

Two Decades of OPCW

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On April 29, 1997, the Chemical Weapons Convention (CWC), the first ever multilateral disarmament agreement entered into force along with the birth of the Organisation for the Prohibition of Chemical Weapons (OPCW), an international chemical weapons disarmament regime, after years of negotiations under the auspices of United Nation's Conference on Disarmament. Today, April 29, 2017 is a special day which marks the 20th anniversary of the CWC and the founding of the OPCW with objectives to 'to end the development, production, stockpiling, transfer and use of chemical weapons'. It also has to ensure the 'elimination of existing stocks of such weapons'. This issue brief takes a broad overview of the journey of CWC and OPCW during the last two decades.



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The Past

During World War I, chemical weapons were used in the huge amount. Chemical warfare was a major component of the first global war. Four percent of combat deaths are known to have caused by gas. It has been recorded that the German forces launched first attack using gas on April 22, 1915. Around 1, 50,000 tonnes of gas was used by German and Allied forces during WW I which had led to around 90,000 deaths. The most commonly used gas was Chlorine or its variants like attacks were carried out by chlorine-phosgene gas. The tear-gas artillery shells made of liquid xylyl bromide (methylbenzyl bromide) were fired. Also, Mustard gas was used, which incidentally, was also used by Japan in China during the World War II. In the same period, chemical means were employed in Hitler's mass exterminations.¹ These weapons have subsequently been put to use on various other occasions by both state and non-state actors in different parts of the world. The Cold War period saw significant development, manufacture and stockpiling of chemical weapons. In March 1988, Iraqi forces had used mustard gas and nerve agent Sarin at the Kurdish town of Halabja in northern Iraq killing around 5,000 people. In the 21st century, the use of chemical weapons has been found mainly in the Syrian theatre, particularly 2012 onwards.

The Law

The 1925 Geneva Protocol prohibits the use of chemical and biological weapons in war. This protocol is for the "Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare". The Protocol was signed at a conference which was held in Geneva under the auspices of the League of Nations from May 4-June 17, 1925, and it came into effect on February 8, 1928. However, though this Protocol prohibits the use of such weapons, but it is silent about the production or storage, of such weapons.

Unfortunately, in spite of such convention, chemical weapons were still used during the World War II. All such usage of chemical weapons made people realise the need for more comprehensive and stringent mechanism to stop the spread and use of chemical weapons. Post-

¹ "20 Years of OPCW and the Chemical Weapons Convention", <https://20years.opcw.org/>

Geneva Protocol, it almost took seven more decades to formulate a globally accepted treaty mechanism. In 1992-93, a Chemical Weapons Convention was drawn up prohibiting the use, production and storage of these weapons. This convention was opened for signature in Paris on January 13, 1993, and passed on April 29, 1997. The CWC negotiations started in 1980 in the UN Conference on Disarmament and the process for the negotiation took 12 years.

The Treaty

The CWC is a multilateral treaty that bans chemical weapons and require their destruction within a specified period of time. This treaty is implemented by the Organisation for the Prohibition of Chemical Weapons (OPCW), which is headquartered in The Hague, Netherlands. The OPCW receive states-parties' declarations detailing chemical weapons-related activities or materials and relevant industrial activities. After receiving declarations, the OPCW inspects and monitors states-parties' facilities and activities that are relevant to the convention, to ensure compliance.

The Convention offers the most extensive and intrusive verification regime of any arms control treaty, extending its coverage to not only governmental but also civilian facilities. The Convention also necessitates export controls and reporting requirements on chemicals that can be used as warfare agents and their precursors.² This convention requires states-parties' to declare chemical industry facilities that produce or use chemicals of concern, to the convention. Also, if the state has declared any stock of chemical weapons in their own custody or control (such states are known as possessor states), then they are required to destroy it completely.

Since, the implementation of the treaty is the responsibility of the OPCW, hence, it is also required to ensure that the member states are provided assistance and protection against chemical threats. This organisation is also responsible towards fostering international cooperation to strengthen implementation of the Convention and promote the peaceful use of chemistry.

Disarmament figures prominently in Alfred Nobel's will and the Norwegian Nobel Committee has, through numerous prizes, underlined the need to do away with nuclear weapons. Appreciating the exemplary work done by OPCW, this committee awarded it Nobel Peace Prize in 2013, for its extensive efforts to eliminate chemical weapons.³

The Present

Over the past 20 years, approximately 93 percent of chemical weapon stockpiles declared by possessor states have been eliminated under the supervision of the OPCW. In total, there are 192 states which are in agreement with this convention. Egypt, Israel, North Korea and South Sudan are not a part of the convention. Israel has signed the convention but is yet to ratify. A key non-signatory includes North Korea, which is suspected to possess chemical weapons. Today, around

² "Chemical Weapons Convention: Issues for Congress", CRS Report for Congress, November 14, 2003, <https://www.everycrsreport.com/reports/RL32158.html>

³ "The Nobel Peace Prize for 2013", Oslo, October 11, 2013, http://www.nobelprize.org/nobel_prizes/peace/laureates/2013/press.html

98 percent of the global population lives under the Convention's protection. The CWC is considered as one of the most successful disarmament mechanism.

In recent past, Syria has posed a major challenge to the convention. The state acknowledged the presence of chemical weapons in their stockpiles during 2012, and unfortunately, these weapons have also been used on multiple occasions. On September 12, 2013, Syria sent a letter to the United Nations Secretary General stating that the Assad regime has signed a legislative decree providing the accession of Syria to the Chemical Weapons Convention. Syria also declared that the state would abide by all the obligations of the convention and, also, ship out its chemical weapons and destroy its production facilities. With the help of an international coalition, Syria's declared chemical weapons were completely removed from the country by June 2014.⁴ However, the Syrian challenge remains far from over. One of the major findings of the United Nations-OPCW report submitted to the Security Council in August 2016⁵ is that the Syrian military had dropped chemical weapons on the towns of Talmenes in April 2014, and Sarmin in March 2015.

On April 4, 2017, Chemical weapons were found used in an attack that killed more than 70 people in Syria's northern Idlib province. It appears that Sarin gas was used in this attack. The attack is believed to have been perpetrated by the Syrian government. However, President Assad who is being fully supported by Russia has sturdily denied any involvement of his regime. Presently, it is actually becoming difficult to identify which agency is using chemical weapons in the Syrian theatre.

The Journey

As per the Article VIII paragraph 22 of the CWC, the Conference of the States Parties' needs to be convened every five years as special sessions. The basic purpose of such Review Conferences should be to take in account relevant scientific and technological developments which could have taken place impacting the mandate of the convention. Also, such conferences are expected to monitor the progress of the convention. Till date, three such review conferences have been held in April 2003, April 2008 and April 2013.

To judge the effectiveness of these review conferences, it is also important to organise individual conferences at the backdrop of the global politico-strategic landscape around that period. In general, the climate surrounding international arms control has mostly being that of suspicion, particularly during the initial years of the post-Cold War period. It is important to note that CWC is the only Weapons of Mass Destruction (WMD) treaty mechanism which has been agreed up in the post-Cold War period (Nuclear and Biological Weapon Convention treaty mechanisms came into being during the 1970s). The CWC came into being before 9/11 terror attacks, however, before the first review conference, the post-9/11 era had begun. Certainly, the major challenge for the last decade and a half has been to factor in the issues related to global war on terror, particularly when the convention does not feature the issue of terrorism.

⁴ "The Chemical Weapons Convention (CWC) at a Glance", October 2015, <https://www.armscontrol.org/factsheets/cwcglance>

⁵ "UN chief submits report related to use of chemical weapons in Syria to the Security Council", August 24, 2016, <http://www.un.org/apps/news/story.asp?NewsID=54752#.WPcMD4VOLIU>

Broadly, the core outcomes of all the three CWC review conferences have been an unanimous declaration of commitment by States Parties' to the global chemical weapons ban and a comprehensive review of CWC implementation in the preceding five years, including a range of actions or recommendations for improving the Convention's implementation and effectiveness. By the beginning of the third review conference (March 31, 2013), almost 80 percent of the total declared global stockpiles of Category 1 chemical weapons had been destroyed. On June 28, 2013, the CWC entered force for Somalia, making it the 189th State Party⁶.

The first review conference itself indicated that though, technically, the treaty mechanism is likely to assist to meet the core objective of non-proliferation in a longer run, but still it would be difficult to entirely eliminate perceptions and suspicions. During this conference, the US representative (Assistant Secretary of State for Arms Control) had raised a suspicion about a possible covert Iranian CW programme. Obviously, this accusation was completely denied by Iran. It is important to note that around the period of the first review conference, the US agencies had identified following states undertaking "activities inconsistent with the CWC"⁷:

- China – maintains an active offensive R&D programme, a possible CW stockpile, and undeclared CW-related facilities.
- Iran – is retaining and modernising elements of its CW programme, including R&D, an undeclared stockpile, and an offensive production capability.
- Russia – has not made complete declarations regarding CW production, development facilities, and agents/weapons.
- Sudan – has established an offensive R&D programme.

Particularly, the concerns were about Russia's failure to acknowledge research and development on binary chemical weapons (binary chemical weapons use two non-lethal chemicals that combine to form a lethal agent after launching). Incidentally, the US had similar programme running from the 1950s till 1992. The CWC opponents believed that Russian case was a typical example highlighting the difficulties of verification and the lack of trustworthiness of a state. Interestingly, during a decade and half, none of these states have shown any inclination towards acquiring or using such weapons. The threats have emerged from the states like Syria, Libya and North Korea—three non-states parties to the CWC. These states were suspected even then⁸. However, it could not be said with certainty that the US assessment about Sudan, Iran, China and Russia is totally untrue. Till date, no evidence has emerged to suspect these states but it could be possible that the geopolitical circumstances have also not necessitated these states to look for such options. Post-2003, no major accusations have been found to be made against any state suspecting its CW intentions apart from the ones like Syria, Libya and North Korea.

All the three review conferences held till date generally indicate that states are trying to strike a balance between national self-interest and ensuring the efficacy of the treaty pact.

⁶ "Australian Safeguards and Non-Proliferation Office Annual Report 2012–13", p.21, https://dfat.gov.au/about-us/publications/international-relations/australian-safeguards-non-proliferation-office-annual-report-2012-2013/current_topics/part03_outcomes_of_the_third_review_conference_of_the_cwc.html

⁷ "Chemical Weapons Convention: Issues for Congress", CRS Report for Congress, November 14, 2003, <https://www.everycrsreport.com/reports/RL32158.html>

⁸ Alexander Kelle, "The CWC After Its First Review Conference: Is the Glass Half Full or Half Empty?", *Disarmament Diplomacy*, Issue No. 71, June - July 2003.

One of the major task for the OCPW is to ensure that all declared stockpiles of the chemical weapons are destroyed as the guidelines. In total, eight member states to CWC had claimed that they are in the possession of chemical weapons. These state parties are: A State Party (this state was keen to maintain anonymity about themselves, however, it is an open sector that this state is South Korea), Albania, India, Iraq, Libya, the Russian Federation, the Syrian Arab Republic, and the United States of America. For OPCW, the task is to destroy 8.67 million items, including munitions and containers containing in total, and 72,304 metric tonnes of extremely toxic chemical agents. Albania, India, Libya and a fourth country have completed destruction. As on September 16, 2016, 67,098 metric tonnes, or 90 percent of the world's declared stockpile of 72,304 metric tonnes of chemical agent have been verifiably destroyed. Also, 4.97 million, or 57.32 percent of the 8.67 million chemical munitions and containers covered by the CWC have been verifiably destroyed.⁹

The major challenge for the OPCW now is to ensure the total destruction of the US and Russian stockpiles. Both these states have not observed the deadline of April 2012, for destroying their chemical weapons. In 2015, the OPCW has extended the deadline for toxic agents' destruction to 2020. However, it appears that the US is unlikely to meet this deadline and there have been claims from the US that they could finish their job around 2023 (have destroyed approximately 90 percent of their stockpiles). Today, Russia¹⁰ claims to have already destroyed over 96 percent of its chemical weapons stockpiles'.

The Future

The Chemical Weapons Convention and the OPCW as its implementing body is responsible for total elimination of chemical weapons. During the last two decades of its journey, the OPCW has performed this job with utmost sincerity and getting a Nobel Award is the validation of this effort. However, OPCW has a long way to go and need to remain vigilant.

The CWC mechanism was innate before the commencement of the 9/11 era. In the 21st century, the threat owing to terrorism and asymmetric conflict has raised substantially and Syrian case is an eye-opener.

The destruction of the Chemical Weapons by Russia and the US is lingering for many years. Both these states have genuine difficulties owing the volume of the stock. Also, since their stock is mostly in the form of weaponised munitions, hence it takes more time for destruction. However, for OPCW, it is important to keep the pressure.

⁹“The Chemical Weapons Ban Facts and Figures”, <https://www.opcw.org/news-publications/publications/facts-and-figures>

¹⁰“Russia Destroyed Over 96% of Chemical Weapons Stockpiles – Commission,” Sputnik News, December 6, 2016, <https://sputniknews.com/russia/201612061048236034-weapons-chemical-russia-stockpiles/>

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The views expressed in this article are solely that of the author.

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