**AFE BABALOLA UNIVERSITY, ADO-EKITI EKITI STATE**

**AN ASSIGNMENT ON PCS408**

**BY**

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**INTRODUCTION**

The convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction (chemical weapons convention, CWC) was opened for signature in January 1993 and entered into force on 29 April 1997. It establishes a comprehensive prohibitory norm regarding the acquisition, possession and the use of chemical weapons which remains applicable under all circumstances, including that of armed conflict. As of 15 0ctober 2002, 147 states have ratified or acceded to the CWC and another twenty-seven have signed, but not ratified it. Twenty-one states are non-signatories.

Between 28 April and 9 may 2003, the organization for the prohibition of chemical weapons (OPCW) will hold the first review conference of the CWC. The principal purpose of the conference is to evaluate the operation of the CWC in its political, legal and technical aspects. Part of this exercise is backward-looking, namely to evaluate the operation of the convention during the preceding five years. The other part is forward-looking, namely to identify the most urgent issue the CWC may face over the next five years and to set up mechanisms, if necessary, to deal with them. Consideration of questions relating to the universality of the CWC will be a key element in the review process as they bear on the future relevance of the prohibition norm and the preservation of the interests of the state’s parties in the functioning of the treaty regime. During the first five years it has become clear that universality comprises more than just numbers of states parties.

**THE EFFECTIVENESS OF CHEMICAL WEAPONS CONVENTION IN ELIMINATING CHEMICAL WEAPONS UNDER UNIVERSALLY APPLIED INTERNATIONAL CONTROL**

The CWC makes no direct reference to the concept of universality. Nevertheless, the desire for universal adherence follows from the wish in the preamble to exclude completely the possibility of CWC use through the implementation of the treaty provisions for the sake of all mankind. Universality was the clear aim of the negotiators. The CWC is open to all states without exception. Some measures, such as the limitation of the trade in scheduled chemicals to states parties only, were proposed with the aim of encouraging universal adherence. Furthermore, the negotiators constructed the CWC in such a way that a state can only claim legal rights under the convention such as the right to import and export scheduled chemicals from or to a state party, to request and receive emergency assistance, or to benefit from international cooperation or technological exchanges under the convention unless it engages in the treaty obligations. The reservation of these rights to states parties serves simultaneously as a penalty to states staying outside the CWC and as an encouragement for them to join. Especially with respect to the transfer of scheduled chemicals, the cost of staying outside the treaty rises with the growing number of parties of the convention as the possible alternative sources for such compounds decrease.

From its second session in the later part of 1997 onwards, the conference of the states parties (CSP)- the highest decision-making body of the OPCW has systematically emphasized the importance of universality and has called upon states that have not yet done so to ratify or accede to the CWC. The technical secretariat of the OPCW has developed several types of outreach programmes to increase the awareness of the importance of the CWC among Non-member states. These activities have contributed greatly to the large membership of the convention. However, attracting new ratification or accessions is becoming increasingly costly. Most of the states currently outside the convention feel that they cannot join the CWC as a consequence of their threat perception or because they discern few tangible benefits that can offset the costs of being a member of the OPCW. In addition, the poor quality of the national implementation of the treaty obligations by many states parties has raised questions about their compliance and long-term commitment to the convention. The experience acquired during first five years of operation of the CWC has contributed to the growing awareness that there is a quantitative and a qualitative dimension to universality.