

## Chapter 2

# One Hundred Years of Chemical Warfare and Disarmament: Then and Now

Ahmet Üzümcü

**Abstract** On 22 April 2015, we commemorate the turning of a tragic page in human history—the 100th anniversary of the first large-scale use of chemical weapons near Ieper in Belgium. In the wake of this attack and for the remainder of World War I, both sides unleashed similar weapons, as well as developed new and deadlier ones to inflict more than a million casualties. What made these events all the more tragic was the fact that an international legal instrument banning the use of poisonous gases in warfare was in place well before the outbreak of World War I. This was The Hague Convention of 1899. Now, as we contemplate what we have achieved in chemical disarmament since that time, it is worth asking what has contributed to our success, and what we need to do in order to secure the durability of this success into the future. As we commemorate the centenary of the chemical attacks in Ieper, we need to draw inspiration not only from the success of the Chemical Weapons Convention as a unique multilateral accord, but also from the political will that has driven its implementation. These form the axis of a comprehensive and effective regime, driven by close partnership with science and industry—a regime that will continue to address new and emerging challenges to make our hard-won disarmament gains permanent.

**Keywords** Organisation for the prohibition of chemical weapons • OPCW • Chemical warfare • Biological Weapons Convention • Chemical Weapons Convention

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On 22 April 2015, we commemorate the turning of a tragic page in human history—the 100th anniversary of the first large-scale use of chemical weapons near Ieper in Belgium. In the wake of this attack and for the remainder of World War I, both sides unleashed similar weapons, as well as developed new and deadlier ones to inflict more than a million casualties. The widespread use of chemical weapons stands as one of the First World War's most haunting legacies. For many, it marked the conflict as 'the chemists' war'.

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Unusually in the history of multilateral arms control, the 1899 Hague Convention had anticipated the brutal impact of chemical weapons before it came to be experienced. It was an uncommon instance of diplomats and lawyers successfully defining inhumane weapons, and seeking to prevent them from being used, before they had actually made their debut on the scale that they did.

Failure to enforce this instrument in the course of World War I marked the beginning of an almost century-long effort to arrive at a comprehensive global ban against chemical weapons. This finally came in the form of the Chemical Weapons Convention, which was concluded in 1992 and entered into force 5 years later in 1997.

This was a difficult process. For unlike other types of weapons of mass destruction, chemical weapons were used with brutal regularity over the course of the twentieth century, from Africa to Asia. What is more, their use was not limited to the battlefield. The place names of Halabja in Iraq and Sardasht in Iran have become synonymous with the human misery resulting from peaceful civilians being attacked with these terrible weapons.

After the chemical horrors of the First World War, the 1925 Geneva Protocol sought to address ambiguities in The Hague Convention. But its shortcomings soon became apparent, when several signatories submitted reservations that left open the possibility of retaliating against chemical weapon attacks in kind. Further, while banning the use of chemical weapons, the Protocol failed to curb production, development and stockpiling of such weapons. In the absence of provisions for this, more than 70,000 metric tonnes of chemical agent—mainly deadly nerve gases such as sarin—had been stockpiled by the 1980s.

The next breakthrough came much later, when talks on a chemical weapons treaty began in the wake of the conclusion of the Biological Weapons Convention in 1972. If there was any consolation to be had from the brutal excesses of chemical weapons use during the Iran-Iraq War, it was that it focused minds in the course of negotiations on a global chemical weapons ban at the Conference on Disarmament in Geneva. These negotiations, assisted also by a new spirit of cooperation between the superpowers in the twilight of the Cold War, rendered a treaty with a uniquely comprehensive scope.

More than two decades since it was concluded, the Chemical Weapons Convention remains the most comprehensive disarmament and non-proliferation treaty in the history of multilateral arms control.

The Convention prohibits not only the use of chemical weapons, but also their development, production, stockpiling, transfer and retention—something that was missing in the chemical disarmament treaties preceding it. And, unlike the Nuclear Non-Proliferation Treaty, it is non-discriminatory. There are no haves and have-nots, given that no member is permitted to possess chemical weapons: those that do are obliged to destroy them, while those that do not are obliged never to acquire them. Finally, to hold the 190 members of the Convention to shared obligations, all are subject to an international verification regime administered by the Convention's implementing body, the Organisation for the Prohibition of Chemical Weapons (OPCW).

In short, the Chemical Weapons Convention is the only international treaty that not only bans an entire class of weapons of mass destruction, but also has the authority and mechanisms for policing this ban through international verification.

Diplomats and lawyers did not have a monopoly on the successful negotiation of this landmark treaty. Its extensive provisions were the product of participation in the Geneva negotiations by scientists and industry representatives on the basis of a simple but key fact: states' confidence in the Convention would depend on the effectiveness of its verification methods and on the integrity of its confidentiality arrangements. Given that many of the materials and technologies relevant to the development of chemical weapons also have legitimate commercial applications, scientists and industry were, and continue to be, key partners in global chemical disarmament.

These foundations have made the Chemical Weapons Convention the remarkable success that it is. In only 17 years, we have seen our membership swell to 190 States Parties, and the OPCW has verified the destruction of some 86 % of all declared chemical weapons and conducted more than 2500 inspections of industrial facilities in more than 80 countries. It is this record of achievement that in 2013 earned the OPCW the award of the Nobel Peace Prize.

Most recently, the unprecedented mission to eliminate Syria's chemical weapons has amply demonstrated the resilience of the Convention. Syria's accession to the Convention meant that there was no need for a specially mandated ad hoc arrangement to oversee the removal and destruction process—the Convention came into play as a ready-made, tried-and-tested vehicle for achieving Syria's complete chemical demilitarisation.

Nonetheless, the confirmed use of chemical weapons in Syria last year had made clear that our success can only be as broad as our reach. That is why one of our most immediate priorities is to persuade the six countries—Angola, Egypt, Israel, Myanmar, North Korea and South Sudan—that still remain outside the Convention to join it, without delay and without conditions. There should be no doubt in anyone's mind that, despite its not yet being universally adhered to, the Convention is a long-standing global norm which the international community has shown itself only too willing to enforce.

More also needs to be done to strengthen implementation of the Convention at the national level. Seventeen years since the Convention's entry into force, many States Parties have still not established mechanisms for meeting their obligations

or, in some cases, even adopted implementing legislation. This is a serious shortcoming, as we ultimately can only be as strong as our weakest link. However comprehensive the Convention is, its effectiveness derives from actions, not mere words on paper.

Looking into the future, the challenge for the Convention will be to maintain its relevance and effectiveness in the face of new advances in science and technology that could test its integrity and implementation. Thankfully, it was to avoid any ambiguity over what constitutes a chemical weapon that the Convention included a general-purpose criterion that defines chemical weapons in terms of their function rather than lethality. This should not, nonetheless, prevent the Convention from hosting informed discussion between stakeholders to make sure that practice keeps up with theory—something that we at the OPCW do through various formal and informal mechanisms.

In this regard, a decisive moment is looming for us as we rapidly approach complete destruction of declared chemical weapon stocks and begin to recalibrate our priorities to prevent the re-emergence of such weapons. The activities of non-state actors, especially terrorist groups in regions of instability and conflict, present an especially daunting challenge in this regard, given their often stated interest in acquiring and using such weapons. How to deal with players whose actions are not deterred by traditional disincentives presents a quandary for the international community that goes well beyond global non-proliferation norms. Part of our approach must be informed by the holistic nature of the mission that the Chemical Weapons Convention charges us with: while we are not an anti-terrorist organisation, we do have responsibility for ensuring chemical weapons do not spread in any form or in any guise.

As we prepare to commemorate the centenary of the chemical attacks in Ieper, we need to draw inspiration not only from the success of the Chemical Weapons Convention as a unique multilateral accord, but also from the political will that has driven its implementation. These form the axis of a comprehensive and effective regime, driven by close partnership with science and industry—a regime that will continue to address new and emerging challenges to make our hard-won disarmament gains permanent.

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