

The Chemical Weapons Convention: 10 years on

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Abstract

On the eve of the tenth anniversary of the Chemical Weapons Convention, the Australian national authority reflects on the achievements so far and the challenges ahead.

Introduction

The Chemical Weapons Convention (CWC) is the only international treaty that requires complete and verifiable elimination of an entire category of weapon of mass destruction.

The international reaction to Iraq's use of chemical weapons in the 1980s created the impetus to move forward negotiations for what became the CWC. In 1992 Australia presented a draft compromise text which was to form the basis of the CWC to the Conference on Disarmament.

Under the CWC all States Parties (or member countries) are required to: prohibit and penalise production and use of chemical weapons; destroy weapon stockpiles; dismantle any related capabilities; declare defensive research and dual-use chemical activities; and allow independent verification by the Organisation for the Prohibition of Chemical Weapons (OPCW), which is based in The Hague. The Convention also promotes the peaceful use of chemistry and entitles States Parties to assistance and protection against the use or threat of use of chemical weapons.

Universality

Australia signed the CWC in January 1993 and ratified in May 1994. It became operational on 29 April 1997 and by October 2006 had 181 States Parties, representing about 98% of the global population and landmass, as well as about 98 per cent of the worldwide chemical industry. Although the CWC is well on its way to global coverage partly as a result of the Action Plan on Universality, full universality does not appear to be within reach. While Burma is the only country in South East Asia to remain outside the CWC, of particular concern is the non-participation by a small number of countries suspected of possessing chemical weapons programs.

National Implementation

The level to which States Parties have met their obligations relating to national implementation of the CWC has been uneven. The ability to submit to the OPCW a range of industry/research declarations and notifications which form the basis for verification activities is often dependent on enacting the necessary legislation or establishing administrative arrangements to fully implement the CWC. Although most States Parties have designated a national authority (national point of contact), as of January 2007, only 41% of States Parties had adopted implementing legislation covering all key CWC requirements.

Australia places great importance on international compliance with the CWC and best practice, particularly in Australia's immediate region. To this end, Australia has worked closely with a number of regional countries including Cambodia, Indonesia, Malaysia, Singapore, Sri Lanka, Thailand, Vietnam and Papua New Guinea, and will continue to provide whatever assistance it can to requesting States Parties.

Verification of chemical and defence research facilities

It is recognised that a number of chemicals produced or used for legitimate industrial, medical or research purposes can also be used to produce chemical weapons. Therefore, to provide assurance to the international community of compliance with treaty obligations, each State Party must declare information on certain chemical activities to the OPCW, and permit routine inspections of declared facilities by OPCW inspectors. Nearly 6,000 industrial and research facilities have been declared pursuant to the Convention. Australia declared about 45 of these.

The verification regime for non-prohibited activities is based around monitoring of production, processing, consumption, import and export of chemicals listed in three schedules in the CWC, and production of other discrete organic chemicals. Since 1997, the OPCW has conducted more than 1100 on-site inspections at about 900 industrial or defence facilities in 76 member countries to verify information declared. Twenty-one such inspections have been conducted at Australian facilities.

Destruction of chemical weapons

One of the key goals of the CWC is the verifiable destruction of all existing chemical weapons stockpiles, munitions and production facilities. Six States Parties have declared stockpiles of chemical weapons. By the end of November 2006, approximately 22% of the 71 000 metric tonnes of declared stockpiles and 30% of the 8.6 million declared chemical munitions have been verifiably destroyed. Because of technical and political delays, Albania is the only chemical weapons “possessor state” that is likely to complete destruction of its entire stockpile by the original deadline set by the CWC of 2007. At the recent Conference of the States Parties in December 2006, both Russia and the USA were granted extensions of their final destruction deadline to 2012 – the last date permitted under the provisions of the CWC.

The future of the CWC

The first CWC Review Conference of States Parties in May 2003 reviewed the operation of the CWC taking into account all recent relevant scientific and technological developments. The recommendations from the first review conference are being re-examined as the starting point in the preparations for the second review conference in April 2008. Areas identified as requiring attention included ensuring comprehensive compliance by States Parties with all the provisions of the CWC, ensuring that chemical weapons stockpiles are destroyed in a timely manner; and strengthening the efficiency of the verification regime by resolving outstanding issues and addressing any concerns about non-compliance.

The CWC also has the potential to deal with chemical terrorism. There is strong evidence that several terrorist groups have actively sought to acquire chemical weapons capability. For example, in 2004, the Jordanian government foiled a plot by a terrorist cell linked to the Al Zarqawi network to launch an attack involving toxic chemicals. The discovery of a manual, which included rudimentary chemical agent recipes, in a Jemaah Islamiyah safe-house in the Philippines in 2003 shows that terrorists in Australia’s part of the world share these ambitions. Australia believes that the OPCW can make an effective contribution to counter this threat and is working cooperatively with it and other States Parties to this end.

Convention implementation in Australia

Australia’s obligations are implemented primarily through the *Chemical Weapons (Prohibition) Act 1994* (the Act). Under the Act, the Australian Safeguards and Non-Proliferation Office (ASNO) is

responsible for ensuring Australia compliance with treaty obligations. Like most countries, Australia does not possess chemical weapons, but produces small quantities of toxic chemicals for defensive protective or research purposes as permitted under the CWC.ⁱ

To collect information necessary for declaration purposes, a system of permits and notifications has been established under the Act. Put simply, production and/or use of CWC scheduled chemicals above specified thresholds is prohibited unless a permit is first obtained, while annual notifications for the production of relevant unscheduled discrete organic chemicals are also required. Under regulations under the *Customs Act 1901*, the import and export of CWC scheduled chemicals is likewise prohibited unless a permit is first obtained.ⁱⁱ

The tenth anniversary

Much has been achieved in the last 10 years and to commemorate this historic occasion there will be a number of events held worldwide. One major event will be the unveiling of a permanent memorial to all victims of chemical weapons by Her Majesty Queen Beatrix of the Netherlands in The Hague on 9 May 2007. A number of other events will also be held in The Hague, including: an academic forum in September, and an industry and protection forum in November.

We encourage anyone interested in attending one of these events to seek more information from either the OPCW (www.opcw.org) or from ASNO (ph. (02) 6261 1920).

ⁱ Permits from ASNO are required for researchers producing Schedule 1 chemicals. More information is available at <http://www.dfat.gov.au/cwco>.

ⁱⁱ Permits for production/use of CWC scheduled chemicals are issued by ASNO. Permits to import CWC scheduled chemicals are issued by ASNO, while the Department of Defence is responsible for export permits. More information is available at <http://www.defence.gov.au/strategy/dtcc>.