



ODUMUNC 2011

Issue Brief for the

GA First Committee: Disarmament and International Security (DISEC)

The Proliferation of Chemical and Biological Weapons

By: Tetyana Pasko

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Introduction

Proliferation of chemical and biological weapon has been one of the most important issues on the security agenda of United Nations since the years of Cold War. The UN Disarmament Forum has created a powerful platform for the global community to start a constructive dialog on the disarmament and prohibition of chemical and biological weaponry use as the legitimate means of modern warfare. Due to the numerous attempts of UN to outlaw weaponizing the chemical and biological industry, the risk of chemical and biological attacks on civilians has been reduced over the last two decades. However, the existence of rogue states and hostile non-state actors, empowered by technological advances of a globalized world, keeps the threat of biological and chemical warfare real. Unparalleled innovations in chemistry and biology, as well as advancement in the systems of international transportation and communications, pose various challenges to the effective non-proliferation regimes sought by the United Nations, and calls upon reinforcement of current normative basis for securing the peace.

Background

The attempts of the United Nations to outlaw the biological and chemical weaponry started in the year 1969 when the UN Disarmament Forum, after long negotiations, proposed the text of Biological Weapons Convention (BWC) that later on was adopted by the UN General Assembly and came into a force in the year 1975, numbering 144 states-parties. The BWC that was developed to supplement the provisions of earlier treaty—the Geneva Protocol 1925—prohibited the development, production and stockpiling of bacteriological (biological) and toxin weapons, and called upon their destruction; however, it did not outlaw the biodefense programs. For the control of compliance, the treaty regime has allowed states-parties to file the complaint to the UN Security Council if there are any assumptions that any member violates the provisions of BWC, and the Security Council in its turn has been allowed to investigate the allegations. Since the voting rule of UN Security Council gave China, France, Russia, the United Kingdom, and the United States the veto power over all decisions, the implementation of investigation mechanisms has been complicated and has never been practiced, despite the fact that some states-parties including the Soviet Union, Iraq, North Korea and possibly Iran, Libya and Syria were suspected in violation of compliance. In 1994 during the special conference in Geneva, in a pursuit of UN attempt to reinforce the verification procedure of compliance with BWC, states-party established an Ad Hoc Group that was mandated to develop an effective verification regime for non-production and non-proliferation. However, due to the divergent views of state-parties on the instruments of verification procedures and the withdrawal of the U.S. from verification protocol imposing a binding inspection regime, the operation of Ad Hoc Group was suspended in 2001. Instead, BWC state-parties agreed on annually meeting for a consultation on the implementation of the convention and management of verification issues in addition to the Review Conferences held every 5 years. Therefore, verification mechanisms remain one of the most challenging goals of UN in pursuit of the establishment of an effective biological non-proliferation regime.



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While the biological weapon non-proliferation regime embedded in BWC may face challenges posed by complicated interplay of national and international interests of state-parties, the policy of United Nations, adopted by the member states toward non-proliferation of chemical weapons, shows much higher levels of coherence and compliance. Historical experience with chemical warfare in World War I, the interwar period, and the proliferation of chemical weapons in developing countries during the Cold War that resulted in the notorious attacks of Saddam Hussein against Kurdish people during the Iraq-Iran war in 1981-88, established a solid foundation for the international community to act collectively to seek the disarmament and non-proliferation of chemical agents.

The Chemical Weapon Convention (CWC), worked out within UN Disarmament Forum and adopted by the UN General Assembly, entered into force in 1997. At the present moment, the CWC obligates 188 countries to develop an effective system of chemical agent non-proliferation. Similar to the character of the BWC, the CWC prohibits the development, production, stockpiling and spreading of chemical agents that can be used for warfare, and it also requires state-parties to destroy their stockpiles by April 2012. However, unlike the BWC, the CWC outlawed the use of chemical warfare even as a means of retaliation or defense. In pursuit of CWC implementation and control over compliancy, state-parties are monitored under the auspices of the UN-established Organization for the Prohibition of Chemical Weapons (OPCW) that is responsible for the registration of chemical-related activities or materials possessed by state-parties and the inspection and monitoring of state-parties' facilities to ensure the compliance to CWC regime. In 2001 the UN General Assembly adopted Resolution 55/283 regarding the cooperation between the UN and the OPCW, and coordination of their activities in the CW regime. Due to the universal and non-discriminatory character of the CWC and the transparency of the national implementation and rigid verification procedures controlled by OPCW, the Chemical Weapon Convention achieved a significant success in the establishment of a non-proliferation regime. However, the fact that eight states still stay outside the convention, leaves a challenging task for the UN to bring these outliers to the global dialog on WMD disarmament.

Current situation

CW Proliferation Today

Since the CWC came into a force 13 years ago, 98% of the global chemical industry has come under the rule of the convention, which has helped reduce the number of states possessing chemical weapons from around 20 during 1980s to a half dozen today. As of December 2009, about 56% of declared CW stockpiles in the world have been destroyed under the verification regime of the CWC. With the approaching deadline for the destruction of current CW stockpiles in April 2012 as prescribed by the CWC, three countries—Albania (2007), South Korea (2008) and India (2009)—have already destroyed their CW. Iraq, which joined the CWC in February 2009, doesn't fit into the category of CWC state-



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parties, which should finish the destruction of CW stockpiles by April 2012. Although the OPCW has not defined the deadline for Iraq, Article IV of the CWC proclaims that Iraq must destroy its CW stockpiles “as soon as possible” under the order and procedures of verification determined by the OPCW. Russia and the US, collectively possessing the largest stockpiles of CW from the years of the Cold War, are also behind schedule and are not expected to meet the deadline.

Technical difficulties that state-parties face in the destruction of their CW stockpiles are not the only challenges to CW non-proliferation regime. Technological changes, rapid advancement in the chemical industry, increasing trade in chemicals, as well as the states remaining outside CWC authority, pose the risks for the effectiveness of non-proliferation regime. The CWC has some drawbacks related to the verification mechanisms with respect to the dual use chemicals that can be produced, used and proliferated either for peaceful or military application. Moreover, the CWC doesn't contain a provision for updating the classification of chemical agents, exempting the production and proliferation of chemical agents of more recent vintage from the verification regime of the CWC. Another challenge is the reduction of effectiveness of traditional non-proliferation tools such as export control, resulting in the increase of global trade of chemicals. The Australia Group with 41 member-states has been established to enhance the control over the export of dual-use chemicals used for the production of CW, but the states outside the group like India, China, and Russia may still sell controlled CW agents to the states of proliferation concern like Iran. And finally the main concern for the non-proliferation regime today is the states outside the competence of CWC. It is only eight states-outliers, but four of them - Syria, Israel, Egypt and North Korea are the states publicly addressed as the possessors of chemical weapon that can be the source of CW for terrorist groups.

BW Proliferation Today

As for now the BWC includes 163 countries that officially undertook the responsibility to strengthen BW non-proliferation regime; however, the absence of effective verification procedures with the intrusive on-site visit and investigation makes the regime vulnerable to uncontrolled violations. According to the U.S. Department of Defense, countries such as China, Egypt, Iran, Israel, North Korea, Russia, and Syria continue to develop BW, despite the fact that most of them are state-parties of the BWC regime. Moreover, three assumed possessors of BW—Iran, North Korea, and Syria—are suspected to sponsor terrorist groups that make their BW developments a possible source for bioterrorism. Another concern of the BW regime is the sub-state groups that are assumed to have an interest in development and use of BW. A US Department of State report from the year 2006 noted that Al-Qaeda made a great effort to develop biological weapon in Afghanistan by building a biological weapon laboratory near Kandahar, after expelling the Taliban from the country.

Officially, there are no records documenting the use of BW in warfare, but the use of BW as a tool of terror became more than obvious shortly after 9/11 when the US was threatened by the spread of mail letters containing anthrax spores. Easily spreadable, relatively inexpensive and conveniently justifiable as



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a natural epidemic, this biological weapon is highly prized by terrorist groups as an instrument to terrify humankind. This fact puts the threat of BW proliferation at the top of national and international security agendas, and requires the reinforcement of the BWC non-proliferation regime. One of the more recent steps of BWC state-parties toward the advancement of BWC regime compliance has been the establishment of the Implementation Support Unit (ISU) within the Geneva Branch of the United Nations Office for Disarmament Affairs during the Six Review Conference in 2006. The ISU is expected to provide administrative support and assistance, support for national implementation and development of confidence-building measures, as well as the promotion of universalization. However, the ISU doesn't foresee the development of multilateral verification framework with intrusive on site visits and monitoring, which is the most important component of the effective non-proliferation regime.

Main actors

UN

Despite all the challenges posed to the CWC and BWC non-proliferation regimes by controversial political interests of state-parties, unparalleled technological advances and development in science, the globalization of trade, and threats posed by non-state actors, the UN remains the main arbiter dealing with breaches of multilateral treaties regarding WMD disarmament. Numerous UN resolutions, including the complex system of sanctions applied to Iraq since the Gulf War in 1990-91, have been the primary means the UN Security Council has sought disarmament over the last two decades. Before the creation of the CWC, UN Resolution No. 687 (April, 1991) established a body (UNSCOM) to control the destruction of CW and BW possessed by Iraq, and to carry out numerous inspections of CW and BW facilities in order prevent further development and proliferation of WMD. Moreover, UN Resolution 687 forced Iraq to become a state-party of BWC and played a crucial role in the ultimate destruction of Iraq's BW. In 1999, UN Resolution 1284 created a new body for the verification of Iraqi compliance with disarmament procedures—UNMOVIC (United Nations Monitoring, Verification and Inspection Commission)—through which UN inspectors carried out their mission in Iraq up to the last day before the US-led invasion in Iraq on March 19, 2003.

Middle East

Middle Eastern states pose the greatest challenge to the CWC and BWC non-proliferation regimes, since this region contains the most outliers, some of them possibly supporting terrorist activities. Some states in the region possessing chemical weapons (Egypt, Syria and Israel) are not party to the CWC, while others being the party to the BWC (e.g. Iran) are suspected to continue development of biological weapons. The case of Iraq is the most representative in the region. Numerous violations of UN sanctions and the rejection of Iraqi leader Saddam Hussein to cooperate fully with UN inspectors in elimination of CW resulted in a long-lasting military campaign led by the US. Despite the fact that UN experts concluded



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that there were no new developments in BW and CW, Iraq still possesses many CW sources developed during Iran-Iraq war (1981-88) that have not been completely revealed, estimated and declared at the present moment. Another challenge to Iraqi CW disarmament procedures that may postpone the accomplishment of the task for an uncertain term are the hazardous conditions of the CW stockpiles due to the degradation of CW agents over time and damage of some of them by aerial bombing during the Gulf War in 1990-1991. However, successful implementation of CWC regime in Iraq would have a larger implication for the whole region by strengthening the credibility of CWC and increasing the pressure on state-outliers.

United States

American policy shows strong commitment to the CWC and BWC non-proliferation regimes, although policy toward verification procedures for biological weapon convention remains controversial. Being one of the largest possessors of CW from the Cold War, the United States doesn't meet the prescribed deadline of CW stockpiles destruction due to technical challenges. However, the US expresses great levels of solidarity with the state-parties and provides other states significant financial assistance for the deconstruction, which illustrates some peaceful ways to accomplish the goals of CWC. As the CWC has been somewhat successful in its goals in comparison with BWC, the focus of the US security agenda shifted to the BW and the risk of bioterrorism. After 9/11 and the following "anthrax attack," the necessity to strengthen the BWC non-proliferation regime increased enormously. However, the US government still keeps its position against a legally binding verification and monitoring regime for the reinforcement of BWC, and insists on indirect methods of verification. Although Obama's "National Strategy for Countering Biological Threats" (2009) has made a big step forward establishment of confidence-building-measures (CBM), it doesn't provide the grounds for the mutual verification, monitoring and inspection, and leaves the question of the BWC non-proliferation regime unanswered.

Conclusion

Throughout the long history of multilateral attempts to outlaw BW and CW and establish the appropriate regimes for the prevention of future WMD proliferation, the UN has been a key player to bring the international community together to discuss and negotiate to create mechanisms for controlling, monitoring, verifying compliance and, if needed, punishing violators. The CWC and BWC initiated by UN Disarmament Forum and coordinated by UN Security Council, remain the only regimes for chemical and biological weapons non-proliferation that provide a powerful platform for state-parties to develop, enhance and update existing procedures for CW and BW regimes, deal with the difficulties of technological advancements, fluidity and intensity of global trade and encourage state-outliers to become peaceful members of the international community. The relatively successful implementation of the CWC regime can become an important lesson for the BWC regime which at present lacks reliable verification procedures and calls upon more coherent level of cooperation between state-parties. The UN, as the main symbol of collective security, looks for every possible way to bring the state-parties to consensus in pursuit of common shared values to live in more peaceful and secure world.



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Recommended Resources

1. [2010 Report on Adherence to and Compliance with Arms Control, Nonproliferation and Disarmament Agreements and Commitments](#), Department of State, July 2010
2. An informative documentary film about creation of chemical weapon and evolution of chemical warfare, <http://video.google.com/videoplay?docid=-8142418956978949508#>
3. Arms Control Association, [Chemical Weapons Convention Signatories and States-Parties](#)
4. Arms Control Association, [Current situation of CWC regime in Middle East](#)
5. Arms Control Association, [The Achievements and Challenges of Chemical weapon non-proliferation regime](#)
6. Arms Control Association, [The List of Signatories and States-Parties of Biological Weapons Convention](#)
7. Organization for Prohibition of Chemical Weapons (OPCW) website, [The History and Genesis of CW non-proliferation regime](#)
8. *The New Atlantis: A Journal of Technology and Society*, Jonathan B. Tucker. “[The Future of Chemical Weapons](#)”
9. UN Forum on Disarmament, Report on Proliferation of Biological Weapons: A threat assessment, (2000) <http://www.unidir.org/pdf/articles/pdf-art107.pdf>
10. UN Office for Disarmament Affairs (UNODA), [Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological \(Biological\) and Toxin Weapons and on their Destruction](#)
11. UN Office for Disarmament Affairs (UNODA), [Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction](#)
12. UN Security Council Resolution 687 (1991). [Establishment of the United Nations Special Commission \(UNSCOM\) for the on-site inspection of BC, WC and missile capabilities in Iraq.](#)