History was made on 29 April 1997 with the entry into force of the Chemical Weapons Convention (CWC)—the world’s first multilateral disarmament agreement to provide for the elimination of an entire category of weapons of mass destruction within a fixed time frame. The event marked both the culmination of many years of painstaking negotiations in the Conference on Disarmament and Preparatory Commission and the birth of an international chemical weapons disarmament regime headed by the Organisation for the Prohibition of Chemical Weapons (OPCW). The Organisation strives to fulfil the Convention’s mandate to end development, production, stockpiling, transfer and use of chemical weapons; to ensure the elimination of existing stocks of such weapons; and in so doing, to make the world safe from the threat of chemical warfare.

Past Chemical Disarmament Efforts

Though historical examples abound, the employment of toxic chemicals in warfare has long been stigmatised by an association with both unnecessary cruelty and unfair play, something beneath the standards of “civilised” battle. Because of this, international efforts to ban chemical weapons took a prominent position in many early disarmament agreements. In 1675, for example, France and Germany condemned and prohibited the use of poisoned bullets. The 1874 Brussels Convention banned the use of poison gases and arms, projectiles or materials that cause needless suffering. Signatories to the 1899 Hague Convention agreed not to use projectiles that could spread asphyxiating or deleterious gases.

In spite of these measures, the world witnessed the application of chemicals in warfare to an unprecedented extent during World War I, the first large scale attack with chemical weapons taking place at Ypres, Belgium, on 22 April 1915. By the war’s end, some 124,200 tonnes of chlorine, mustard and other chemical agents had been released, and more than 90,000 soldiers had suffered painful deaths due to exposure to them. Close to a million more men left battlefields blind, disfigured or with debilitating injuries.

Public dismay at the horrors of chemical warfare spurred post-World War I negotiations on a number of instruments meant to prevent its recurrence, most prominently the 1925 Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, commonly known as the Geneva Protocol. A number of shortcomings, however, kept these agreements from effectively
eliminating the threat posed by chemical weapons. For one thing, the Geneva Protocol only applied to contracting states, a few of which reserved the right to use chemicals to retaliate in kind if attacked. Most significantly, the Protocol prohibited only the use of chemical weapons, and not production or stockpiling. These latter activities continued unabated through World War II and into the Cold War as chemical agents of ever-increasing lethality were developed. The United States and Soviet Union came to maintain enormous stockpiles of tens of thousands of tonnes of chemical weapons. In time, chemical warfare agents were again used in battle during the Iran-Iraq War and were alleged to have been used on numerous other occasions.

CHEMICAL WEAPONS CONVENTION NEGOTIATIONS

Overshadowed by concerns about nuclear war for much of the post-World War II period, serious consideration was not given to chemical weapons again until 1968, when discussions on biological and chemical weapons started at the Disarmament Conference in Geneva. The treaties to which these discussions would eventually lead were arrived at by divergent paths. The Biological Weapons Convention (BWC) was concluded relatively quickly, opening for signature in 1972, though in a form that lacked verification measures. Significantly for subsequent efforts to ban chemical weapons, the BWC enunciated the intent of its States Parties to continue negotiations on chemical weapons, the goal of which being the institution of measures mandating their destruction and the prohibition of their development, production and stockpiling.

Negotiations on the CWC took much longer, progress coming in fits and starts as breakthroughs accompanied political and other changes. In 1980, the Conference on Disarmament established an ad hoc working group on chemical weapons. Four years later, the group was assigned the task of elaborating what a ban on chemical weapons would contain, and thus emerged the provisional, annually updated “rolling text” of the Convention. The improvement in superpower relations in the late 1980s, revelations about a chemical attack in northern Iraq in 1988, publicity given the threat of chemical warfare during the Gulf War, and the announcement of a bilateral United States-Soviet Union agreement to destroy most of their CW stockpiles and to refrain from further CW production all gave impetus to progress in the Convention negotiations.

In spite of advances, a number of issues remained to be ironed out. Some countries wanted chemical disarmament to be linked to nuclear disarmament progress. Others wanted provisions for assistance in defending against chemical attack. The degree of support the Convention would lend to free trade in chemicals and consequent economic and technological development was a major concern for a large number of countries. Many worried about the intrusiveness of the Convention’s verification regime, particularly its challenge inspections. The United States insisted on retaining the right to retaliate in kind in the event of CW use until a very late stage of the negotiations. One by one, obstacles were removed and outstanding issues were resolved. In 1992, a draft Convention was formally adopted by the Conference on Disarmament. (See Fact Sheet 2 for an overview of the contents of the Convention.) The United Nations General Assembly requested that the UN Secretary-General, the depositary of the Convention, open it for signature on 13 January 1993 in Paris. In an unprecedented show of support for an international arms control treaty, 130 countries signed the CWC during the three-day Paris signing conference.

THE PREPARATORY COMMISSION

To the signatory states in Paris in 1993, it was clear that a considerable amount of groundwork needed to be done before an Organisation for the Prohibition of Chemical Weapons capable of implementing the CWC could be established. Furthermore, the Convention provided that its entry into force was to occur at least two years after being opened for signature and only after 180 days had elapsed from the deposit of the 65th instrument of ratification. This left open a period of time in which preparations could be made. In what
was called the Paris Resolution, the signatory states therefore decided to set up a Preparatory Commission with a mandate to take care of various administrative matters and to continue work on issues that remained unresolved by the Convention’s negotiators. The “PrepCom” held its first Plenary Session in The Hague in February 1993 and wasted no time in establishing a Provisional Technical Secretariat, a forerunner to the OPCW Secretariat.

The date of entry into force of the Convention was not determined until 31 October 1996, when Hungary became the 65th state to ratify. As required, the Convention entered into force 180 days later, on 29 April 1997. During the intervening four years, the Preparatory Commission met for 16 sessions, laying the foundation for the workings of the future Organisation. It drafted the OPCW budget, established rules for how the Secretariat was to function and developed operational procedures for the Convention’s verification regime. Creating two primary working groups and other bodies as the need arose, the Commission considered administrative issues; examined means to accomplish verification, technical cooperation and assistance objectives; and began preparations for the First Session of the Conference of the States Parties, the convening of which the Convention dictated should happen within 30 days of entry into force.

The Preparatory Commission also worked to initiate support measures for future OPCW activity, getting the Laboratory and Equipment Store up and running, developing training and recruitment plans for inspectors, making arrangements for the construction of the OPCW headquarters building and drafting a number of policy documents. By the time the OPCW was established, the Commission had issued dozens of recommendations on a variety of issues, including those related to verification and inspection guidelines and items to be stockpiled by the OPCW for emergency and humanitarian assistance to any State Party in the event of an attack with chemical weapons. Other such issues had to do with equipment to be approved for inspections, requirements for inspector safety, the frequency of on-site inspections of chemical weapons storage facilities, guidelines for transitional verification arrangements, rules for the handling of classified information, precision of declaration information, closure of chemical weapons production facilities (CWPFs) and conversion of CWPFs into chemical weapons destruction facilities. Issues not resolved by the Preparatory Commission were passed on as such to the OPCW.

THE OPCW

As decreed by the Convention, the OPCW would from its genesis comprise three main organs: the Conference of the States Parties, the Executive Council and the Secretariat. (See Fact Sheet 3 for a description of the structure of the OPCW, its organs and subsidiary bodies.) All three organs would enter existence facing imposing work agendas.

The Conference of the States Parties, composed of representatives of all Member States, held its first session beginning 6 May 1997, one week from entry into force of the CWC. It promptly began the task of considering matters assigned to its jurisdiction by the Convention, various recommendations of the Preparatory Commission and certain unresolved issues. It elected the members of the Executive Council and chose José Mauricio Bustani of Brazil to be the OPCW’s first Director-General and the chief executive of the Secretariat. Also selected were the members of one of the Organisation’s subsidiary bodies, the Confidentiality Commission. The PrepCom’s recommendations were reflected in many of the Conference’s other decisions. Unresolved issues, it was decided, would be referred to the Committee of the Whole (also consisting of representatives of all States Parties). The Conference continued its work at its second session in December 1997, directing Director-General Bustani to establish a Scientific Advisory Board, considering chemical weapons production facility conversion requests and taking a number of other decisions.

Meanwhile, the Executive Council and the Secretariat started to go about their respective duties. The Council
held seven sessions in 1997, at which it considered and approved transitional verification arrangements for chemical weapons destruction facilities (CWDFs) and facility agreements for plants producing chemicals listed on Schedule 1 of the CWC with potential for chemical weapons destruction facilities (CWDFs) and approved transitional verification arrangements held seven sessions in 1997, at which it considered and approved transitional verification arrangements for chemical weapons destruction facilities (CWDFs) and facility agreements for plants producing chemicals listed on Schedule 1 of the CWC with potential for chemical weapons destruction facilities (CWDFs) and approved transitional verification arrangements.

The Secretariat, for its part, began processing initial declarations from States Parties and commenced with inspection activities. Of necessity, early inspections took place primarily at chemical weapons-related facilities, many of which needed to be inspected by specific deadlines in order to meet the conditions of the Convention. Destruction of chemical weapons required on-site inspection, as well. The number of inspections conducted by the OPCW soon numbered in the hundreds, and the efficiency with which they were carried out earned the Organisation a reputation for professionalism and impartiality.

In this way, parts of the CWC verification regime have begun to operate. Declarations related to chemical weapons (see Fact Sheet 6) and production of dual-use chemicals (see Fact Sheet 7) serve to provide baseline data for subsequent confirmation by the Organisation. Inspections (see Fact Sheet 5) function as the primary means by which declaration data is verified, taking place systematically at chemical weapons-related facilities and randomly at industry facilities. Data from declarations and inspections is disseminated to States Parties in accordance with the Convention’s confidentiality provisions, serving to improve transparency and build confidence in the effectiveness of the regime.

A number of mechanisms designed to address possible non-compliance with the Convention can also be put in motion. Clarification of ambiguity in matters related to compliance, for example, can be requested directly of one State Party by another or via the Executive Council (see Fact Sheet 3 and Fact Sheet 11). States Parties are also granted the right by the Convention to request challenge inspections (see Fact Sheet 5) at locations in other States Parties, their purpose being to clarify or resolve questions of possible non-compliance. The Conference of the States Parties is given further powers to redress situations of non-compliance (see Fact Sheet 3).

In spite of early accomplishments, challenges to the nascent chemical weapons regime represented by the OPCW continue to emerge and several older unresolved issues persist. Many States Parties failed to submit their initial declarations on time. Financing for destruction of chemical weapons has become an issue of concern. Although the number of States Parties has steadily increased, in some regions there are still relatively few. Agreement among the members of the Executive Council and Conference of the States Parties regarding such matters as the treatment of old chemical weapons manufactured between 1925 and 1946, and the interpretation of certain Convention terminology has not been forthcoming.

These and other outstanding issues have been addressed at subsequent sessions of the Conference of the States Parties and the Executive Council. In many cases progress has been significant. Outreach and other Secretariat activities have helped to reduce the number of countries that had not submitted declarations and to encourage more countries to accede to the Convention. As declarations continue to be submitted and, in accordance with the Convention’s time frames, the number of industrial facilities subject to inspection increases, the pace at which inspections take place continues to be brisk. The challenge of ridding the world of chemical weapons may still loom large, but the OPCW has thus far maintained the momentum needed to meet it.

In short, the Organisation for the Prohibition of Chemical Weapons has thus emerged as a new type of global, treaty-based international organisation with responsibilities for disarmament and non-proliferation and with impartial mechanisms necessary to verify compliance and to redress situations of non-compliance should they occur.

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