

Civil Society, Chemical Industry and the Chemical Weapons Convention

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Summary

Civil society has played a very important role in the framing of the regime against chemical weapons. Following the adoption of the Biological Weapons Convention in 1972, Civil society actively supported negotiations that led to the adoption of the Chemical Weapons Convention (CWC) in 1992. However after coming into force the relationship between CWC and Civil Society underwent an important change.

For many years, civil society has played an important role in the framing of the regime against chemical weapons. The 1925 Geneva Protocol, which prohibits the use of poison gas and bacteriological (biological) weapons, was in no small amount the result of public outrage over the use of poison gas during the First World War. Although a cornerstone of international humanitarian law, the Protocol did not stop the development of chemical weapons and the build-up of chemical weapons arsenals. Neither could it altogether prevent their use, most recently in the Iran-Iraq War. The recent developments in Syria once again brought to the fore the grave dangers associated with the very existence of chemical weapons.

Discussions about extending the regime against chemical weapons by prohibiting their development, production and stockpiling began right after the adoption of the Geneva Protocol in the League of Nations. After the Second World War, chemical weapons disarmament was again taken up in the context of talks about general and complete disarmament. Following the adoption of the Biological Weapons Convention in 1972, work towards the CWC began in what is today known as the Conference on Disarmament.

Civil society actively supported these negotiations that eventually led to the adoption of the CWC in 1992. As early as 1970 – 1972, the Stockholm International Peace Research Institute (SIPRI) hosted an East-West expert working party on Phosphorus accountancy that studied the possibilities of verifying the non-production of nerve agents. Since 1974, the international Pugwash movement has been organising workshops to discuss policy, legal and technical issues of chemical weapons disarmament. These included visits to

chemical plants in the late 1970s (in West Germany, the USA and Sweden), and again alongside the negotiations during the 1980s (in the Netherlands, the former GDR and other countries). Pugwash provided an informal platform for negotiators and experts to pursue issues that were not yet ripe for negotiations. This brought expertise from industry as well as academia into the treaty negotiations and ensured that the views of these stakeholders were taken into account. Practical measures included the 1991 Sipri/Pugwash study on the “Verification of Dual-use Chemicals under the Chemical Weapons Convention: The Case of Thiodiglycol”, which clarified many technical issues related to industry verification. At the same time, the impact of civil society went well beyond providing technical expertise alone. A key example was the 1989 International Government-Industry Conference against Chemical Weapons in Canberra which underlined the full support of the world’s chemical industry for a global ban on chemical weapons. This support of civil society and the chemical industry was critical to many countries’ CWC ratification.

After the entry into force of the CWC, the nature of its relationship with the civil society underwent an important change. Some NGOs took on the role of “service providers” to help with the implementation of the treaty, for example by publishing reviews and analyses in The CBW Conventions Bulletin, or preparing briefing books for Review Conferences and meeting summaries of annual sessions of the Conference of the States Parties. At the same time, Chemical industry opened its plants and training facilities for OPCW inspector training. Today, it supports the OPCW’s Associate Programme. A productive relationship has evolved between the OPCW Scientific Advisory Board and the International Union for Pure and Applied Chemistry (IUPAC),

bringing valuable scientific input to the OPCW. In 2007, the OPCW invited experts from governments, industry, academia and civil society to its Industry and Protection Forum and its Academic Forum.

What is it that civil society can contribute to the implementation of the CWC today? Here are some examples:

- **Provide Technical Assistance;** for example, the University of Surrey provides training in the Associate Programme; SIPRI and VERTIC provide assistance in national implementation.
- **Help raise Awareness and promote Education and Outreach;** for example, UPAC works on a code of conduct, national chemical societies help with outreach, and the chemical industry has included CWC compliance in its Responsible Care ® program.
- **Help with Problem Definition and Provide Technical Expertise;** for example, IUPAC’s reviews of the impact of science and technology and the convergence between chemistry and biology.
- **Public Advocacy;** for example, NGO’s are involved in ratification efforts in many countries and support for universalizing the process.
- **Agenda Setting;** for example, by identifying regional issues and priorities such as in the OPCW’s Africa initiative.
- **Monitoring Implementation;** for example, with regard to the issues around riot control agents and the purported use of incapacitants in law enforcement.

Civil society is a partner of governments and the OPCW in the implementation of the CWC. As science and technology continue to make

rapid progress, this partnership will become even more important for the full and effective implementation of the CWC.

Reference:

- ¹ Some of the material used in this paper has been adapted from: Caitríona Mcleish and Maarten Lak “The Role of Civil Society and Industrial Non-state Actors in Relation to the CWC”, draft book chapter of the planned “Commentary on the Chemical Weapons Convention” (Editors: E. Myjer, W. Krutzsch and R. Trapp), Oxford University Press 2013/2014