



# The Chemical Weapons Convention at Ten

What if there had been no OPCW?

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## **Introduction**

Mr Chairman, Excellencies, Ladies and Gentlemen,

It is a great honour and pleasure for me to be able to address you here in Brussels on the occasion of the 10th anniversary of the entry into force of the Chemical Weapons Convention (CWC). The CWC is a true disarmament treaty, ordering the destruction of all weapons that exploit the toxic properties of chemicals for hostile purposes anywhere in the world. It contains a number of tools designed to prevent future armament and rearmament, the monitoring, reporting and inspection regime being one of its key components. In addition, it promotes the development of chemistry and the chemical industry for peaceful purposes, while denying or complicating access for states that decide to remain outside the treaty regime to certain commercial chemicals that can play a role in the manufacture of chemical warfare agents. The CWC is unique among the arms control and disarmament agreements.

## **The historical perspective**

There is purpose in having a tenth anniversary event in Belgium. On 22 April 1915 modern chemical warfare started. At Langemark, a village close to Ypres, German Imperial troops opened some 6000 cylinders along a seven-kilometre stretch and released between 150 and 168 tonnes of chlorine gas. For the next three and a half years, Flanders was to offer the setting for several so-called milestones in the history of chemical warfare. In addition to the chlorine, phosgene (19 December 1915), Blue Cross (10 July 1917) and mustard agent (12–13 July 1917) were all used for the first time on the Belgian front. ‘Yperite’ even derived its name from that distinction. The main meeting room in the OPCW Headquarters is also named after the town that was central to the early development of modern chemical warfare. While living memory of the horrors of the First World War is now rapidly fading, Belgium is still reminded of the ravages of gas warfare. Almost 90 years after the Armistice, an annual average of 10–15 tonnes of toxic munitions are still being recovered from the former battlefields.

While we are celebrating the 10th anniversary of the CWC, next month we will also commemorate the 20th anniversary of the chemical attacks against the Iranian-Kurdish town of Sardasht. Next year, the symbol of the horror of chemical warfare in our time—the infamous attacks against Halabja—will be remembered. While the mustard agent and sarin killed over three thousand people in this Kurdish town, the total number of fatalities now probably tallies fivefold of the original figure. In Sardasht and Halabja post traumatic stress

disorder (PTSD), permanent physical disabilities, and cancers still haunt the victims. Meanwhile the health of future generations has been mortgaged due to chemical warfare agents causing genetic damage in surviving victims.

## **The relevance of the OPCW**

The Organisation for the Prohibition of Chemical Warfare (OPCW) is the body set up by the international community to implement the CWC. Considering the more than nine decades of modern chemical warfare, we would like to think that the existence of this international organization hardly requires justification. At the 10th anniversary of its operations, the statistics are quite impressive. The organization counts 182 members—a mere 13 States still have to become party to the convention. Over 71,300 metric tonnes of chemical warfare agents have been declared; almost 32 per cent of that amount has been destroyed under international supervision. I am sure that over the past weeks and months you have been extensively briefed on the numbers of inspections carried out at CW-relevant facilities and in the chemical industry, the activities and outreach programmes set up by the Technical Secretariat, and so on. Therefore, I will not repeat them but try to sketch what might have become of the CWC had the OPCW not been created. The obvious point of reference is the Biological and Toxin Weapons Convention (BTWC), the world's first disarmament treaty.

Heralded in 1972 as a major breakthrough, today the perception of the BTWC is generally that of a weak treaty lacking the teeth to verify and enforce compliance and whose central prohibitions are being challenged by fast developments in science and technology. It is easy to contrast both conventions. The electronic version of the CWC text available from the OPCW website numbers 181 pages; the BTWC totals between three and six, depending on the font size you choose to apply. More fundamentally, it lacks an international organization to oversee its implementation, there are no detailed verification requirements and procedures; there are no standing bodies to govern the day-to-day implementation of the convention, to deal with allegations of use or treaty violations, to monitor scientific and technological progress, and so on. While since the early 1990s States Parties to the BTWC convene more than once a year on expert and political levels, the nature and the substance of the meetings remains ad hoc and subject to the vicissitudes of the international political climate.

The BTWC entered into force in 1975—twenty-two years before the CWC. Nonetheless, global membership stands at 155, or 27 States Parties less than the CWC. While we may expect Burundi, Kazakhstan and Madagascar to formally join the BTWC this year, the fact

remains that today one fifth of all states remain outside the convention. Even before the entry into force of the CWC, the Provisional Technical Secretariat of the OPCW had initiated regional seminars for signatory and non-signatory states alike, briefing their representatives on the various components of the CWC, the responsibilities and obligations of States Parties to the convention, and the security and development benefits they may accrue. The information flow, however, was not a one-way street. Staff members of the Provisional Technical Secretariat and later, the Technical Secretariat, learned about the concerns and desires specific to each region and sub-region, enabling them to design and develop strategies to promote universality and national implementation of the CWC, as well as a range of assistance programmes, which give member states tangible benefits.

It is probably fair to state that as a result of the OPCW activities every capital in the world is aware of the existence of the CWC. Not so with the BTWC. A significant number of government officials from non-States Parties have never heard of the BTWC. For instance, in Africa several states acquired their independence after the entry into force of the treaty, meaning that information simply passed them by. Similarly, some states are barely aware of the fact that they are party to the BTWC—simply because they assumed the international obligations of the former colonizer upon independence. The absence of an international organization to promote the convention and raise awareness about the prohibition of biological and toxin weapons is a root cause.

Universality, however, is not just about numbers. It is also about the quality of national participation in the treaty regime. Awareness among States Parties to the BTWC of the need to adopt laws and regulations to transpose the prohibitions into national legislation is low. Article IV of the convention is consequently poorly implemented. The Parties will often cite the lack of personnel, financial and technical resources to design, draft, enact and enforce the legal obligations in order to explain the situation. In fact, some non-States Parties actually cite the same reasons for not joining the BTWC: they do not wish to assume legal obligations of which they know in advance that they cannot fulfill. In some cases, the availability of national implementation legislation is a precondition for ratification of accession to an international agreement.

These problems are reinforced by lack of commonly accepted requirements for effective national laws, which in turn hampers the development of model legislation and legislative modules that can be adapted to the specific needs of individual countries. In addition, many countries are in want of systems and technologies to monitor and regulate activities (like research, development and production or transfers of pathogens and equipment) in the fields of biology and biotechnology, which is almost a *conditio sine qua non* to know which legislative components they require to meet the BTWC obligations.

As with universalisation, we can easily discern the benefits of the international organization to support the implementation of the CWC. The OPCW adopted an action plan in

support of the national implementation of the CWC. The mere fact that the Executive Council and the Conference of the States Parties consider progress at regular intervals and that both organs impose deadlines generates considerable peer pressure to meet the obligations. After many years of identifying and studying the problems related to the development of relevant laws and regulations, the Technical Secretariat now applies the resultant insights and models to implementation assistance strategies.

However, there is more. These strategies do not evolve in a vacuum. The CWC requires detailed information on certain types of activity and facilities relevant to the objectives of the convention for reporting, monitoring and inspection purposes. It divides the responsibilities between the OPCW and the individual member states. This division of labour means that the States Parties must set up a National Authority and the mechanisms to collect all necessary information relating to treaty-relevant activities taking place on its territory. Clearly, these obligations remove an obstacle and justification for not implementing the CWC that still affects the BTWC.

The OPCW also operates several programmes to improve laboratory standards and engage industry representatives, scientists, technicians and engineers as well as their respective professional communities. One outcome is an enhancement of facility regulations and practices, an essential component in the complex of national implementation measures. Another benefit is that those people are being educated about the potentially harmful consequences of their activities. I may be stating the obvious, but the lack of a verification system in the BTWC and associated implementation activities means many people active in biology and biotechnology still reject any suggestion that their work might contribute to present and future biological weapon capabilities.

## **Conclusion**

With the twin examples of universality and national implementation I have tried to paint the complex web of obligations and implementation activities that the States party to the CWC engage in. At the centre of this web is the OPCW as an enforcer, an educator and a facilitator. I do not wish to claim that the CWC does not suffer from its share of implementation problems and that the scope of its prohibitions is not being challenged, notably by the issue of so-called non-lethal weaponry. I do not wish to claim that the CWC is not sometimes the object of politics. However, while the Technical Secretariat can publish evolving statistics of OPCW membership, the destruction of chemical weapons and associated facilities, different types of inspections, or rates of national implementation, the full picture of the organization's contribution to the development of the regime against the use

of poison as a weapon fully emerges if we contemplate a CWC without a formal and permanent institutional setup to enforce and oversee the implementation of the obligations.

Most people associate the CWC with the destruction of chemical munitions, the destruction or conversion of former chemical weapon production facilities. This year—ten years after entry into force—all declared chemical weapon stockpiles should have been destroyed. However, as we can observe in many other areas, eliminating weapons is often more complex than designing and manufacturing them. Often it is also more costly, particularly if we wish to achieve the destruction under conditions of maximal safety for the public and the environment. So, a new formal deadline arrives in 2012. There are some suggestions that destruction activities may have to go on beyond the possible extension of up to five years as envisaged by the treaty. Hopefully not. Despite these problems, the era of a chemical weapon-free world is on the horizon.

Yet this milestone will affect the activities by the OPCW, the make-up of the Technical Secretariat, as well as the public perception of the organization. Disarmament is much more than simply the destruction of weapon stockpiles. It is about taking a particular weapon category out of the military doctrine of nations; in other words, it is about completely losing the knowledge and expertise of how to use those weapons in combat. It is also about preventing future armament and rearmament. And it is about being able to counter the threat or assist victims of chemical attack should a state defect from the global norm against poison warfare or non-state actors resort to toxic chemicals. These are goals that are much more difficult to quantify, which makes it much harder to define success. Yet they are the challenges for which the OPCW will have to prepare itself by engaging professional communities and friends of the convention in civil society, as well as key stakeholders in governments to ensure that it remains a viable institution for many decades to come.

In my mind the Chemical Weapons Convention has been, and remains, a vitally important institution in international security designed and being implemented to prevent the recurrence of an Ypres, Sardasht, Halabja and so many other places whose names are sadly etched in the annals of chemical warfare.