



ORGANISATION FOR THE PROHIBITION  
OF CHEMICAL WEAPONS

THE JOHN GEE MEMORIAL LECTURE

BY

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Canberra, Australia

26 JULY 2012

Professor, the Honourable Gareth Evans, Chancellor, Australian National University,

Excellencies,

Ladies and Gentlemen,

I am honoured to have been asked to deliver this John Gee Memorial Lecture, especially so, because of the presence of no less a personage than Professor Evans himself. Known and admired the world over for his important work and contribution to disarmament, I feel privileged in meeting him today on this occasion which is dedicated to the memory of another preeminent Australian.

I should like to acknowledge the presence of the sister and children of The late Dr John Gee They must be proud of their father and brother. Dr Gee will be remembered for his deep understanding of issues involved in chemical disarmament, and notable contributions to the OPCW as its first Deputy Director-General from 1997 to 2003. Dr Gee ably guided the Organisation in taking its first steps as an international treaty body, and we remain indebted to him for his work which was informed by unmatched experience and expertise in a range of nuclear, biological and chemical disarmament issues.

Ladies and Gentlemen,

It was not too long ago, in 1997, that the Chemical Weapons Convention (CWC) entered into force. The Convention establishes a complete, comprehensive and verifiable ban on an entire category of weapons of mass destruction. This unique treaty was born of the international community's determined efforts to outlaw chemical weapons in a manner free from loopholes or exceptions. It took over a century to reach this goal. And, the result constitutes a landmark in the international community's quest for collective security. The present international security architecture would be much weaker without the CWC.

Securing a world that is without chemical weapons is an objective that significantly advances both disarmament and international law. The OPCW's motto captures the essence of our endeavours: "Working together towards a world free of chemical weapons". The OPCW has been working - quietly yet in a steadfast manner - towards realising this objective. I say 'quietly' because both the Convention and the OPCW are not as well known to the general public as some other legal regimes that cover weapons of mass destruction. But this lack of awareness should not be mistaken for lack of impact.

It will not be long before we commemorate the centennial of the first use of chemical weapons on a mass scale. I am referring to the carnage that occurred in what is remembered as the Second Battle of Ieper in 1915 during the First World War. Then and subsequently, these weapons have brought death and tremendous suffering to millions of human beings who were exposed to their destructive power. Chemical weapons have spared neither soldier nor civilian in the many instances of their use over the last century.

A brief reference to historical developments is important to understand how and why the regime represented by the CWC emerged over the course of decades to one that embodies zero tolerance for chemical weapons. The first organised attempt to ban chemical weapons is represented by the 1899 The Hague Convention that proscribed the use of projectiles for the dissemination of what were at the time known as poison gases.

Unfortunately, the existence of this legal norm did not prevent the use of chemical weapons during World War I. Chemical weapons claimed more than one million casualties.

Efforts to establish a stronger legal prohibition led to the conclusion of the 1925 Geneva Protocol that banned the use of both chemical as well as biological weapons. The Geneva Protocol, did not, however, prohibit production of chemical weapons.

While this legal constraint existed in the background, countries continued to produce and stockpile ever more dangerous chemical weapons.

The horrors of chemical weapons nevertheless impelled a search for a comprehensive and effective international treaty to ban them. And these efforts went on within the negotiating mechanisms sponsored by the United Nations.

However, a more immediate threat emerged on the international stage with the use of chemical weapons in the Iran-Iraq conflict and by the former regime in Iraq against its civilian population. They were also used in the mid-nineties by terrorists in the well-known attacks in Japan. Thus

while the original motivation to find a durable solution to the problem of chemical weapons may have been concerns relating to the bipolar confrontation of the Cold War, it became evident that the threat of chemical weapons was now more widespread.

Following the first Gulf War in 1991 and the chemical weapons dangers illustrated by the actions of Saddam Husain, the negotiations for the Convention in the Conference on Disarmament in Geneva were injected with urgency and purpose. The international community's resolve to outlaw chemical weapons and to agree on their total elimination, after almost 20 years of negotiation, led to the conclusion of the CWC in 1992. The Treaty was subsequently opened for signature in 1993 and entered into force in 1997. At the same time, the Organisation for the Prohibition of Chemical Weapons commenced its work as the implementing agency of the Convention.

This year, the Convention completed fifteen years of its operation. By any yardstick, this has been an unqualified success in multilateral disarmament.

The Convention is the first multilateral treaty that not only establishes a comprehensive prohibition against an entire class of weapons of mass destruction, but does so on non-discriminatory terms and under conditions of strict verification. The CWC does not create any exceptions to the rule that chemical weapons are prohibited for all countries. All States Parties have equal rights and obligations. Those who possess chemical weapons must destroy their stockpiles. All countries with chemical industry regarded as capable under the terms of the Convention, must allow inspections by the OPCW.

The elimination of chemical weapons being one of our core objectives, our team of inspectors have verified that the destruction of nearly three quarters of the total stockpiles declared to the OPCW. This is the first time in history that weapons of mass destruction have actually been destroyed under an international treaty and under multilateral supervision.

The Convention establishes not only the obligation to destroy chemical weapons but also the facilities that produced those weapons. Consequently, almost every such facility has either been destroyed or converted for peaceful purpose.

Disarmament and non-proliferation go hand in hand. Both involve verification. On the one hand, OPCW verifies the destruction of chemical weapons and on the other, it seeks to prevent their re-emergence; also through verification which in this case extends to the chemical industry. Industry verification and data monitoring are in fact key features of our work. The Organisation routinely conducts round-the-year inspections of industrial facilities worldwide which produce chemicals that are of relevance to the Convention or are capable of producing such chemicals. There are nearly 5,500 such facilities around the world. All of these are liable to be inspected and those producing chemicals deemed to be of higher risk are regularly inspected by the Secretariat.

So far, more than 2,200 such inspections have been carried out in over 80 countries. The aim is to ensure that the production of chemicals remains dedicated to peaceful purposes only and that no diversion takes place that is contrary to the Convention.

In addition, the OPCW implements a global monitoring regime over the exports and imports of chemicals covered by the Convention. Transfers of certain chemicals, classified according to the possibility that they can be used as chemical weapons, is strictly controlled among Member States and, in certain cases, prohibited with States that are not parties to the Convention. Member States are required to carefully monitor such transfers and to report relevant information to the Secretariat of the OPCW.

A multilateral organisation is a model of diversity. Amongst our Membership are countries with advanced chemical industry as well as those with hardly any. In between there is a range of countries whose economies are developing or in transition.

To cater to the interests and concerns of all States Parties, the Convention is described as having four pillars. Disarmament and non-proliferation are the two pillars that serve the core security interests of the entire membership. The other two pillars are international cooperation, and, assistance and protection against chemical weapons.

While an effective and efficient verification and inspections regime is an important tool to achieve the objectives of the Convention, the OPCW is equally dedicated to foster the economic or technological development of its Parties in the peaceful uses of chemistry. In accordance with its Article XI, the Convention provides for the promotion of international cooperation and the exchange of scientific and technological information in the field of peaceful chemical activities. The Organisation has established a wide range of programmes to further this important objective, including, for instance, the training of young chemists and the promotion of analytical laboratory skills.

Other initiatives provide funding for research projects and organise internships for qualified people at world-class research institutions. OPCW activities in this area offer significant benefits to our States Parties and they promote a sense of belonging and ownership amongst them, especially those whose economies are developing or in transition.

Despite the existence and progressive strengthening of clear norms against chemical weapons, there can never be a certainty against the criminal or terrorist use of either chemical weapons or the use of toxic chemicals as chemical weapons. Especially within the contemporary international security environment, there is a real threat of non-state entities getting hold of dangerous weapons to use them for unlawful purposes.

In this area, Article X of the Convention provides for mechanisms designed to assist States Parties particularly by enhancing their preparedness and capabilities to react to a possible attack involving chemical weapons. At the same time, a coordination mechanism among Member States is envisaged that would mobilise the provision of emergency assistance to the country that has been subjected to a threat of attack or actual attack with chemical weapons.

The development of national preparedness and of mechanisms for emergency assistance in case of such an attack is an essential part of the security assurance that States receive by joining the Convention. Accordingly, the Secretariat is working extensively with our States Parties with a view to ensuring effective emergency response capacity should a need ever arise.



While we progress steadily towards the goals of the CWC, we are also aware of the need to ensure that its fundamental norms must continue to be strengthened in an ever changing and challenging future.

As we approach the completion of the destruction of declared arsenals of chemical weapons, the OPCW will be expected to progressively concentrate the larger percentage of its resources to the objective of preventing the re-emergence of chemical weapons. This entails attention to a number of areas.

First. The OPCW will need to continue refining and taking to an adequate level the number and intensity of industry inspections. The regime must ensure that all categories of relevant facilities are adequately covered by verification.

The global chemical industry is highly dynamic. New products and processes are constantly emerging. The verification regime will need to keep pace with such developments to ensure that the level of confidence remains high.

Second. The surveillance of transfers and trade in chemicals will need to be made more rigorous. All States Parties should have the ability to fully monitor the import and export of chemicals of concern by enhancing the knowledge and skills of their relevant governmental authorities, especially the Customs. OPCW conducts regular training programmes for customs officials in our States Parties and these programmes are expected to be augmented further.

A third and crucial element in the non-proliferation regime of the Convention concerns its effective domestic implementation. This obligation is indispensable for the overall effectiveness of the CWC. It requires that all States Parties establish and reinforce the administrative and legislative measures necessary to redress any breach of the Convention by their nationals and in any area under their jurisdiction or control.

Compared with other relevant disarmament instruments, OPCW Member States have performed better in implementing their CWC obligations. Yet, there is still a need for half of our membership to make further progress in domestic implementation. The relevance of such measures for counter-terrorism purposes is also self-evident.

In the context of terrorism, the OPCW fully participates in activities organised to support the implementation of United Nations Security Council resolution 1540 and the UN Global Counter Terrorism Strategy. Our own activities are guided by the OPCW Working Group on Terrorism and cover subjects of high contemporary importance.

We are devoting especial attention to the subject of chemical safety and security. Following a major international conference on the subject hosted by the OPCW last year, we recently held a meeting of experts to identify ways and means in which the Organisation can better fulfil the expectations of our States Parties in this crucial area.

Ladies and gentlemen,

Another outstanding feature of the CWC is the rapidity with which it has gained adherents. The near universal support that the CWC has received is evident from its Membership which currently stands at 188 strong. This means that only 8 members of the UN remain outside the treaty.

Universality is indispensable to the success of the Convention. Only thus can there be an assurance that all countries of the world have legally accepted the prohibition on chemical weapons. Given the inhumane nature of chemical weapons, and the fact that they are no longer regarded of much military value, the CWC should be accepted by all nations as a moral imperative. Acceptance of the Convention can serve as an important confidence building measure, especially, in such regions as the Middle East- where there are three countries that have not joined the Convention, and North-East Asia- where two countries are not Members.

The 2010 NPT Review Conference has decided to convene a Conference in 2012 that would consider the question of making the Middle East a zone free from all weapons of mass destruction. The Final Document of the Conference envisages the contribution of international organisations such as the OPCW in terms of sharing their experience and lessons learnt. Given the importance of this initiative to regional peace in the Middle East, the OPCW looks forward to its participation and contribution to this endeavour.

International treaties like national constitutions need to be regarded as living documents. Their provisions are designed to serve broad objectives and it is those objectives that must at all times be kept in sight.

The CWC constitutes a total and permanent prohibition against chemical weapons. It provides for a number of tools that if fully utilised by States Parties could further enhance its effectiveness.

During the rapid developments in the past year, the international community was on several occasions concerned about the potential use of chemical weapons by the former regime in Libya. Fortunately, this did not happen. However, the authorities in Libya discovered a stockpile of chemical weapons that the Qaddafi regime had not declared to the OPCW. This was the first time OPCW have faced a situation like this.

As deterrence against such situations, and also as a means to uncover non-compliance, the Convention provides for short notice challenge inspections that can be conducted on the territory of any State Party. There is no right of refusal in such cases. However, to date, there has not been a challenge inspection conducted anywhere- although the Secretariat keeps itself in readiness to do so if asked. Only a State Party has the right to call for a challenge inspection. The Secretariat does not have such authority nor is it empowered or resourced to collect independently, information that would help determine if a State Party was concealing any facts that it should have otherwise declared.

Appropriate measures are being implemented by the Libyan authorities to ascertain that all sites in all regions of the country are free from any materials likely to be relevant to the Chemical Weapons Convention. And we continue to work closely with them to ensure that Libya fulfils its obligations under the Convention.

The experience, however, vividly illustrates that handling chemical weapons issues in a conflict situation can never be an easy or predictable exercise. It also highlights the need for States Parties to consider how they can more effectively utilise some of the verification tools made available in the Convention such as challenge inspections.

The case of Syria is another instance where concerns relating to chemical weapons remain high. The announcement by the Syrian government the other day tends to confirm the reported existence of CW's. Syria is not a State Party to the Convention. And, therefore, the OPCW verification regime does not extend to Syria. In order to authenticate the nature and quantities of chemical weapons in Syria, as suggested in press reports and now alluded to by the Syrian government itself, the OPCW needs to conduct physical inspections at the concerned facilities.

As to situations involving non-parties, the Convention does provide for an important measure that can be invoked if the situation so warrants. The OPCW is authorised under the Convention for closely cooperating with the UN by placing its resources at the disposal of the Secretary General to conduct an investigation of alleged use of chemical weapons in a State not Party to the CWC. This provision, like challenge inspections, has never been used. But here again the Secretariat stands ready to provide its expertise should the international community collectively decide to address a particular situation.

Ladies and gentlemen,

Fifteen years is not a long time in the life of an international organisation. Yet, there is a record of accomplishments in this short time that should

make each and every State Party quite proud. They have consistently worked in a constructive spirit of cooperation. Every country stands to benefit from this exemplary multilateralism.

But time brings change and new challenges. Our main preoccupation in the next few years will be to set a new direction for the Organisation. Disarmament had remained for all these years the main focus of attention and the most resource demanding undertaking. In the next two to three years, only a fraction of the stockpiles of chemical weapons will remain to be destroyed.

As the destruction phase of chemical weapons winds down, we have to ensure that this does not lead to the perception of the conclusion of our mission. The Convention is a treaty of indefinite duration. In essence, it represents a permanent prohibition on chemical weapons. Once disarmament is complete, such prohibition will only endure through vigilance, adaptation and sustaining the political support of our States Parties.

This in short is the challenge of the transition that awaits our Organisation.

New developments in science and technology may increase the risk that harmful activities prohibited under the Convention are undertaken. At the same time, the rapid evolution of chemical industry that is occurring on a global scale may create new challenges in the field of verification. While we need to keep abreast of these developments, we also need to reach out to the scientific and academic communities. We need to strengthen the ethics that underpins their work and to make the norms of the Convention

more widely known. Since becoming Director-General, I have paid particular attention to such outreach and public diplomacy imperatives.

While we will face such new tasks, the constraints imposed by the global financial situation are equally real. This means structural readjustments within the Organisation so that we are able to do more for less. On my part, I am resolved to bring about changes within the Organisation that will make it fit for purpose without compromising on our goals or operational requirements.

The entire process of change however requires the cooperation, understanding and full involvement of States Parties and the support of our partners of the chemical industry. I feel confident that Australia, with its tradition of strong support for the Convention ever since the time of its negotiation, will play its part in this endeavour.

In conclusion, allow me to say that while our world often seems divided on issues that are of vital importance to us collectively, there is no alternative but to persist in our faith in multilateralism. The CWC and the OPCW do offer a model of the success of multilateralism. The credit for this belongs to our States Parties who have repeatedly shown the will to remain constructive and forward looking.

Today when we face a time of change, we need to redouble our efforts to ensure that one of the finest achievements in disarmament can be strengthened for all times to come. For this we must work together to continue towards a world free of chemical weapons and to ensure collectively that these terrible weapons will never again re-emerge.

I thank you for your attention.