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CWC NEGOTIATIONS, CWC IMPLEMENTATION, AND CHALLENGES AHEAD
Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilized world

Declare:

That the High Contracting Parties ... accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration.
Negotiations of a CW ban in the League of Nations failed
After WW-II: negotiations in Geneva (today the CD), draft CWC completed in 1992

Some key issues:
- Bilateral agreement versus global treaty
- Limited versus comprehensive ban
- Nature of verification measures
“In accordance with an agreement reached in 1974, the USA and the USSR are engaged in negotiations to prepare a ‘joint initiative’ with respect to the conclusion of an international convention dealing with means of chemical warfare.

The USA and the USSR are now agreed that a chemical weapons convention should be comprehensive in its coverage. ... The scope of the prohibition would be determined on the basis of a general purpose criterion.”
“1987 was distinctive as being the first time since 1938 that the existence of Soviet chemical weapons was publically acknowledged in official statements.

In August the Soviet Government ... invited the participants in the chemical weapons negotiations to the Soviet military facility at Shikhany...

... the Soviet Union has accepted the principle of mandatory ... on-site inspection on challenge...”
“A new initiative … by President Reagan … endorsed … by the Soviet and British Foreign Ministers [and] President Mitterrand … The meeting which grew out of these proposals took place in Paris on 7-11 January 1989, [recognising] the urgent character of the negotiations of a comprehensive ban on chemical weapons.”

“One of the results of the 1988 negotiations was the recommendation that negotiating countries start so-called trial inspections…”
“Government-Industry Conference against Chemical Weapons took place in Canberra on 18-22 September 1989… The chemical industry announced its intention to participate more actively in the CD negotiations in order to assist in working out technical problems.”
von Wagner: Six key components of the overall balance of the draft CWC:
- Comprehensive scope of general obligations (Art. I)
- Safeguards to deal with situations where the basic obligations have not been met (Art. X and XII)
- Clear and unambiguous provisions on destruction (Art. IV and V)
- Extremely delicate and equitable balance in the provisions on the Executive Council (Art. VIII)
- General verification package beyond … verification of destruction (Art. VI and IX)
- Evolutionary concept for economic and technological development (Art. XI)
190 States Parties covering 98% of the global population
84.95% of the world's declared stockpile of 72,524 metric tonnes of chemical agent have been destroyed.
5,545 inspections have taken place at 265 chemical weapon-related and 2,024 industrial sites on the territory of 86 States Parties since April 1997.
4,913 industrial facilities are liable to inspection.
2013: Nobel Peace Prize
BUT ALSO:

- Significant delays in the completion of stockpile elimination (USA, Russia, Libya, Iraq)
- A verified case of non-declaration of part of a stockpile (Libya)
- A few countries still outside (Angola, Egypt, Israel, Myanmar, North Korea, South Sudan)
- Reluctance to adapt industry verification system
- Reluctance to use of challenge inspection
SYRIA

- Challenged some basic assumptions
  - CW utility in armed conflict
  - Threshold for use
  - Disarmament and verification at times war

- Required creative adaptation of CWC rules and procedures to special requirements
  - Destruction on-site versus removal;
  - Destruction at sea;
  - Funding through trust funds;
  - Verification methods and procedures
Maintaining competence and capacity to deal with “another Syria”

Complacency (e.g., ICAs, wide-area RCAs)

Maintaining credibility despite delays in the completion of CW destruction

Regime transition from State program elimination to prevention of new CW acquisition and development

Adaptation of implementation processes to changing environment (S&T, evolving security environment, changes in the chemical industry)

Imbedding CWC implementation into broader context