

The Chemical Weapons Convention at a Glance

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The Chemical Weapons Convention (CWC) is a multilateral treaty that bans chemical weapons and requires their destruction within a specified period of time. The treaty is of unlimited duration and is far more comprehensive than any prior international agreement on chemical weapons. (The 1925 Geneva Protocol, for instance, only outlaws the use of chemical weapons.)

CWC negotiations started in 1980 in the UN Conference on Disarmament.¹ The convention opened for signature on January 13, 1993, and entered into force on April 29, 1997.

The CWC is implemented by the Organization for the Prohibition of Chemical Weapons (OPCW), which is headquartered in The Hague with

about 500 employees. The OPCW receives states-parties' declarations, which detail 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, aiming to ensure compliance.

The CWC is open to any country and currently has 175 states-parties. Eleven signatories, including Israel, have yet to ratify the convention. Key nonsignatories include North Korea and Syria, both whom the United States suspect have chemical weapons programs. Iraq recently pledged to adhere to the CWC. For a complete listing of states-parties and signatories, please see the Association's fact sheet at <http://www.armscontrol.org/factsheets/cwcsig.asp>.

PROHIBITIONS

The Chemical Weapons Convention bans:

- Developing, producing, acquiring, stockpiling, or retaining chemical weapons.
- The direct or indirect transfer of chemical weapons.
- Chemical weapons use or military preparation for use.
- Assisting, encouraging, or inducing other states to engage in CWC-prohibited activity.
- The use of riot control agents "as a method of warfare."

DECLARATION REQUIREMENTS

The CWC requires states-parties to declare in writing to the OPCW their chemical weapons stockpiles, chemical weapons production facilities (CWPFs), relevant chemical industry facilities, and other weapons-related information. This must be done within 30 days of the convention's entry into force for the states-parties.

Chemical Weapons Stockpiles—States-parties must declare all their chemical weapons. Chemical weapons stockpiles are broken down into three "categories":

- Category 1 chemical weapons, which are based on Schedule 1 chemicals. Examples include VX and sarin. (See below for an explanation of "scheduled" chemicals.)
- Category 2 chemical weapons, which are based on non-Schedule 1 chemicals. An example is phosgene.
- Category 3 chemical weapons, which include unfilled munitions and devices and equipment designed specifically to employ chemical weapons.

Other weapons-related declarations states-parties must make include:

- Chemical weapons production facilities on their territories since January 1, 1946.
- Facilities (such as laboratories and test sites) designed, constructed, or used primarily for chemical weapons development since January 1, 1946.
- "Old" chemical weapons on their territories (chemical weapons manufactured before 1925 or those produced between 1925 and 1946 that have deteriorated to such an extent that they are no longer useable).
- "Abandoned" chemical weapons (those abandoned without consent on their territories after January 1, 1925, by another state).
- Chemical weapons they have abandoned on other states' territories.
- Plans for destroying weapons and facilities.
- All transfers or receipts of chemical weapons or chemical weapons-production equipment since January 1, 1946.
- All riot control agents in their possession.

Chemical Industry—The CWC requires states-parties to declare chemical industry facilities that produce or use chemicals of concern to the convention. These chemicals are grouped into "schedules," based on the risk they pose to the convention. A facility producing a Schedule 1 chemical is considered a Schedule 1 facility.

- Schedule 1 chemicals and precursors pose a "high risk" to the convention and are rarely used for peaceful purposes.

States-parties may not retain these chemicals except in small, limited quantities for research, medical, pharmaceutical, or defensive use. Many Schedule 1 chemicals have been stockpiled as chemical weapons.

- Schedule 2 chemicals are toxic chemicals that pose a “significant risk” to the convention and precursors important in the production of Schedule 1 or toxic Schedule 2 chemicals. These chemicals are not produced in large quantities for commercial or other peaceful purposes.
- Schedule 3 chemicals are usually produced in large quantities for purposes not prohibited by the CWC but still pose a risk to the convention. Some of these chemicals have been stockpiled as chemical weapons.

The CWC also requires the declaration of facilities that produce certain nonscheduled chemicals.

DESTRUCTION REQUIREMENTS

The convention requires states-parties to destroy:

- All chemical weapons under their jurisdiction or control.
 - i) Category 1 chemical weapons destruction must start within two years after the CWC enters into force for a state-party. States-parties must destroy 1 percent within three years of the CWC’s entry into force, 20 percent within five years, 45 percent within seven years, and 100 percent within 10 years (by April 29, 2007). The OPCW may extend these deadlines due to “exceptional circumstances,” but states-parties must destroy their entire stockpile by April 29, 2012.
 - ii) Category 2 and 3 chemical weapons destruction must start within one year after the CWC enters into force for a state-party. States-parties must complete destruction by April 29, 2002, with destruction done in equal annual increments.
- All chemical weapons production facilities under their jurisdiction or control.
 - i) Destruction of CWPFs capable of producing Schedule 1 chemicals must start within one year after the CWC enters into force for a state-party. States-parties must complete destruction by April 29, 2007.
 - ii) Destruction of other CWPFs must start within one year after the CWC enters into force for a state-party. States-parties must complete destruction by April 29, 2002.
 - iii) States-parties may request to convert CWPFs to facilities that they can use for nonprohibited purposes. Once their requests are approved, states-parties must complete conversion by April 29, 2003.

- Chemical weapons abandoned on other states’ territories.
- Old chemical weapons.

On-Site Activity

The convention establishes three types of on-site activities that aim to generate confidence in states-parties’ CWC compliance. These include:

- “Routine inspections” of chemical weapons-related facilities and chemical industry facilities to verify the content of declarations and to confirm that activities are consistent with CWC obligations.
- “Challenge inspections,” which can be conducted at any facility or location in states-parties to clarify questions of possible noncompliance. (To prevent abuse of this measure, the OPCW’s executive body can vote by a three-quarters majority to stop a challenge inspection from going forward.)
- Investigations of alleged use of chemical weapons.

Trade

- The convention restricts trade with non-states-parties, outlawing the transfer of Schedule 1 and 2 chemicals.
- In 2002 the OPCW will consider the need for additional measures to ensure that Schedule 3 transfers to non-states-parties are not used for purposes prohibited by the convention. Current requirements call for exporting states-parties to obtain an end-use certificate from importing states.
- The convention encourages trade among states-parties. It calls upon them not to maintain restrictions on one another that would hamper the trade of chemical-related items to be used for peaceful purposes.

Penalties for Noncompliance

- If states-parties took prohibited actions that could result in “serious damage” to the convention, the OPCW could recommend collective punitive measures to other states-parties. In cases of “particular gravity,” the OPCW should bring the issue before the UN Security Council and General Assembly.
- States-parties must take measures to address questions raised about their compliance with the CWC. If they do not, the OPCW may, inter alia, restrict or suspend their CWC-related rights and privileges (such as voting and trade rights).

NOTES

1. The UN Conference on Disarmament was known as the Committee on Disarmament until 1984.

Sources: Arms Control Association, OPCW