic chemicals and their precursors for purposes other than that prohibited under the CWC. However, each state is to adopt measures sufficient to preclude prohibited (under conditions specified in the Convention) use of these chemicals and precursors. Declarations, and annual updates, are to be made of any compounds listed on the Convention's "Schedule 1, 2, or 3 chemicals." On-site verification measures are also discussed. Undue intrusion by the Technical Secretariat, an organ of the Organization for the Prohibition of Chemical Weapons, is to be avoided.

Article VII specifies the obligations of signatory-states, including the adoption of national measures implementing those obligations. It also defines the establishment of the necessary relationships between the state and the CWC organization. Article VIII gives a description of the organization including its organs: The Conference of the States Parties to which all signatories have membership, the Executive Council - a smaller group, the members of which are elected by the Conference, and the Technical Secretariat - a group established to assist the other two organs in the performance of their functions, and to carry out the verification measures so specified in this Convention.

Finally, the chemical weapons convention has almost reached the initial goal of the signatories, the elimination of chemical weapons. Now the convention needs to move with the times, to prevent backsliding from the prevailing culture that considers chemical weapons to be unspeakably barbaric. Also, the CWC has been very effective in eliminating chemical weapons under universally applied international control.