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A TERM PAPER

ON

HOW EFFECTIVE IS CWC IN ELIMINATING CHEMICAL WEAPONS UNDER UNIVERSALLY APPLIED INTERNATIONAL CONTROL?

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Chemical Weapons Convention (CWC), formally Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, international treaty that bans the use of chemical weapons in war and prohibits all development, production, acquisition, stockpiling, or transfer of such weapons. The CWC was adopted by the United Nations Conference on Disarmament on September 3, 1992, and the treaty was opened to signature by all states on January 13, 1993. The CWC entered into force on April 29, 1997. As of 2013, the only countries that had neither signed nor acceded to the CWC were Angola, Egypt, North Korea, and South Sudan.

**AIMS AND TERMS OF THE TREATY**

The aim of the CWC is total chemical weapons disarmament. Signatory states that possess chemical weapons at the time they sign and ratify the treaty must destroy those arms and their production facilities. States members are also required to destroy any chemical weapons they may have abandoned on the territory of other countries.

In Article II of the CWC, chemical weapons are defined as all toxic chemicals intended for wartime use, which includes not only the finished weapons but also their chemical precursors, munitions, delivery devices, and any other equipment specifically designed for wartime use.

Certain kinds of toxic chemicals are, however, permitted by the CWC. These include those designed for peaceful uses, such as in experiments to test chemical protection equipment. There are also certain gray areas in the treaty that are open to interpretation. For example, riot-control agents such as tear gas are prohibited as a method of warfare, but they are permitted if designed strictly for law-enforcement purposes.

Chemicals to be controlled by the CWC are divided among three lists, or “schedules.” Schedule 1 lists those chemicals considered to pose a high risk to the goals of the CWC, including precursor chemicals used to produce nerve agents or mustard agents. Schedule 2 lists those chemicals that generally are not produced in large commercial quantities for nonmilitary purposes and pose a significant risk to the purpose of the CWC. Finally, those listed in Schedule 3 are dual-use chemicals that are thought to pose a risk to the aims of the CWC but also have many legitimate commercial purposes and are produced worldwide in large amounts.

**ENSURING COMPLIANCE**

The CWC is administered by the Organization for the Prohibition of Chemical Weapons (OPCW), headquartered at The Hague. Day-to-day affairs are conducted by the OPCW’s Executive Council, which reports to the CWC’s Conference of States Parties. This latter body in turn has responsibility for taking “the necessary measures to ensure compliance” and for administering penalties against signatory states that violate the terms of the CWC. The OPCW Technical Secretariat is responsible for carrying out various verification procedures to ensure that members comply with the agreement.

CWC verification is accomplished by a variety of means, including reporting requirements by the member states, OPCW inspections to determine a baseline for comparison with later inspections, regular on-site inspections, and challenge inspections. Any ssingle party to the pact can request a challenge inspection of any other signatory party. Inspectors are to be given unimpeded access to all parts of actual or suspected chemical weapons storage sites or to chemical production or destruction facilities. OPCW inspectors are permitted by the treaty to use continuous on-site monitoring devices and may use seals to ensure that a facility is not being used. The OPCW Technical Secretariat must give a member state prior notice of an impending regular inspection to a storage site. Sites that previously produced or are presently known or suspected to be storage areas for Schedule 1 chemical weapons or agents receive the most scrutiny.

Within 12 hours of receiving a challenge inspection request, the Executive Council of the OPCW may block the inspection if three-fourths or more of the 41 members on the Council are convinced that the request is frivolous or abusive. The director-general of the OPCW is required to formally notify the party to be inspected no less than 12 hours prior to the planned arrival of the inspection team. A series of rules then apply as to how inspectors can gain access to facilities in order to check compliance with CWC restrictions.

Each party to the accord is required to pass national implementing legislation to make it illegal for organizations or individuals in their jurisdiction to conduct activities prohibited by the CWC, such as the use, development, production, acquisition, stockpiling, or transfer of chemical arms.

**ACCOMPLISHMENTS/EFFECTIVENESS OF THE CWC**

The CWC is unique because it provides for the international verification of the destruction of these weapons and was negotiated with the active participation of the global chemical industry, thus ensuring industry’s ongoing cooperation with the CWC’s industrial verification regime. A remarkable accomplishment, the CWC is the first disarmament agreement negotiated within a multilateral framework that provides for the elimination of an entire category of weapons of mass destruction under universally applied international control. After the first decade, the 193 signatory nations assembled on the 19 th of November at the (OPCW) in The Hague for the latest periodic review of the chemical weapons convention.

**ACCOMPLISHMENTS IN THE CWC’S FIRST DECADE**

The CWC made progress on strengthening the regime for chemical weapon disarmament and non-proliferation during its first decade. Experts consider achieving near universal membership within a decade an important CWC accomplishment. In terms of verification of disarmament, the OPCW reports that, as of March 16, 2007, 100% of declared chemical weapons production facilities have been inactivated and 90% of these facilities have been destroyed or converted to peaceful purposes, 30% of the 8.6 million chemical munitions and containers covered by the CWC have been verifiably destroyed, and almost 25%of the world declared stockpile of approximately 71,000 metric tons of chemical agent have been verifiably destroyed. Since April 1997, the OPCW conducted 2,800 inspections at 200 chemical weapon-related sites and over 850 industrial sites in 77 States Parties.

Although the CWC faces on-going and new challenges in its second decade, its operations since April 1997 have not suffered the problems the Non Proliferation Treaty and Biological Weapon Convention have had. Unlike the NPT, which has confronted increasing problems related to nuclear proliferation (e.g., North Korea’s withdrawal from the NPT and its subsequent nuclear test, and concerns about the proliferation threats posed by Iran’s nuclear activities), the CWC has not experienced State Party withdrawal or defection that threatens the treaty’s disarmament and non-proliferation objectives. Unlike the failure of the States Parties of the BWC to construct a verification regime, the CWC’s verification strategy has produced results the OPCW can build upon in the future. Although the CWC’s near universal membership is a source of strength for the treaty, the OPCW Director- General has identified achieving full universality as a future challenge for the CWC. The Middle East is the primary region of concern because it has a number of States that have not joined or signed the CWC (Israel, Egypt, Iraq, Lebanon, and Syria). Although the OPWC Director- General has expressed optimism that Lebanon and Iraq may soon join the CWC, additional progress in the Middle East may be dependent on developments in the Arab-Israeli conflict and the impact in the region of the U.S.-led global war on terrorism.

The CWC required States Parties that possessed chemical weapons to destroy them completely within ten years from the CWC’s entry into force (Article IV.6). This objective has not been achieved. Most States Parties possessing chemical weapons arsenals requested extensions on the deadline to finish destruction. In December 2006, the OPCW granted deadline extensions to China and Japan (until 2012, for destruction of chemical weapons abandoned by Japan in China during World War II), India (until 2009), South Korea (until 2008), Libya (until 2010), Russian (until 2012), and the United States (until 2012). The States Parties with the largest chemical weapons stockpiles are the United States and Russia, and experts do not believe that the United States or Russia will meet the 2012 deadline for complete destruction of their chemical weapons arsenals. All States Parties that received extensions have expressed continued commitment to destruction, but the destruction process has proved more difficult and costly for countries than anticipated.

Nonetheless, many believe that the threat posed by chemical weapons has not diminished significantly for three main reasons: a handful of nations suspected of possessing chemical weapons have refused to sign on to the treaty (notably, North Korea, Israel, Syria, Taiwan and Egypt); the vast majority of chemical weapons have not yet been destroyed; and the widespread availability of the precursors and technologies underlying chemical weapons. In response to ongoing fears about the spread of chemical weapons, a group of countries (known as theAustralia Group) has established export controls to regulate chemical precursors and coordinate policies regarding current industry practices. Over the past decade, the United States and Russia have undertaken to destroy their vast, aging stockpiles of chemical weapons. However, the destruction of chemical weapons requires significant financial resources and presents enormous operational and technical complexities. The variety of weapons to be destroyed, daunting technical challenges, program management issues, and community concerns over public health and environmental risks have contributed to delayed progress. Over 65,000 tons of deadly chemical weapons await destruction in Russia and the United States. In the United States, the demilitarization program is now underway at eight facilities, but much work remains. As of the end of 2005, the United States had destroyed just 36 percent of its original stockpile while Russia had destroyed only about 3 percent of its stockpile. In addition, thousands more chemical weapons sit in abandoned or uncharted dumps that date back to the Second World War. Overall, nations with chemical weapons stockpiles have lagged behind in destroying them as scheduled by the Chemical Weapons Convention: of the 70,000 metric tons of declared weapons agents, the Organization for the Prohibition of Chemical Weapons (OPCW) has verified the destruction of only 12,000 tons. If the current pace persists, the Convention’s goal to complete the destruction of chemical weapons stockpiles will not be met by the extended deadline of 2012. While much remains to be accomplished, the Chemical Weapons Treaty marks a major milestone in terms of progress toward demilitarization. At the first review conference on implementing the CWT, leaders assessed it as follows: The Chemical Weapons Convention performs a vital confidence-building role in international society. Reinforced by effective national legislation, the CWC enables its States parties to satisfy themselves that others are not seeking to acquire such weapons. The Convention thus serves a practical goal of enhancing security, a moral goal of eliminating one of the world’s most cruel and inhumane weapons, and a political goal of establishing a common forum for reaffirming and strengthening the global taboo on such weapons.

**CONCLUSION**

Chemical weapon disarmament has progressed far since the first attempts a century ago tooutlaw the use of Chemical Weapon (CW) in war. The CWC is a new start. Only three states arepublicly known to be holders of CW stockpiles. Apart from the United States and Russia, assuccessor state to the USSR, Iraq was the third major producer of chemical weapons, but themajority of these have been destroyed under the supervision of the United Nations SpecialCommission on Iraq (UNSCOM) following the Gulf War. Only when the states parties to theCWC begin to declare their stockpiles and past chemical warfare-related activities will themagnitude of the destruction problem become clear. The CWC holds the best promise forreducing the threat of chemical warfare by building an environment of confidence and security.Some of its instruments are verification and inspections as well as aid and assistance in the areaof chemical warfare defenses in case of attack. In addition, the aim of the CWC to effectivelyban all chemical weapons is complemented by the desire to promote the peaceful use ofchemicals. Once all chemical munitions are destroyed and verification is routine, the promotionof trade and international cooperation in the field of chemical activities to enhance the economicand technological development of states parties may well become the convention’s mostimportant function.