
CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION (CWC)

Opened for Signature: 13 January 1993.

Entered into Force: 29 April 1997.

Duration: indefinite.

Membership

Depositary: UN Secretary-General.

Excerpts of Treaty Text

Obligations: States Parties are required not to develop, produce, otherwise acquire, stockpile or retain chemical weapons (CW), or transfer, directly or indirectly, chemical weapons to anyone; not to use chemical weapons; not to engage in military preparations for use of chemical weapons; not to assist, encourage, or induce anyone to engage in any activity prohibited to a State Party under the convention.

Each State Party is required to destroy all chemical weapons and chemical weapons production facilities it owns or possesses or that are located in any place under its jurisdiction or control, as well as any chemical weapons it abandoned on the territory of another State Party no later than 10 years after entry into force of the Convention or as soon as possible in the case of States ratifying or acceding more than 10 years after entry into force. Each State Party also undertakes not to use riot control agents as a method of warfare (Article I). The Convention defines a chemical weapon as the following, together or separately:

a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under the Convention, as long as the types and quantities are consistent with such purposes; b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in Subparagraph (a), which would be released as a result of the employment of such munitions and devices; c) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b).

The Convention identifies and categorizes toxic chemicals and precursors according to their potential for chemical weapons application and extent of industrial applications. Schedule 1 lists chemicals with high potential weapons utility and little or no industrial utility. Schedule 2 singles out chemicals with some degree of commercial application and significant potential for use in weapons. Schedule 3 chemicals are generally produced in large quantities for industrial purposes and have some potential for chemical weapons application. Declarations and verification requirements are the most stringent for Schedule 1 and the least so for Schedule 3 (Article II).

Verification and Compliance:

Verification: Verification is conducted through a combination of reporting and routine on-site inspections of declared sites. To ensure the implementation of the Convention's provisions, including those on verification and compliance, the [Organization for the Prohibition of Chemical Weapons \(OPCW\)](#) was established upon the entry into force of the Convention (29 April 1997). In addition to routine verification and recourse to a procedure for consultations, cooperation, and fact-finding, each State Party has the right to request an on-site challenge inspection of any facility or location in any other State Party for the purpose of clarifying and resolving questions concerning possible non-compliance. The challenge inspection team is designated by the Director General of the OPCW and dispatched as quickly as possible.

Compliance: Compliance measures under the OPCW include: the OPCW may request that a party take measures to redress a situation in a specific period; the OPCW may restrict or suspend a party's rights and privileges; the OPCW may recommend collective measures to States Parties, including sanctions; the OPCW may ask for an advisory opinion from the ICJ. There is also the option to refer serious violations to the UN General Assembly and Security Council. Incentives to comply with the CWC include assistance and protection against attack, such as the

dispatch of emergency aid; economic and technological benefits, including the fullest possible exchange of chemistry information and technology, removal of trade and other restrictions.

Declarations: Eleven countries have declared possession of existing or former CW-production facilities: Bosnia and Herzegovina, China, France, India, Iran, Japan, Republic of Korea, Russian Federation, United Kingdom, United States, and Yugoslavia. Four countries have declared CW stocks: India, Republic of Korea, Russia, and United States. Nine countries have declared old CW on their territory: Belgium, Canada, France, Germany, Italy, Japan, Slovenia, United Kingdom, and United States. Four countries have declared abandoned CW on their territory: China, Italy, Panama, and Poland.

Other Main Provisions: The Convention provides for the rendering to States Parties of protection against chemical weapons and assistance in the event of a chemical attack. States Parties undertake to facilitate the fullest possible exchange of chemicals, equipment, and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under the Convention. States Parties are obliged to provide data on the import and export of scheduled chemicals, as well as on facilities and chemical production. Restrictions on transfers of Schedule 1 and 2 chemicals to States not party to the Convention entered effect at entry into force and on 29 April 2000, respectively. Those on Schedule 3 transfers will be considered effective five years from entry into force. Each State Party is required to enact national implementing legislation to, *inter alia*, prohibit individuals under its jurisdiction or control from engaging in activities prohibited by the Convention. Each State Party is obligated to designate or establish a national authority to serve as the focal point for liaison with the OPCW and with other States Parties.

Developments:

2009: Iraq acceded to the Convention on 13 January, and the Bahamas ratified the Convention on 21 April.

With the recent addition of the Bahamas as a State Party, the number of remaining states not Party to the Convention is reduced to seven: Angola, Democratic People's Republic of Korea, Egypt, Israel, Myanmar, Somalia, and Syria.

2008: Congo's status as a member state was made official on 1 March.

The Second Review Conference took place on April 7-18 2008 with the participation 114 States Parties.

Angola, Iraq and Lebanon were accorded observer status. The conference was chaired by Ambassador Waleed Ben Abdel Karim El Khereiiji of Saudi Arabia.

[The conference report](#) noted that since the first review conference of 2003, the total number of States Parties had risen from 151 to 183, leaving only 12 states still to join the convention. It also noted that by 1 April 2008, over 38% of the total stockpiles of 70,000 tons of Category 1 chemical weapons initially declared by States Parties had been destroyed. However, the Second Review Conference expressed its concern that more than 60% of stockpiles still remained to be destroyed.

Guinea-Bissau acceded to the convention on 20 May. Lebanon acceded to the CWC on 20 November, and the instrument of accession entered into force 30 days later.

2007: Barbados acceded to the Convention on 7 March. Congo deposited its instrument of ratification on 4 December. As of December 2007, there were 183 state parties to the Chemical Weapons Convention.

In January, Turkey reported that its implementing legislation had entered into force on December 2006. On 27 March 2007, the United Kingdom of Great Britain and Northern Ireland announced that it had destroyed all old chemical weapons stocks declared to the OPCW.

From 23 to 26 April, Director-General of the OPCW, Ambassador Rogelio Pflirter, attended the destruction of old chemical weapons in Germany by the government-owned company, GEKA, charged with the destruction of the last two old chemical weapons munitions stockpiles from World War II.

2006: The following states have ratified/acceded to the Chemical Weapons Convention: Djibouti (25 January), Haiti (22 February), Liberia (23 February), Comoros (17 August), Central African Republic (20 September), and Montenegro (23 October – the entry-into-force of the convention for Montenegro was retroactive to the country's date of independence on 3 June).

In November, Bangladesh announced the approval of comprehensive implementing legislation, later confirmed to be in place in December. Saint Kitts and Nevis reported their Chemical Weapons (Prohibition and Control) Bill had been passed and was going through the necessary administrative processes before it enters into force. The United Arab Emirates sub-

mitted a copy of their recently adopted implementing legislation.

In December, during the eighth annual meeting of National Authorities, Andorra submitted a copy of comprehensive legislative measures to implement the Convention. Belize reported their enactment of implementing legislation; however, no submission under Article VII (5) has been received yet. Comoros reported that it has a National Authority in place; however, formal notification has yet to be received. Fiji announced that they have enacted implementing legislation pending a commencement order that will be issued when regulations are in place. Senegal submitted a copy of its implementing legislation which was adopted on 16 October.

2005: The following states ratified/acceded to the CWC: Niue (21 April), Grenada (3 June), the Kingdom of Cambodia (19 July), the Kingdom of Bhutan (18 August), the Republic of Honduras (29 August), Antigua and Barbuda (29 August), the Republic of Vanuatu (16 September), and the Democratic Republic of the Congo (12 October).

2004: The following states have ratified/acceded to the CWC: Libya (5 February), Tuvalu (18 February), Rwanda (30 April), Saint Kitts and Nevis (21 May), Marshall Islands (18 June), Solomon Islands (23 September), Sierra Leone (30 September), Madagascar (20 October).

2003: Afghanistan deposited its instrument of ratification to the Convention with the Secretary General of the United Nations on 24 September 2003

The First Review Conference of the CWC was held from 28 April to 9 May 2003 in The Hague. From the 151 States Parties to the CWC, 110 delegations attended the Conference. The States Parties adopted both a Political Declaration and a Review Document at the end of the Conference.

The Political Declaration evaluated the operation of the Convention. The declaration stressed the importance of the timely destruction of chemical weapons, a credible verification regime related to the chemical industry and other facilities used for purposes not prohibited under the Convention, and increased effectiveness and efficiency, to achieve the nonproliferation and confidence-building aims of the Convention. The CWC also recognized the role of the United Nations in the fight against global terrorism and emphasized the importance universal adherence to the Convention could play in preventing access to chemical weapons by terrorists. The States Parties also stressed

the need for the OPCW to continue promoting the free trade of chemicals as well as international cooperation and the exchange of scientific and technological development.

The Review Document assessed the implementation of specific provisions of the Convention during its first six years. The document reviewed the CWC's role in enhancing international peace and security, universality of the treaty, declarations and verification, inspections of chemical weapons and industrial facilities, and the OPCW's ability to assist and protect States Parties from use or threat of use of chemical weapons attacks. It took into consideration economical and technological developments within the chemical industries. The document encouraged States Parties to provide assistance upon request to other CWC States Parties in the destruction of chemical weapons stockpiles, while also stressing the importance of enhanced cost effectiveness of the verification measures applied to stockpiles and destruction facilities.

The Review Document also recognized the request of the UN Security Council that international organizations whose activities relate to the control of or of access to chemical and other deadly materials evaluate ways in which they can enhance the effectiveness of their activities against terrorism. The First Review Conference noted that a large part of the OPCW's verification resources had been spent on the verification of chemical weapons destruction operations. Given the increase in chemical destruction that will take place in the coming years, the Conference emphasized the importance of reviewing current verification methodology in an effort to optimize the CWC's verification regime. The First Review Conference noted that current confidentiality guidelines provide neither for the destruction of confidential documents and other data, including those kept on the Secretariat's Security Critical Network, nor for the downgrading of their classification levels over the long term. The First Review Conference encouraged the OPCW to take steps to reach agreement on developing and implementing guidelines regarding the long-term handling of confidential information. It also noted that no challenge inspections or investigations of alleged use had been requested of the OPCW since its entry into force.

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