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ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS BACKGROUND GUIDE 2014

Written By: María Luisa Ortega, Kasey Erb



NATIONAL MODEL UNITED NATIONS



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Dear Delegates,

Welcome to the 2014 National Model United Nations in New York (NMUN•NY) Conference and welcome to our committee, the Organisation for the Prohibition of Chemical Weapons (OPCW). As part of the volunteer staff for the OPCW, we are aiming to facilitate your educational experience at the conference in New York.

Your Director is María Luisa Ortega; Kasey Erb will be serving as your Assistant Director. María Luisa Ortega has a BA in International Relations with a minor in Sociology and Latin-American Studies and a MA in International Relations with an emphasis in Security and Human Rights. She is currently working as an adviser to the Minister of Human Talent in Ecuador. This is her fourth year at the NMUN –NY staff. Kasey Erb graduated from the University of Wisconsin-Oshkosh with a degree in International Studies and he's currently a law student at the University of Wisconsin Law School. This is Kasey's second year on staff.

This year's topics under discussion for OPCW are:

- I. Ensuring the Universality of the Chemical Weapons Convention
- II. Addressing Chemical Weapons Safety in Political Transitions

The Organisation for the Prohibition of Chemical Weapons is the implementing body of the Chemical Weapons Convention (CWC), which entered into force in 1997. The OPCW work is centered in preventing the use of chemistry for warfare, destroying all existing chemical weapons, and monitoring chemical industry to prevent new weapons from reemerging, thereby strengthening international peace and security. As such, your work will be reflected in the final report you will adopt in committee and we hope to see this spirit encompassed in your position papers before and the working papers during the Conference.

We hope you will find this Background Guide useful as it serves to introduce you to the topics for this committee. It is not meant to replace further research and we highly encourage you explore in-depth your countries' policies as well as use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation of the conference, each delegation will be submitting a [position paper](#). Please refer to the following pages for details regarding the position paper submission process. Please take note of the [NMUN policies](#) on the website and in the [Delegate Preparation Guide](#) regarding plagiarism, codes of conduct/dress code/sexual harassment, awards philosophy/evaluation method, etc. Adherence to these guidelines is mandatory.

In order to accommodate room maximums, for Conference A, OPCW will be a single delegate committee, and Conference B will remain a double delegate committee.

If you have any questions regarding your preparation for the committee and the Conference itself, please feel free to contact any of the substantive staff listed below or the Under-Secretaries-General for the Department of Peace and Security, Bobby Valentine (Conference A) and/or Cara Wagner (Conference B) at usg.ps@nmun.org. We wish you all the best in your preparation and look forward to seeing you at NMUN•NY!

Sincerely,

Conference A

Director – TBD

Assistant Director – TBD

opcw.nya@nmun.org

Conference B

María Luisa Ortega, *Director*

Kasey Erb, *Assistant Director*

opcw.nyb@nmun.org

NMUN•NY Position Paper Guidelines

Due 1 March 2014

Each committee topic should be addressed in a succinct policy statement representing the relevant views of your assigned country, Non-Governmental Organization (NGO), or expert role. You should identify and address international and regional conventions, treaties, declarations, resolutions, and programs of action that are relevant to the policy of your country or NGO. You should also include recommendations for action to be taken by your committee. A delegate's role as a Member State, Observer State, or NGO should affect the way a position paper is written. To understand these differences, please refer to the [Delegate Preparation Guide](#). It may also be helpful to view a [Sample Position Paper](#).

A position paper should be submitted for each assigned committee.

- The two page position paper should cover all the topics in the background guide, not a separate paper for each topic.
- Do not submit papers for committees not assigned to your country/NGO (see matrix for [Conf. A](#) or [Conf. B](#)).
- No more than two delegates can represent a single country/NGO in a committee. If you assign two delegates to represent a country/NGO on a committee, they submit one position paper jointly, not separate position papers from each individual.

Please pay careful attention to the following guidelines when drafting and submitting your position papers. Only those delegations that follow the guidelines and meet the submission deadline will be eligible for [position paper awards](#).

All papers must be typed and formatted according to the standards below:

- Length must not exceed two pages
- Margins must be set at 1 inch or 2.54 cm. for the whole paper
- Font must be Times New Roman sized between 10 pt. and 12 pt.
- Country/NGO name, school name, and committee name must be clearly labeled on the first page
- Agenda topics must be clearly labeled in separate sections
- National symbols (headers, flags, etc.) are deemed inappropriate for NMUN position papers

Please note that position papers must be comprised of entirely original writing. **The NMUN Conference will not tolerate plagiarism**, including copying from Committee Background Guides. Violation of this policy may result in dismissal from the conference. Although United Nations documentation is considered within the public domain, the conference does not allow the verbatim re-creation of these documents.

How to Submit Your Position Papers

Position papers need to be submitted by email in .pdf or .doc formats. As proof of submission, include yourself as an email recipient. Please use the committee name, your assignment, Conference A or B, and delegation/school name in both the email subject line and in the filename (example: GA1_Cuba_Conf A_State College).

1. Send one complete set of all position papers for each of your country/NGO assignments to the Deputy Secretary-General for the conference you are attending:

Conference A: positionpapers.nya@nmun.org

Conference B: positionpapers.nyb@nmun.org

2. Send a copy of your position paper for each assigned committee to the corresponding committee email address listed on the [Committee Background Guides page](#).

Your delegation may wish to submit a copy of their position papers to the permanent mission of the country/NGO headquarters along with an explanation of the conference. This is encouraged if requesting a [briefing](#).

Many, many papers will be read by the Secretariat. Your patience and cooperation in adhering to the above guidelines is greatly appreciated.

Abbreviations

BWC	Biological Weapons Convention
CWC	Chemical Weapons Convention
CWPF	Chemical weapons production facilities
IAEA	International Atomic Energy Agency
NGO	Non-Governmental Organization
NPT	Non-Proliferation Treaty
NRC	National Research Council
OPCW	Organisation for the Prohibition of Chemical Weapons
UN	United Nations
UNDP	United Nations Development Programme
UNODA	United Nations Office for Disarmament Affairs
WHO	World Health Organization
WMD	Weapons of mass destruction

Committee History

Introduction

The modern use of chemical weapons began with World War I, when multiple parties to the conflict used toxic gas, causing more than 100,000 fatalities and 1 million casualties.¹ At that time, chlorine, phosgene, and mustard gas were among the most used chemicals.² Today, modern chemical weapons include nitrogen mustard, lewisite, tabun and sarin.³ The use of toxic gas during the early 20th century raised global demands to outlaw chemical weapons.⁴ As a result, the *Geneva Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and Bacteriological Methods of Warfare* was signed in 1925.⁵ While an important step, the Protocol had a number of significant shortcomings.⁶ One of these was not prohibiting the development, production, or stockpiling of chemical weapons, and allowing states party to the Protocol to reserve the right to use banned weapons against non-member states.⁷

In 1992, after 12 years of negotiations, the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction* otherwise known as the *Chemical Weapons Convention* (CWC) was adopted by the Conference on Disarmament in Geneva on 3 September 1992.⁸ Five years later, the CWC entered into force becoming binding as international law and marking the launch of the Organisation for the Prohibition of Chemical Weapons (OPCW) as its implementing body.⁹ The Convention was established as a collective effort to prevent chemistry from being used for warfare.¹⁰ Indeed it represents “the only disarmament agreement negotiated within a multilateral framework that provides for the elimination of an entire category of weapons of mass destruction under universally applied international control.”¹¹

The Establishment and Definitions of the Chemical Weapons Convention

Article II of the CWC offers key definitions and criteria forming the basis for the entirety of the Convention.¹² Two of the most crucial are that of chemical weapons and toxic chemicals.¹³ Article II, paragraph 1 defines chemical weapons as:

- (a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes;
- (b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a), which would be released as a result of the employment of such munitions and devices;
- (c) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b).¹⁴

Moreover, toxic chemicals are defined in Article II, paragraph 1 as “[a]ny chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.”¹⁵ In line with these definitions, and to understand the foundations for the OPCW, the fundamental obligations of states party to the CWC are set out in Article 1, paragraph 1:

¹ UN Office for Disarmament Affairs, *Chemical Weapons* [Website].

² UN Disarmament Office, *Chemical Weapons* [Website].

³ Helmenstine, *Chemical Weapons and Warfare Agents*.

⁴ OPCW, *Genesis and Historical Development* [Website].

⁵ *Ibid.*

⁶ OPCW, *Genesis and Historical Development* [Website].

⁷ UN Office for Disarmament Affairs, *Chemical Weapons* [Website].

⁸ *Ibid.*

⁹ OPCW, *Genesis and Historical Development* [Website].

¹⁰ *Ibid.*

¹¹ UN Office for Disarmament Affairs, *Chemical Weapons* [Website].

¹² OPCW, *Article II: Definitions and Criteria*.

¹³ OPCW, *Overview of the Chemical Weapons Convention*.

¹⁴ OPCW, *Fundamental Provisions*.

¹⁵ OPCW, *Article II: Definitions and Criteria*.

Each State Party undertakes never under any circumstances (a) To develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone; (b) To use chemical weapons; (c) To engage in any military preparations to use chemical weapons; (d) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.¹⁶

These obligations demonstrate the distinctive multifaceted character of the Convention, and thusly the work of the OPCW.¹⁷

Mandate

The OPCW is the implementing body of the CWC, and it is located in The Hague, Netherlands.¹⁸ The Organisation is given the mandate to fulfill the object and purpose of the CWC, guaranteeing the implementation of its provisions and providing a forum for consultation and cooperation among States Parties.¹⁹ The OPCW mission is “to implement the provisions of the CWC in order to achieve a world free of chemical weapons and of the threat of their use.”²⁰

Governance, Structure, and Membership

As of September 2013, the OPCW was made up of 189 States Parties, “representing about 98% of the global population and landmass, as well as 98% of the worldwide chemical industry.”²¹ As such, it is the fastest growing international disarmament organization in history.²² Indeed, “the Organisation's current membership includes all Permanent Members of the United Nations Security Council, all countries with sizable chemical industry and countries from all regions of the world.”²³ On May 2013, Somalia became the newest member of the CWC.²⁴ Signatory States that have not yet ratified the CWC include: Israel and Myanmar while states that have neither signed nor acceded to the CWC include: the Republic of Angola, the Arab Republic of Egypt, Democratic People's Republic of Korea, the Republic of South Sudan.²⁵ On the 14 September 2013, Syria deposited its instrument of accession to the CWC with the United Nations Secretary-General Ban Ki-moon, coming into effect on 14 October 2013 – making Syria the 190th State Party to the CWC.²⁶

According to the rules of procedure of the Conference of the States Parties, each Member State of the OPCW has one vote.²⁷ While questions of procedure are taken by a simple majority of the Members present and voting, decisions on matters of substance are taken by consensus.²⁸ If consensus is not achievable, the presiding officer defers voting for a period of 24-hours in which all efforts are taken to enable consensus.²⁹ However, if consensus is not attained during this time, “the Conference shall take the decision by a two-thirds majority of the Members present and voting.”³⁰

Conference of the States Parties

The Conference of the States Parties is the Organisation's principal organ, and it is composed of all Member States to the OPCW, which mirrors the states party to the CWC.³¹ The Conference's main function is to recommend and

¹⁶ Geneva Disarmament Conference, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction*, 1993.

¹⁷ OPCW, *Fundamental Provisions* [Website].

¹⁸ OPCW, *About the OPCW* [Website], 2013.

¹⁹ OPCW, *OPCW, About the OPCW* [Website], 2013.

²⁰ CWC Coalition, *OPCW*, 2013.

²¹ OPCW, *Status of Participation in the CWC*.

²² UN Office for Disarmament Affairs, *Chemical Weapons* [Website].

²³ Ibid.

²⁴ OPCW, *Somalia joins the Chemical Weapons Convention*, [Website], 2013.

²⁵ OPCW, *Non-Member States* [Website].

²⁶ United Nations, *Secretary-General receives Syria's formal accession to treaty banning chemical weapons* [Article], 2013.

²⁷ OPCW, *Rules of Procedure of the Conference of the States Parties*, 2008 [Website].

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ OPCW, *About the Conference of the States Parties* [Website].

make decisions on any issue within the scope of the Convention.³² Moreover, the Conference supervises the activities of the Executive Council and the Technical Secretariat.³³ As well, it advances international, regional, and bilateral cooperation for peaceful purposes in the field of chemical activities and assesses scientific and technological developments that could hinder the CWC implementation, among others activities.³⁴

The Executive Council, Technical Secretariat, and Director-General

The Executive Council's mandate is to endorse the implementation of the Convention.³⁵ Among the most important of the Council's tasks are: supervising the work of the Secretariat, collaborating with the National Authority of each State Party of the CWC, taking measures in cases of non-compliance; and making recommendations to the Conference on the appointment of the Director-General.³⁶ The Director-General is responsible to the Conference and to the Council for the appointment of staff, and the organization and functioning of the Secretariat.³⁷ The Director-General has specific tasks in relation to the implementation of the Convention's verification regime by elaborating reports on verification activities and on the implementation status of the CWC the Convention.³⁸

The Technical Secretariat oversees the daily administration and implementation of the CWC.³⁹ It is charged with assisting the Conference of the States Parties and the Executive Council in the performance of their functions, and is mandated to carry out the verification measures provided for in the CWC.⁴⁰ It also manages the coordination of humanitarian assistance, previously provided by States Parties.⁴¹

Relationship Between the United Nations and the Organisation for the Prohibition of Chemical Weapons

Cooperation between the UN and the OPCW is framed under the UN-OPCW Relationship Agreement, adopted by the General Assembly in September 2001.⁴² Under this agreement, the UN acknowledges the Organisation's responsibility for all activities towards achieving a complete ban on chemical weapons in accordance with the CWC, while the OPCW commits to undertake such activities in accordance with the principles of the *Charter of the United Nations* (1945).⁴³ This agreement outlines that the OPCW and the UN shall, in accordance with their respective mandates, cooperate in assisting Member States in the case of use or threat of use of chemical weapons, as well as promote international cooperation in chemical activities for peaceful purposes, and enable the exchange of scientific information in the development and application of chemistry for purposes not proscribed under the CWC.⁴⁴

Powers and Functions

The primary purpose of the OPCW is to abolish the remaining stockpiles of chemical weapons and to outlaw the production, development and use of such weapons.⁴⁵ The main functions and powers of the OPCW thus include: providing an international regime for verifying the destruction of chemical weapons and inhibiting their re-emergence; providing protection and assistance against chemical weapons; encouraging the peaceful uses of chemistry; and upholding CWC universal membership through international cooperation.⁴⁶

³² OPCW, *About the Conference of the States Parties* [Website].

³³ Ibid.

³⁴ Ibid.

³⁵ OPCW, *Membership and Functions* [Website].

³⁶ Ibid.

³⁷ OPCW, *OPCW Director-General* [Website].

³⁸ Ibid.

³⁹ OPCW, *Membership and Functions* [Website].

⁴⁰ OPCW, *Technical Secretariat of the OPCW* [Website].

⁴¹ Ibid.

⁴² UN Office for Disarmament Affairs, *Chemical Weapons* [Website].

⁴³ UN General Assembly, *Agreement concerning the relationship between the UN and the OPCW, (A/RES/55/283)* [Resolution], 7 September 2001.

⁴⁴ Ibid.

⁴⁵ Republic of Slovenia, *Organisation for the Prohibition of Chemical Weapons* [Website].

⁴⁶ Ibid.

Recent Sessions

Every five years, States Parties of the CWC undertake review sessions where representatives of States Parties assess the implementation of the Convention and its key challenges.⁴⁷ The first and second OPCW review conferences were held in 2002 and 2008, respectively.⁴⁸ The Third Review Conference, held in April 2013, resulted in the adoption of a political declaration of States Parties reaffirming its “unequivocal commitment” of to the international chemical weapons regime set forth by the Convention.⁴⁹ The political declaration echoed the “deep concern” of States Parties regarding the possible use of chemical weapons in the Syrian Arab Republic, highlighting that “the use of chemical weapons by anyone under any circumstances would be reprehensible and completely contrary to the legal norms and standards of the international community.”⁵⁰ Moreover, the statement expresses support for close cooperation between the OPCW Director-General and UN Secretary-General. The conference placed a particular emphasis on the changing climate under which the Convention is currently implemented, and the influence of science and technology advancement in chemistry to the OPCW’s work.⁵¹

Conclusion

Over the past 15 years, the OPCW has achieved the demolition of three-quarters of chemical weapons stockpiles marking a milestone in the pledge of a world free of chemical weapons.⁵² However, as the Organisation approaches its 60th anniversary, it faces significant challenges.⁵³ Differing and even contrasting views have come to the foreground regarding the relevance of the Organisation’s traditional objectives and tasks related to them.⁵⁴ Many argue that the OPCW should consider a shift from prioritizing the destruction of existing stockpiles to the prevention of the re-emergence of chemical weapons.⁵⁵ Yet, such a shift would test the Organisation’s ability to adapt to new international security paradigms; but such a test may be one that is swiftly approaching.⁵⁶

Annotated Bibliography

Organisation of the Prohibition on Chemical Weapons. (n.d.). *Fundamental Provisions* [Website]. Retrieved 5 August 2013 from: <http://www.opcw.org/chemical-weapons-convention/about-the-convention/fundamental-provisions/>

This website is an indispensable introduction to the fundamental obligations of States Parties to the CWC as set out in its first article. The website includes the Convention’s definition of chemical weapons as well as definitions for “purposes not prohibited”, “toxic chemicals”, and “compliance and verification”, among others. Further, the website will be helpful for delegates as it will provides them with detailed information on issues such as dispute prevention and settlement, peaceful uses of chemistry, national implementation measures.

Organisation of the Prohibition on Chemical Weapons. (2013). *About the OPCW* [Website]. Retrieved 3 July 2013 from: <http://www.opcw.org/about-opcw/>

This website is an essential starting point for research on the mandate, structure, governance, functions and powers of the OPCW. The website offers a complete overview of the OPCW and includes information regarding its linkage with other international organizations like the United Nations and other regional frameworks. It represents an excellent starting point for delegates in their research on the OPCW and topics on its agenda.

⁴⁷ OPCW, *About the OPCW* [Website], 2013.

⁴⁸ Ibid.

⁴⁹ OPCW, *Third Review Conference Concludes with Consensus Final Document and Political Declaration*, 2013.

⁵⁰ Ibid.

⁵¹ OPCW, *About the OPCW* [Website], 2013.

⁵² Kelle, *The Third Review Conference of the Chemical Weapons Convention and beyond: key themes and the prospects of incremental change*, 2012, p. 14-47.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

Organisation of the Prohibition of Chemical Weapons, Technical Secretariat. (2003). *Background Paper on Universal Adherence to the Chemical Weapons Convention*. Retrieved 3 July 2013 from: http://www.opcw.org/index.php?eID=dam_frontend_push&docID=4871

This background paper was developed by the OPCW Technical Secretariat in order to inform the First Review Conference on the work carried out in this field. The paper examines developments since the CWC's entry into force until 31 December 2002, and considers the efforts made to encourage universal adherence to it. It also includes the Secretariat's evaluation of potential impediments to further progress on the issue of universality. Specifically it highlights that, in some cases, policy guidance is required from States Parties to achieve this. The paper will be useful for delegates as it looks at the involvement of all States Parties in the effective implementation of the Convention, including enforceable legislation and international cooperation and assistance.

United Nations, Office for Disarmament Affairs. (n.d.). *Chemical Weapons* [Website]. Retrieved 2 August 2013 from: <http://www.un.org/disarmament/WMD/Chemical/>

The website briefly introduces delegates to the history of implementation of the CWC, and its further development. It includes information related to the United Nations General Assembly resolutions on chemical weapons, and provides links to the actual text of the CWC and its review sessions. Finally, the website highlights the importance of the CWC in the fight against the proliferation of nuclear and chemical weapons and its correlation with the maintenance of international peace and security.

Zanders, J. (2002). *The Chemical Weapons Convention and universality: A Question of Quality Over Quantity?* Retrieved 3 July 2013 from:

http://kms2.isn.ethz.ch/serviceengine/Files/EINIRAS/55138/ichaptersection_singledocument/1cb1ffae-61ef-464f-8e6c-a9412a6cc157/en/04_The+CWC+and+Universality.pdf

Zanders provides a comprehensive look at the work of the OPCW since the CWC entered into force on 29 April 1997. The text examines the concept of universality in its two dimensions: quantitative and qualitative, and presents a definition for both terms. It underlines the CWC's desire for universal adherence and refers to the General Purpose Criterion of the CWC and the need to broaden it in order to achieve universal adherence to the Convention. The author affirms that the two pillars for preserving long-term universality are: emergency assistance (Article X of the CWC) and international cooperation and technology transfer (Article XI of the CWC). Finally, Zanders highlights that the future relevance of the CWC to all States Parties depends on the extent to which the OPCW can uphold the core prohibitions in light of technological changes. The text is a helpful source for delegates as it encompasses an overview of the CWC and an extensive analysis of progress, or lack thereof, made by the OPCW in its first decade of existence.

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I. Ensuring the Universality of the Chemical Weapons Convention

Introduction

After 20 years of negotiations, a complete ban on the development, production, stockpiling and use of chemical weapons came into effect, when the *Chemical Weapons Convention (CWC)* entered into force in 1997.⁵⁷ With 24 articles and three annexes on chemicals, verification and confidentiality, the CWC is the first multilateral treaty to outlaw an entire category of weapons of mass destruction and provide for international verification of their destruction and the conversion of their production facilities to peaceful purposes.⁵⁸ Thus, the CWC puts into place a prohibitory norm that remains applicable under all circumstances, including that of armed conflict.⁵⁹ Moreover, the treaty has achieved more progress than any other multilateral arrangement in terms of both the extent and intrusiveness of its verification measures, including provisions for inspections and for the investigation on the use of chemical weapons.⁶⁰ Verification measures include on-site inspections of national facilities to verify States Parties' declarations pursuant to Articles III, IV, V and VI of the Convention, and the Verification Annex.⁶¹

In its first 15 years, the main contribution of CWC to international peace and security has been the abolition of the majority of chemical weapons stockpiles accumulated during the Cold War era.⁶² Since 1997, "the Organisation for the Prohibition of Chemical Weapons (OPCW) has conducted 2,800 inspections at 200 chemical weapon-related sites and over 850 industrial sites in 77 States parties."⁶³ Yet, the Convention has faced many challenges since its adoption.⁶⁴ These include: the OPCW financial crisis in 2011, poor national implementation measures, and unstable domestic legislation to realize the CWC, among others.⁶⁵

In order to address the issue of universality of the CWC, it is important to examine some key definitions and topics including the principle of universality as specified by the Convention, the international framework on chemical weapons, the efforts made by the OPCW to achieve universality, the benefits and obstacles preventing states from joining the CWC as well as the link between terrorist activities and the use of chemical weapons, and the challenges ahead for the OPCW.

Principle of Universality

Universal adherence to the Convention is of utmost importance to the enforcement of a global ban on chemical weapons.⁶⁶ At the same time, universality is the only guarantee that all prevailing chemical weapons are declared and will be destroyed under international verification and within established timeframes.⁶⁷ Adherence to, and the full implementation of, the CWC are crucial, namely in regions where chemical weapons have been developed, used, or stockpiled, or where the technological capability to produce chemical weapons may exist.⁶⁸

The CWC makes no direct reference to the concept of universality.⁶⁹ Nevertheless, the aim of universal adherence follows the need to fully exclude the possibility of chemical weapons use through the implementation of the treaty provisions as outlined in the CWC preamble.⁷⁰ The CWC was constructed in such a way that a State Party can only claim legal rights under the Convention, such as the right to import/export scheduled chemicals (a list of toxic

⁵⁷ Weapons of Mass Destruction Commission, *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*, 2006, p. 127.

⁵⁸ UN University, *The Chemical Weapons Convention: Implementation, Challenges and Opportunities*, 2006, p. 3.

⁵⁹ Zanders, *The Chemical Weapons Convention And Universality: A Question Of Quality Over Quantity?* 2002, p. 1.

⁶⁰ Mathews, *Reviewing the Chemical Weapons Convention: gently does it*, 2013, p. 1.

⁶¹ OPCW, *Definitions*, [Website].

⁶² Mohamed & Hart, *The Future of the Chemical Weapons Convention*, 2013, p. 1.

⁶³ Fidler, *The Chemical Weapons Convention After Ten Years: Successes and Future Challenges*, 2007.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ OPCW Technical Secretariat, *Background Paper on Universal Adherence to the Chemical Weapons Convention*, 2003, p. 2.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Zanders, *The Chemical Weapons Convention and universality: a question of quality over quantity?* 2002, p. 1.

⁷⁰ Ibid.

chemicals and their precursors under the CWC framework), to request emergency assistance, or to benefit from technological exchanges, if it engages in the obligations outlined in CWC itself.⁷¹

Beginning from its second session, the Conference of the States parties emphasized the importance of universality and called upon states to ratify or accede to the CWC.⁷² Furthermore, the Technical Secretariat of the OPCW has developed numerous programs to raise awareness of the importance of the CWC.⁷³ United Nations (UN) Secretary-General Ban Ki-moon has called on the four states that remain outside of the CWC (the Republic of Angola, the Arab Republic of Egypt, Democratic People's Republic of Korea, the Republic of South Sudan) to join the pledge to abolish all prevailing chemical weapons stockpiles.⁷⁴ However, ratifications or accessions to the OPCW are becoming increasingly costly for many states.⁷⁵ Currently, most states not party to the Convention have not joined the CWC because of threat perceptions or because they discern insufficient benefits that can offset the costs of being a State Party.⁷⁶ As of 14 September 2013, the Syrian Arab Republic acceded to the CWC; this came after a deal, struck between the United States of America and the Russian Federation and agreed to by Syria, relating to the destruction of chemical weapons in the country.⁷⁷

International Framework

Multilateral Agreements

The CWC represents the final element in the trinity of global treaties regulating the three categories of weapons of mass destruction (WMDs).⁷⁸ This trinity is comprised of: the *Nuclear Non-Proliferation Treaty* (NPT), the *Biological Weapons Convention* (BWC) and the CWC.⁷⁹ The NPT (1970) seeks to prevent the proliferation of nuclear weapons, endorse cooperation in the peaceful uses of nuclear energy, and achieve nuclear disarmament.⁸⁰ More countries have acceded to the NPT than to any other arms limitation or disarmament agreement, and it represents the only binding multilateral commitment to the goal of disarmament by nuclear-weapon states.⁸¹ The BWC (1975), on the other hand, outlaws States Parties from developing, producing, stockpiling, acquiring or retaining biological agents or toxins when they have no validation for defensive or other peaceful reasons.⁸² It also prohibits “weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.”⁸³ In the case of both the CWC and the NPT, the agreements are implemented through organizations engaged in monitoring compliance: the Organisation for the Prohibition of Chemical Weapons (OPCW), and the International Atomic Energy Agency (IAEA), respectively.⁸⁴ According to the CWC – unlike the NPT, which allows five states to retain nuclear weapons – all rules are non-discriminatory, applying equally to all its States Parties.⁸⁵

Finally, the *Rome Statute of the International Criminal Court* (1998) is also related to the chemical weapons ban.⁸⁶ It represents the first permanent global tribunal to prosecute crimes against humanity, genocide, and war crimes, including the use of chemical weapons against civilians.⁸⁷ Moreover, there are other international initiatives to

⁷¹ Zanders, *The Chemical Weapons Convention and universality: a question of quality over quantity?* 2002, p. 1; OPCW, *Schedules of Chemical Weapons*.

⁷² Zanders, *The Chemical Weapons Convention and universality: a question of quality over quantity?* 2002, p. 2.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid..

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⁷⁷ United Nations, *Secretary-General receives Syria's formal accession to treaty banning chemical weapons* [Article], 2013.

⁷⁸ UN University, *The Chemical Weapons Convention: Implementation, Challenges and Opportunities*, 2006, p. 2.

⁷⁹ UN University, *The Chemical Weapons Convention: Implementation, Challenges and Opportunities*, 2006, p. 2.

⁸⁰ Weapons of Mass Destruction Commission, *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*, 2006, p. 34.

⁸¹ Burroughs, *Treaty Regimes and International Law*, p. 26.

⁸² Burroughs, *Treaty Regimes and International Law*, p. 16.

⁸³ Burroughs, *Treaty Regimes and International Law*, p. 17.

⁸⁴ Burroughs, *Treaty Regimes and International Law*, p. 17.

⁸⁵ Weapons of Mass Destruction Commission, *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*, 2006, p. 128.

⁸⁶ Burroughs, *Treaty Regimes and International Law*, p. 17.

⁸⁷ Burroughs, *Treaty Regimes and International Law*, p. 17.

improve national control and regulation access to weapons of mass destruction, including the Australia Group and the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction.⁸⁸

Role of the United Nations System

The UN institutional setting concerning WMDs was established in 1978 at the first Special Session on Disarmament of the UN General Assembly.⁸⁹ The UN System operates at three levels: at the deliberative level (the UN Disarmament Commission); at the consensus level (the UN General Assembly First Committee); and at the legal level (the Conference on Disarmament).⁹⁰ Also, in 2000, the UN and the OPCW concluded a Relationship Agreement formalizing a working relationship between both organizations in order to achieve universality.⁹¹ Among many issues, the agreement specifies that cases of particular gravity should be brought to the attention of the General Assembly and the Security Council.⁹² It also outlines that “the OPCW shall... closely cooperate with the Secretary-General in cases of the alleged use of chemical weapons involving a State not party to the Convention... and, if so requested, in such cases place its resources at the disposal of the Secretary-General”.⁹³

Efforts to Promote Universality

On 28 June 2013 Somalia became the 189th State Party to the CWC; Syria acceded to the CWC on 14 September 2013 and as of 14 October 2013 became the 190th State Party to the Convention.⁹⁴ Both Myanmar and Israel have signed the Convention, but have not yet deposited their instruments of ratification with the UN Secretary-General.⁹⁵ Furthermore, as mentioned above, there are four states that remain outside the CWC: Angola, Egypt, the Democratic People’s Republic of Korea, South Sudan.⁹⁶

The Conference of States Parties has acknowledged the relevance of realizing universal adherence to the Convention by consistently adopting Recommendations on Ensuring the Universality of the CWC.⁹⁷ For instance, Recommendation C-7 dated December 2002 specified, “...that States Parties and the Director-General continue to make every effort to encourage all states, and in particular those states believed to possess chemical weapons which have neither ratified nor acceded to the Convention, to do so as soon as possible.”⁹⁸ States Parties to the CWC have also launched various actions towards achieving universal adherence such as: the provision of bilateral assistance for developing countries willing to implement the CWC, political and financial support for organizing regional seminars and workshops, increasing awareness of the universality problem in public statements conducting bilateral consultations, and engaging representatives of States not Parties in regional entrepreneurs⁹⁹

Notable achievement on universality has taken place in Africa, Latin America, and the Caribbean. In 2002, the First Summit of the Heads of State and Government of the African Union adopted the *Decision on the Implementation and Universality of the Chemical Weapons Convention in Africa*.¹⁰⁰ At the same time, a number of States Parties provided voluntary financial contributions for the conduct of regional and bilateral activities such as the regional workshop for Africa and the Middle East (2002), the regional seminar for Latin America and the Caribbean (2001), and the regional workshop for the Pacific region (2002).¹⁰¹

⁸⁸ Burroughs, *Treaty Regimes and International Law*, p. 17.

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⁹² OPCW, *Agreement concerning the relationship between the UN and the OPCW*.

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⁹⁴ OPCW, *Somalia Becomes 189th State Party to the Chemical Weapons Convention* [Press Release], 2013; United Nations, *Secretary-General receives Syria's formal accession to treaty banning chemical weapons* [Article], 2013.

⁹⁵ OPCW, *Non-Member States*, 2013.

⁹⁶ OPCW Technical Secretariat, *Background Paper on Universal Adherence to the Chemical Weapons Convention*, 2003, p. 3.

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⁹⁸ OPCW Technical Secretariat, *Background Paper on Universal Adherence to the Chemical Weapons Convention*, 2003, p. 3.

⁹⁹ OPCW Technical Secretariat, *Background Paper on Universal Adherence to the Chemical Weapons Convention*, 2003, p. 3.

¹⁰⁰ OPCW Technical Secretariat, *Background Paper on Universal Adherence to the Chemical Weapons Convention*, 2003, p. 5.

¹⁰¹ OPCW Technical Secretariat, *Background Paper on Universal Adherence to the Chemical Weapons Convention*, 2003, p. 5.

A Question of Quality Over Quantity?

Quantitative universality refers to the number of states that adhere to a particular treaty.¹⁰² In the case of the CWC, the speed by which this number has been achieved is indeed remarkable.¹⁰³ The Convention was adopted by 130 states when it was opened for signature in Paris in 1993.¹⁰⁴ On 29 April 1997, when it entered into force, “there were 87 States Parties and 165 signatories.”¹⁰⁵ The number of States Parties has since increased from 107 in 1998 to 190 in 2013; currently, there are only four States not Party to the CWC.¹⁰⁶ However, those are of particular concern for chemical weapon proliferation since they are located in regions of deep-rooted conflicts (Central and Southern Africa; and Northeast, Southeast, and Central Asia) making it more difficult for them to abandon chemical weapons in spite of the benefits offered by the Convention.¹⁰⁷

Qualitative universality refers “to the necessity of a global treaty to remain relevant to all parties during its lifespan in order to ensure universal compliance.”¹⁰⁸ This implies that universality pertains not only to the present, but also to mid-and long-term scenarios.¹⁰⁹ Such perspective is indispensable for the concept of universality because the political, security, and technological context in which the CWC operates is in constant flux.¹¹⁰ For instance, the increasing link between terrorism and chemical agents, and the acceleration of innovation in chemistry and its industrial applications are clear examples of the ways in which international circumstances have shifted since the CWC was adopted.¹¹¹

Expanding Universality Through Article VII and Article X of the Chemical Weapons Convention

True universality can only be achieved when States Parties have incorporated the CWC provisions into their national legislation and are open to verifications.¹¹² In this sense, Article VII, relating to effective national implementation and the issue of verification, advocates for universality by prompting enforceability of the CWC.¹¹³ The poor quality of national implementation measures by some States Parties has brought up reservations about States Parties’ compliance and commitment to the Convention, hindering the principle of universality.¹¹⁴

Article XI of the CWC gives States Parties the right to economic and technological development, and access to technologies for purposes not forbidden under the CWC.¹¹⁵ The latter is important as it has proved to be an incentive for many developing countries that do not possess chemical weapons to join the Convention.¹¹⁶ In some cases, it has even worked as an inducement for overcoming reluctance of adherence for regional geopolitical motives.¹¹⁷ The OPCW has established a number of projects in the field of international cooperation that serve as incentives for States to join the Convention.¹¹⁸ These can be grouped into three main areas: “(a) assistance in the development of the scientific and technical infrastructure in Member States particularly in areas related to the Convention’s implementation, (b) capacity-building for peaceful uses of chemistry, and (c) support for National Authorities in implementing the Convention.”¹¹⁹ Through these three areas, the OPCW Secretariat aims to support states in the

¹⁰² Zanders, *The Chemical Weapons Convention and universality: a question of quality over quantity?* 2002, p. 2.

¹⁰³ *Ibid.*

¹⁰⁴ OPCW Technical Secretariat, *Background Paper on Universal Adherence to the Chemical Weapons Convention*, 2003, p. 3.

¹⁰⁵ OPCW Technical Secretariat, *Background Paper on Universal Adherence to the Chemical Weapons Convention*, 2003, p. 3.

¹⁰⁶ OPCW Technical Secretariat, *Background Paper on Universal Adherence to the Chemical Weapons Convention*, 2003, p. 3; United Nations, *Secretary-General receives Syria’s formal accession to treaty banning chemical weapons* [Article], 2013.

¹⁰⁷ Zanders, *The Chemical Weapons Convention and universality: a question of quality over quantity?* 2002, p. 2.

¹⁰⁸ Zanders, *The Chemical Weapons Convention and universality: a question of quality over quantity?* 2002, p. 3.

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.*

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¹¹² UN University, *The Chemical Weapons Convention: Implementation, Challenges and Opportunities*, 2006, p. 5.

¹¹³ *Ibid.*

¹¹⁴ Zanders, *The Chemical Weapons Convention and universality: a question of quality over quantity?* 2002, p. 2.

¹¹⁵ UN University, *The Chemical Weapons Convention: Implementation, Challenges and Opportunities*, 2006, p. 30.

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*

¹¹⁸ OPCW, *Benefits of Membership* [Website].

¹¹⁹ *Ibid.*

development of their technical capabilities, and offer them financial assistance for scientific exchanges, as well as training on scientific and technical issues.¹²⁰

In the majority of cases, the reasons for states not joining the CWC appears to be administrative or bureaucratic.¹²¹ Many small states lack financial and human resources to adhere to the Convention and find it problematic to initiate legislative actions to implement it.¹²² Likewise, this shortage of resources often goes along with a lack of awareness about the importance of adhering to the Convention.¹²³ Many of the States not Party, particularly those in Africa, have other issues of critical importance to address, including HIV/AIDS, desertification and drought, and poverty.¹²⁴ States not Party, especially in the Middle East, face pressing political, economic, and social priorities, including military conflicts, or regional tensions that hinder their ability to comply with obligations to the CWC.¹²⁵

New Challenges to Universality

The CWC is facing increased challenges resulting from global economic pressures, rapid advances in science and technology, and a changing international security environment that affect policy-making and risk assessments around chemical warfare.¹²⁶ The Third Review Conference of the CWC marked the beginning of the transition of both the Convention and the OPCW towards orienting policy and action to the prevention of the re-emergence of chemical weapons in any shape or form.¹²⁷ Furthermore, another concern about threats posed by chemical weapons relates to the introduction of new chemical warfare agents.¹²⁸ In this case, verification can be a greater challenge than it has ever been.¹²⁹ The development and use of incapacitating chemical or biochemical agents producing physiological effects is rapidly advancing.¹³⁰ In the United States, for instance, a broad research program on chemical incapacitating agents has been in existence since 1999.¹³¹ In 2003, the US National Research Council (NRC) highlighted “incapacitating chemicals as one of the major weapons technologies for further development.”¹³² Russia has also put forward national programs to develop incapacitating biochemical weapons and built significant deployable capabilities, as illustrated by the 2002 incident at the Dubrovka theatre in Moscow where 129 hostages were killed from the pumping of an incapacitating agent into the auditorium.¹³³

Non-State Actors and Chemical Weapons

The risk of non-state actors using chemical weapons became a reality when the Aum Shinrikyo Japanese sect used sarin gas in the 1994 Matsumoto attack on the Nagano district, and later in the attacks in the Tokyo subway in 1995.¹³⁴ Moreover, concerns about chemical terrorism increased after the terrorist attacks of 11 September 2001.¹³⁵ In fact, the relationship between international terrorism and the illegal movement of potentially deadly materials, including toxic chemicals, was acknowledged in UN Security Council resolution 1373 (2001).¹³⁶ The use of chemical weapons by non-state actors is aggravated by the inability to hold them accountable to international legislation, put forward verification measures or operate other traditional prevention mechanisms generally used by the OPCW.¹³⁷ Consistent with this assessment, the OPCW Executive Council incorporated the promotion of

¹²⁰ OPCW, *Benefits of Membership* [Website].

¹²¹ OPCW Technical Secretariat, *Background Paper on Universal Adherence to the Chemical Weapons Convention*, 2003, p. 6.

¹²² *Ibid.*

¹²³ *Ibid.*, p. 7.

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*

¹²⁶ Trapp, *The OPCW in Transition*.

¹²⁷ *Ibid.*

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ Fidler, *The Chemical Weapons Convention After Ten Years: Successes and Future Challenges*, 2007.

¹³¹ Bradford Disarmament Research Centre, *Off The Rocker and On the Floor: The Continued Development of Biochemical Incapacitating Weapons*, 2007, p. 14.

¹³² *Ibid.*, p. 14.

¹³³ *Ibid.*, p. 17.

¹³⁴ Weapons of Mass Destruction Commission, *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*, 2006, p. 128.

¹³⁵ Fidler, *The Chemical Weapons Convention After Ten Years: Successes and Future Challenges*, 2007.

¹³⁶ OPCW Technical Secretariat, *Background Paper on Universal Adherence to the Chemical Weapons Convention*, 2003, p. 2.

¹³⁷ Fidler, *The Chemical Weapons Convention After Ten Years: Successes and Future Challenges*, 2007.

universal adherence to the Convention as a priority for global counter-terrorism efforts.¹³⁸ Since its creation in 2005, The OPCW has been a member of the UN Counter-Terrorism Implementation Task Force playing a pivotal role in the development and implementation of the *UN Global Counter-Terrorism Strategy*, as outlined in General Assembly resolution 60/288 adopted in 2006.¹³⁹

Moreover, the OPCW takes part in the Working Group on Preventing and Responding to WMD Terrorist Attacks aiming to improve inter-agency response to potential terrorist attacks using WMDs, particularly in terms of relief operations and victim assistance.¹⁴⁰ Also, in conjunction with the OPCW Executive Council, the UN Secretariat has undertaken many activities advocating for the international mitigation of chemical terrorism through a comprehensive review on multilateral responses in the case of terrorist use of such weapons.¹⁴¹ Finally, Security Council resolution 1540 (2004) sets forth an obligation for all UN Member States to establish legal and administrative procedures to prevent non-state actors from accessing or engaging in activities involving WMDs, and in regards to chemical weapons, such obligations meet those outlined in the CWC.¹⁴² The future relevance of the Convention will depend, therefore, on the extent to which the OPCW can reaffirm the CWC's core principals and provisions in the light of technological changes, and adapt its instruments to emerging challenges.¹⁴³

Conclusion

Compared to other international conventions and disarmament treaties, the CWC deserves much praise for its many achievements, the pace of its growth, and its implementation and verification record since its adoption.¹⁴⁴ Yet, achieving universality will require the OPCW to adjust to the evolving international security climate.¹⁴⁵ The engagement of all States Parties, targeted regional and national approaches, enhanced political commitment to its objectives, and the successful implementation of the Convention, including effective national legislation and international cooperation and assistance, will accelerate the pace of adherence to the global ban and its adaptation to the changing international context.¹⁴⁶

Although complete elimination has yet to be completed and universality still needs to be achieved, the emphasis of the Convention is steadily shifting from completing disarmament to preventing rearmament and inhibiting terrorist groups from using toxic chemicals.¹⁴⁷ In this regard, States Parties to the Convention, along with other stakeholders and international organizations, should put their efforts together in order to set up suitable pathways assuring the future relevance of the Convention, and its core objectives and principles.¹⁴⁸ Thus, what are the key challenges for the OPCW in achieving universality and how can they be solved by OPCW in future years? What is the role of the UN in attracting States not Party to the Convention to adhere to the CWC? What mechanisms are in place to incentivize non-state parties to join the Convention, if any, and can they be improved? How can the international community guarantee that stakeholders and other domestic and regional actors stay engaged on the path towards universality? How can the OPCW stay relevant in light of the changing international security climate and emerging threats and challenges?

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¹³⁸ Organisation for the Prohibition of Chemical Weapons Technical Secretariat, *Background Paper on Universal Adherence to the Chemical Weapons Convention*, 2003, p. 2.

¹³⁹ OPCW, *Measures taken by the Organisation for the Prohibition of Chemical Weapons in regard to Global Anti-Terrorism Efforts*, p. 3.

¹⁴⁰ *Ibid.*, p. 3.

¹⁴¹ *Ibid.*, p. 3.

¹⁴² *Ibid.*, p. 3.

¹⁴³ Zanders, *The Chemical Weapons Convention and universality: a question of quality over quantity?* 2002, p. 3.

¹⁴⁴ OPCW Technical Secretariat, *Background Paper on Universal Adherence to the Chemical Weapons Convention*, 2003, p. 1.

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*

¹⁴⁷ Mohamed & Hart, *The Future of the Chemical Weapons Convention*, 2013, p. 1.

¹⁴⁸ *Ibid.*

The paper describes the harmful effects of chemical warfare and the need to eliminate toxic chemical agents. The author addresses key issues such as the responsibility of States parties to the Chemical Weapons Convention (CWC) to enforce the Convention at the national level, and the urgency for active participation of other international and regional forums in achieving universal adherence. This text is an essential source for delegates as it guides the reader to understand the problems states are faced with when implementing the CWC. Moreover, it raises awareness of the necessity to overcome these obstacles in order to achieve the absolute universality of the CWC.

Burroughs, J. (n.d.). *Treaty Regimes and International Law*. Retrieved 3 July 2013 from:

<http://wmdreport.org/ndcs/online/NuclearDisorderPart1Section1.pdf>

This article argues that international norms and treaty regimes play a decisive role in controlling and eliminating weapons of mass destruction. The author states that norms and regimes work as expectations of conduct grounded in policy statements and political commitments. The paper includes a deep discussion on the advantages of international regimes that will help delegates as they debate on the importance of achieving universality.

Fidler, D. (2007). *The Chemical Weapons Convention After Ten Years: Successes and Future Challenges*. Retrieved 3 July 2013 from: <http://www.asil.org/insights/volume/11/issue/12/chemical-weapons-convention-after-ten-years-successes-and-future>

The paper is an overview of the Chemical Weapons Convention (CWC) after its 10th anniversary of entry into force. It argues that the CWC represents one of the key elements of the international law supporting disarmament and non-proliferation of weapons of mass destruction. The article includes basic information on the Convention, its accomplishments during its first decade of existence, and the challenges ahead. Also, it highlights the importance of membership universality as a source of strength for the treaty and the role of effective national implementation in endorsing the latter. The paper is a useful source for delegates as it provides them with a comprehensive background on the treaty implementation during the last decade, the latest changes in the chemical industry and the way ahead for the Convention.

Mathews, R. (2003). *Reviewing the Chemical Weapons Convention: Gently Does It*. Retrieved 7 September 2013 from: http://www.vertic.org/media/Archived_Publications/Yearbooks/2003/VY03_Mathews.pdf

The paper presents a deep analysis of the Chemical Weapons Convention (CWC) as the sole verifiable multilateral treaty that prohibits an entire class of weapons of mass destruction and its importance in terms of the verification measures set forth within it. The author argues that verification under the CWC framework went further than any previous agreement on the matter including compulsory state declarations over industrial and military activities, complete destruction of chemical weapons within an adequate time frame, and a system of periodical inspections of declared facilities. The article is important to delegates as it underscores the specific issue of verification mechanisms and procedures under the CWC, as well as the impact of scientific and technological developments on such treaty provisions.

Mohamed, D. & J. Hart. (2013). *The Future of the Chemical Weapons Convention*. Retrieved 2 July 2013 from: <http://books.sipri.org/files/PP/SIPRI35.pdf>

This article argues that a constructive approach to the Chemical Weapons Convention (CWC) should be put in place in order to uphold its legal and political relevance to the broader international security and chemical safety scenario. The authors affirm that traditional arms control and multilateral disarmament regimes pay little attention to operational struggles in complying with the treaty since they are considered to be a domestic issue for states. However, addressing such issues remains of utmost importance to achieving effective and universal implementation of the treaty. Moreover, the authors argue that the Organisation for the Prohibition of Chemical Weapons must adapt to new threats posed by science and technology advances and guarantee that the CWC verification measures and procedures are not rendered irrelevant by such advances.

Organisation for the Prohibition of Chemical Weapons. (2013). *Benefits of joining the Chemical Weapons Convention* [Website]. Retrieved 3 July 2013 from: <http://www.opcw.org/our-work/universality/benefits-of-membership/>

This Web site is an essential starting point for research on the benefits of states joining the Chemical Weapons Convention. The Web site covers the Organisation for the Prohibition of

Chemical Weapons' projects and programs in the field of international cooperation and detailed information the programs' three main focus areas: assistance in the development of the scientific and technical infrastructure in Member States, capacity-building for peaceful uses of chemistry and support for National Authorities in implementing the Convention.

Organisation for the Prohibition of Chemical Weapons, Technical Secretariat. (2003). *Background Paper on Universal Adherence to the Chemical Weapons Convention*. Retrieved 3 July 2013 from:

http://www.opcw.org/index.php?eID=dam_frontend_push&docID=4871

The background paper was developed by the Technical Secretariat in order to inform the First Review Conference on the work carried out in this field. The paper examines developments since the entry into force of the Chemical Weapons Convention until 31 December 2002, and considers the efforts made to encourage universal adherence to it. It also includes the Secretariat's evaluation of potential impediments to further progress on the issue highlighting that, in some cases, policy guidance is required from Member States. The paper will be useful for delegates, as it looks at the involvement of all States parties in the effective implementation of the Convention, including enforceable legislation and international cooperation and assistance.

Ramesh Thakur, A., & R. Thakur (2007). *The Chemical Weapons Convention: Implementation, Challenges, Opportunities*. India: Pearson Education.

This book addresses the subject of weapons of mass destruction, their proliferation, detection and interdiction, use and deterrence, dismantlement and destruction, as an important issue within the international agenda. The authors assure that the Chemical Weapons Convention (CWC) represents the final element in the trinity of global treaties regulating the different categories of WMD, and that unlike the Non-Proliferation Treaty (NPT), the CWC is universal and does not create a world of chemical apartheid in which a small group of countries holds legitimate possession of weapons banned for the rest. The book includes an important reference to the First Review Conference of the Convention, as well as to the challenge inspection system of the CWC. It also includes a comparative case study of the domestic legislation of Australia and France, and their experience in implementing the Convention. The case study will lead delegates to think creatively to address the topic from different perspectives.

Weapons of Mass Destruction Commission. (2006). *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*. Retrieved 2 July 2013 from: <http://www.isn.ethz.ch/Digital-Library/Publications/Detail/?ots591=cab359a3-9328-19cc-a1d2-8023e646b22c&lng=en&id=26614>

<http://www.isn.ethz.ch/Digital-Library/Publications/Detail/?ots591=cab359a3-9328-19cc-a1d2-8023e646b22c&lng=en&id=26614>

This report discusses both short and medium-term steps for achieving a complete ban on weapons of mass destruction advocating for a cooperative approach by the entire international community as they work towards achieving this objective. The paper includes an insightful revision of the nature of threats from weapons of mass destruction, including nuclear, biological and chemical threats, as well as the unilateral, bilateral and regional responses to them. Moreover, the report highlights the importance of adequate verification measures and compliance to the treaty in order to achieve universality. It also underscores the relevance of enhancing the treaty inspection and monitoring capacity, and the threat of chemical terrorists. The report is an important source for delegates since it addresses debatable issues such as the role of companies and the business sector in export controls of chemical materials, states trade and finance interdependence and their influence in their willingness to comply or to adhere to the Chemical Weapons Convention, as well as the role of the United Nations in the enforcement of the Convention and in achieving universality.

Zanders, J. (2002). *The Chemical Weapons Convention and Universality: A Question of Quality Over Quantity?* Retrieved 3 July 2013 from:

http://kms2.isn.ethz.ch/serviceengine/Files/EINIRAS/55138/ichaptersection_singledocument/1cb1ffae-61ef-464f-8e6c-a9412a6cc157/en/04_The+CWC+and+Universality.pdf

Zanders provides a comprehensive look at the work of the OPCW since the Chemical Weapons Convention (CWC) entering into force on 29 April 1997. The text examines the concept of universality in its two dimensions: quantitative and qualitative, and presents a definition for both terms. It underlines the CWC's desire for universal adherence and refers to the General Purpose Criterion of the CWC and the need to broaden it in order to achieve universal adherence to the

Convention. The author affirms that the two pillars for preserving long-term universality are emergency assistance (Article X of the CWC), and international cooperation and technology transfer (Article XI of the CWC). Finally, Zanders highlights that the future relevance of the CWC to all States parties depends greatly on the extent to which the Organisation for the Prohibition of Chemical Weapons (OPCW) can uphold the core prohibitions in light of technological changes. This text is a helpful source for delegates as it encompasses an overview of the CWC and an extensive analysis of progress, or lack thereof, made by the OPCW in its first decade of existence.

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II. Addressing Chemical Weapons Safety in Political Transitions

*Together, we must ensure that the fog of war will never again be composed of poison gas. ... Nothing can justify the possession of this heinous category of weapons of mass destruction. Nothing.*¹⁴⁹

Introduction

Chemicals have been used in conjunction with weapons for hundreds of years and attempts at regulating the use of poisonous weapons reach back as far as the 1600s.¹⁵⁰ Despite all these attempts, World War I witnessed the first modern use of chemical weapons.¹⁵¹ The international community banned the development, production, and stockpiling of chemical weapons through the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction* (CWC) (1992).¹⁵² However, toxic chemicals are still utilized and are essential in many industries for peaceful purposes.¹⁵³ Thusly, securing and preventing the weaponization of such toxic chemicals has become a priority for the international community particularly in recent decades since the rise of terrorism in the post-11 September 2001 world.¹⁵⁴ The threat of a chemical weapons attack, or chemical terrorism, continues to threaten the security and stability of countries, especially in those countries that are in or experiencing a political transition.¹⁵⁵

Political transitions can take many forms, including: elections, regime change, or even intra-state conflict.¹⁵⁶ As political transitions are times of instability, they may magnify already existing problems such as poverty, food insecurity, unemployment, and poor economic growth.¹⁵⁷ Moreover, countries going through political transitions often either have or will experience some form of civil unrest or conflict, which could lead to full-fledged civil war.¹⁵⁸ As these societal problems increase, the government's ability to enforce the rule of law decreases, which can ultimately result in a loss of the government's legitimacy causing greater issues and increasing instability and intractability of any conflict.¹⁵⁹ The presence of chemical weapons, in any conflict, but especially those where the political institutions have lost legitimacy or fallen, and in weak or nascent regimes only exacerbates instability and perpetuates conflict.¹⁶⁰ While countries in political transition may seem like a small, select group, there have been a growing number of severe conflicts with political focus, and unstable conditions connected to chemical weapons in recent years.¹⁶¹ Thus, in addition to obtaining universality and non-proliferation, the ability to prevent the spread of chemical weapons and its components as well as defend against a chemical weapons attack is vital.¹⁶²

Defining Chemical Weapons Safety

Despite the ongoing work of the Organisation for the Prohibition of Chemical Weapons (OPCW), chemical weapons remain and their presence alone endangers international peace and security.¹⁶³ New forms of conflict are appearing through the destabilizing presence of non-state actors on the international stage such as terrorists, rebel groups, and transnational organized crime.¹⁶⁴ The work of the OPCW and the international community is therefore turning to the

¹⁴⁹ UN Department of Public Information, *Secretary-General Urges Review Conference on Chemical Weapons to Ensure 'Fog of War' Will Never Again Comprise Poison Gas* [Press Release], 8 April 2013.

¹⁵⁰ Thakur & Haru, *The Chemical Weapons Convention: Implementation, Challenges, and Opportunities*, 2006, p. 6; Solis, *The Law of Armed Conflict: International Humanitarian Law In War*, 2010, p. 600.

¹⁵¹ Solis, *The Law of Armed Conflict: International Humanitarian Law In War*, 2010, p. 600.

¹⁵² *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, 1992, Art. I.

¹⁵³ Thakur & Haru, *The Chemical Weapons Convention: Implementation, Challenges, and Opportunities*, 2006, p. viii.

¹⁵⁴ *Ibid.*

¹⁵⁵ *Ibid.*, p. 24.

¹⁵⁶ Hegre, et al., *Toward a Democratic Civil Peace? Democracy, Political Change, and Civil War, 1816-1992*, 2001, p. 34.

¹⁵⁷ UN Development Programme, *Strengthening the Rule of Law in Crisis-affected and Fragile Situations: Global Programme Annual Report 2011*, 2011, p. 8.

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*

¹⁶⁰ Thakur & Haru, *The Chemical Weapons Convention: Implementation, Challenges, and Opportunities*, 2006, p. 24.

¹⁶¹ Thakur, *The UN Peace and Security*, 2006, p. 18.

¹⁶² OPCW, *Non-proliferation* [Website], 2013.

¹⁶³ OPCW, *Demilitarisation* [Website], 2013.

¹⁶⁴ Thakur & Haru, *The Chemical Weapons Convention: Implementation, Challenges, and Opportunities*, 2006, p. 24.

prevention of chemical terrorism as the devastation that it could impose is too significant to be ignored.¹⁶⁵

While there is no distinct definition of chemical weapons safety, it encompasses multiple diverse sectors, such as the chemicals industry, emergency response, health and safety, and national defense, and causes overlap across the different areas of the OPCW's work, including: non-proliferation, capacity-building, national implementation, assistance and protection, and international cooperation.¹⁶⁶ Because of the dangers chemical weapons pose for international security, and the lack of security in unstable countries, the need for maintaining, strengthening, and improving chemical weapons safety in the international regime for monitoring chemical weapons, and ensuring their non-proliferation and destruction, is of the utmost importance.¹⁶⁷

International Framework

Today, there are many international instruments that regulate the movement and use of chemical weapons and their components. The international community built upon the *Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and Bacteriological Methods of Warfare* (Geneva Protocol) (1925) with the CWC.¹⁶⁸ State Parties undertake several obligations and responsibilities when acceding to the CWC including agreeing not to use chemical weapons, to destroy whatever chemical weapons they may possess, to destroy any chemical weapons production facilities (CWPFs), and finally agreeing to verification inspections performed by the OPCW.¹⁶⁹ Countries going through political transitions will likely find it difficult to effectively govern and fulfill these obligations under the CWC as the capacity, infrastructure, institutions, and/or sheer will of incumbent regimes are often not present in such circumstances.¹⁷⁰

According to the CWC, in the event that a country is attacked with chemical weapons, States Parties have the right to receive assistance to protect against and mitigate the effects of chemical weapons.¹⁷¹ Politically unstable countries will likely lack the capacity to react adequately in such situations and may need to rely on support from the OPCW or the international community.¹⁷² The OPCW serves as an agent in exchanging information, technical assistance, and equipment for parties to use in preparing for or defending against a chemical weapons attack.¹⁷³ All States Parties are required to provide assistance through the OPCW but may do so through either donating to the Voluntary Fund for Assistance or agreeing to provide to the OPCW certain equipment, personnel, or other forms of support in the event of a chemical weapons attack.¹⁷⁴ Being prepared for a chemical weapons attack is helpful and necessary, but preventing the proliferation of chemical weapons, and possible acquisition by non-state actors, is even greater a defense as it makes it less likely that a chemical attack will occur.¹⁷⁵

Role of the United Nations System

The OPCW works in tandem with several intergovernmental agencies to monitor chemical weapons and advocate for non-proliferation with the UN being one of the most significant.¹⁷⁶ These intergovernmental agencies support developing countries, especially those in unstable situations, to fulfill their obligations under international law

¹⁶⁵ Thakur & Haru, *The Chemical Weapons Convention: Implementation, Challenges, and Opportunities*, 2006, p. 30.

¹⁶⁶ OPCW, *Assistance and Protection* [Website], 2013.

¹⁶⁷ OPCW, *About OPCW* [Website], 2013.

¹⁶⁸ *Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare*, 17 June 1925; OPCW, *Genesis and Historical Development* [Website], 2013.

¹⁶⁹ OPCW, *Genesis and Historical Development* [Website], 2013; *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, 1992, Art. I, Art. IX.

¹⁷⁰ UN Development Programme, *The Changing Nature of Conflict: Priorities for UNDP Response* [Report], 2013.

¹⁷¹ *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, 1992, Art. X.

¹⁷² UN Development Programme, *Issue Brief: Infrastructure for Peace*, February 2013.

¹⁷³ OPCW, *The Role of the Secretariat* [Website], 2013.

¹⁷⁴ *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, 1992, Art. X.

¹⁷⁵ OPCW, *Non-proliferation* [Website], 2013.

¹⁷⁶ UN Office for Disarmament Affairs, *Chemical Weapons* [Website], 2013.

including the CWC.¹⁷⁷ The technical, logistic, and financial support from these agencies make it possible for countries with weak governance institutions to develop sufficient chemical weapons safety practices.¹⁷⁸

1540 Committee

With the growing threat of terrorism in the aftermath of the terrorist attacks on 11 September 2001, the United Nations (UN) Security Council adopted resolution 1540 on the non-proliferation of weapons of mass destruction, including chemical, biological, and nuclear weapons.¹⁷⁹ Resolution 1540 called for all Member States to prevent non-state actors from acquiring weapons of mass destruction through illicit trafficking by adopting national legislation and other domestic controls.¹⁸⁰ The resolution also created the 1540 Committee, an ad hoc body, to oversee the implementation of the resolution through reports from Member States.¹⁸¹ Measures under Security Council resolution 1540 have helped countries in political transition to fulfill the OPCW's mandate for national implementation of the CWC and set a standard for governments to adhere to during political transitions in maintaining chemical weapons safety.¹⁸² The UN continues to support countries going through political transition in fulfilling their obligations within the CWC under Resolution 1540.¹⁸³

UN-OPCW Relationship

The OPCW and UN have a formal agreement for cooperation on issues regarding chemical weapons in order to reduce duplicative efforts and enhance coordination.¹⁸⁴ Recently, the UN and OPCW worked together to investigate the alleged use of chemical weapons in Syria.¹⁸⁵ Nine OPCW experts joined the UN investigation team that conducted investigations and collected evidence on the 21 August 2013 attack outside of Damascus, Syria.¹⁸⁶ With the help of the OPCW experts, the UN was able to confirm the use of chemical weapons in Syria, although they did not confirm the party responsible for its use.¹⁸⁷ The combined resources of the UN and OPCW can provide countries experiencing political transitions a wealth of support for fulfilling their obligations under the CWC such as: monitoring, inspection, verification, technical training, provision of personnel and equipment, and reporting.¹⁸⁸

United Nations Office for Disarmament Affairs

The UN Office for Disarmament Affairs (UNODA) serves as the lead UN agency on disarmament issues assisting the Secretary-General on disarmament policy and administration of disarmament programs.¹⁸⁹ The UNODA also promotes the destruction of weapons of mass destruction and conventional weapons.¹⁹⁰ Investigations of alleged use of chemical and biological weapons are also carried out by the UNODA.¹⁹¹ Coordination with the OPCW is very common during investigations as experts from both organizations may work together, sharing expertise and technical knowledge.¹⁹² Both organizations may also share facilities and equipment when conducting fact-finding missions.¹⁹³ However, the ability of the international community to prevent the proliferation of chemical weapons remains difficult when the trade of equipment used for peaceful purposes in the chemicals industry may also be used to develop and produce chemical weapons.¹⁹⁴

¹⁷⁷ Spence, *VERTIC's National Implementing Measures Programme*, 2009.

¹⁷⁸ *Ibid.*

¹⁷⁹ UN Security Council, *Resolution 1540 (2004) [Non-proliferation of weapons of mass destruction] (S/RES/1540)*, 2004.

¹⁸⁰ *Ibid.*

¹⁸¹ *Ibid.*

¹⁸² UN Office for Disarmament Affairs, *UNODA Support of the 1540 Committee* [Website], 2013.

¹⁸³ *Ibid.*

¹⁸⁴ OPCW, *Agreement Concerning the Relationship Between the UN and the OPCW*, 1 September 2000.

¹⁸⁵ *Ibid.*

¹⁸⁶ *Ibid.*

¹⁸⁷ Lederer, *UN Confirms Chemical Weapons Used in Syria*, 2013.

¹⁸⁸ OPCW, *Agreement Concerning the Relationship Between the UN and the OPCW*, 1 September 2000.

¹⁸⁹ UN Office for Disarmament Affairs, *About Us* [Website], 2013.

¹⁹⁰ *Ibid.*

¹⁹¹ UN Office for Disarmament Affairs, *Secretary-General's Mechanism for Investigation of Alleged Use of Chemical and Biological Weapons* [Website], 2013.

¹⁹² OPCW, *Agreement Concerning the Relationship Between the UN and the OPCW*, 1 September 2000.

¹⁹³ UN Office for Disarmament Affairs, *Secretary-General's Mechanism for Investigation of Alleged Use of Chemical and Biological Weapons* [Website], 2013.

¹⁹⁴ European Commission, *Green Paper: The dual-use export control system of the European Union: ensuring security and competitiveness in a changing world (COM(2011) 393)*, 30 June 2011.

Australia Group

After the discovery of Iraq's use of chemical weapons in the Iran-Iraq war, it became apparent that the chemicals and components of chemical weapons used in the country could be acquired through legal trade.¹⁹⁵ In response, several countries banded together to place restrictions on the materials and equipment that may be used to make chemical weapons.¹⁹⁶ Australia was the first country to propose a uniform system of export controls thus leading to the creation of the Australia Group.¹⁹⁷

These export controls recognized the availability of chemicals and biological agents, equipment, and other materials that were considered "dual-use."¹⁹⁸ A dual-use good is a good that is suitable for use in chemical weapons and other peaceful, commercial applications.¹⁹⁹ These dual-use goods, if not monitored, may be accumulated for use to build chemical weapons under the guise of peaceful use.²⁰⁰ Any effort to prevent the misuse of such goods must be done at an international level to close all avenues of acquisition.²⁰¹ A list of dual-use goods is maintained by the Australia Group to prevent the spread of materials that may inadvertently allow for the construction of a chemical or biological weapon.²⁰² Export controls are viewed as supporting the goals of the CWC, Biological Weapons Convention, and the Geneva Protocol in preventing the spread of chemical weapons.²⁰³ Since the creation of the Australia Group in 1985, more than 40 countries have joined in restricting the trade of such dual-use goods through national licensing measures.²⁰⁴

Non-proliferation

Non-proliferation is the most fundamental principle of the CWC as mentioned in Article I.²⁰⁵ The cornerstone of this principle is the vow by State Parties to destroy all chemical weapons that they possess and prevent the proliferation of these weapons.²⁰⁶ Non-proliferation of chemical weapons helps bring greater confidence to countries that such weapons will not contribute to conflict.²⁰⁷ However, under the CWC, the right to produce chemicals for peaceful uses is still retained and exercised to its fullest extent.²⁰⁸ Yet, as technology advances, a range of chemicals may be used in building chemical weapons, such as cyanide and phosgene in industry and ricin for treatment of severe glaucoma.²⁰⁹ Within the CWC, Schedules 1, 2, and 3 list chemicals identified as subject to verification measures.²¹⁰

These verification measures bring transparency to the chemicals industry and deter the future development of chemical weapons.²¹¹ State Parties are obligated to identify all facilities and sites, which house chemicals that are listed within Schedules 1, 2, and 3.²¹² Inspection teams are sent by the OPCW to verify compliance with provisions of the CWC.²¹³ Inspections are also made when allegations arise where States are accused of developing or maintaining chemical weapons or their components.²¹⁴

¹⁹⁵ Australia Group, *The Origins of the Australia Group* [Website], 2007.

¹⁹⁶ *Ibid.*

¹⁹⁷ *Ibid.*

¹⁹⁸ Thakur & Haru, *The Chemical Weapons Convention: Implementation, Challenges, and Opportunities*, 2006, p. 18.

¹⁹⁹ *Ibid.*

²⁰⁰ Australia Group, *Objectives of the Group* [Website], 2007.

²⁰¹ *Ibid.*

²⁰² Australia Group, *Australia Group Common Control Lists* [Website], 2007.

²⁰³ Nuclear Threat Initiative, *Australia [AG] Treaties & Regimes* [Website], 2013.

²⁰⁴ Australia Group, *The Origins of the Australia Group* [Website], 2007.

²⁰⁵ *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, 1992, Art. I.

²⁰⁶ *Ibid.*

²⁰⁷ OPCW, *Non-proliferation* [Website], 2013.

²⁰⁸ *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, 1992, Art. VI.

²⁰⁹ Solis, *The Law of Armed Conflict: International Humanitarian Law In War*, 2010, p. 613.

²¹⁰ OPCW, *Which chemicals are controlled?* [Website], 2013.

²¹¹ OPCW, *Non-proliferation* [Website], 2013.

²¹² *Ibid.*

²¹³ OPCW, *Non-proliferation* [Website], 2013.

²¹⁴ *Ibid.*

However, countries with weak governance institutions may not be able to actively monitor all facilities and sites or require assistance to do so.²¹⁵ State Parties may have a lack of funding for conducting independent inspection and verification.²¹⁶ New technologies may also prevent State Parties from conducting proper inspections and verification if their officials do not have sufficient technical expertise.²¹⁷ Further, the ability of the OPCW to conduct inspections and verification measures becomes exponentially more difficult when attempting to do so in the midst of conflict, especially armed violent conflict.²¹⁸ The instability of government institutions in political transition results in this effective loss of predictable and accountable provision of services needed to fulfill CWC obligations such as inspection and verification.²¹⁹

Capacity-Building

During political transitions, the mechanisms and skill required to employ such strategies are often very limited; yet they are also of utmost importance because chemical attacks are more likely to occur in such insecure and unstable situations.²²⁰ Under Article X of the CWC, States Parties are able to request from the OPCW financial, technical, or logistical assistance.²²¹ The OPCW maintains a database of offerings from Members States for just such requests.²²² Equipment commonly needed for these capacity-building projects include: chemical detection devices, alarm systems, protective wear, respiratory equipment, decontamination equipment, decontaminants, and medical antidotes.²²³ Yet, countries in political transition are less likely to have access to this necessary equipment because of a lack of funds and technical expertise.²²⁴ More so than equipment, training and education of personnel to competently use technical equipment is crucial to protecting against a chemical attack, which the OPCW provides to State Parties.²²⁵

The responsible party for coordinating assistance to State Parties is the Technical Secretariat of the OPCW especially regarding national protection plans.²²⁶ A State Party to the CWC is required to have a national protection plan in the event of a chemical weapons attack under Article X, paragraph 4.²²⁷ Workshops and training programs provided by the OPCW instruct response units, such as the fire service, emergency medical technicians, or local law enforcement, on strategies for handling environmental and medical emergencies related to chemical weapons attacks.²²⁸ Other support activities include drafting national legislation, developing national protection plans, and consultation from industry experts.²²⁹ A strong national protection plan may also deter chemical terrorism and strengthen national defense.²³⁰

Countries going through political transitions may find it difficult to implement their obligations under the CWC; similarly this is a result of the high costs of relevant projects, insufficient technical support, and ineffective governmental coordination on chemical issues.²³¹ National implementation includes establishing national authorities on chemical weapons, legislative, and administrative measures criminalizing the use of chemical weapons,

²¹⁵ OPCW, *Requests for Assistance* [Website], 2013.

²¹⁶ Ibid.

²¹⁷ Ibid.

²¹⁸ OPCW, *OPCW Deploys 2nd Team of Inspectors to Expand Verification and Destruction Activities in Syria* [Press Release], 2013.

²¹⁹ Mcloughlin, *Topic Guide on Fragile States*, 2012, p. 9.

²²⁰ Thakur & Haru, *The Chemical Weapons Convention: Implementation, Challenges, and Opportunities*, 2006, p. 30.

²²¹ *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, 1992, Art. X.

²²² OPCW, *The Role of the Secretariat* [Website], 2013.

²²³ OPCW, *Protection against chemical weapons* [Website], 2013.

²²⁴ Mcloughlin, *Topic Guide on Fragile States*, 2012, p. 9.

²²⁵ OPCW, *Analytical Skills Development Course* [Website], 2013.

²²⁶ OPCW, *Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons* [Website], 2013.

²²⁷ *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, 1992, Art. X, Para. 4.

²²⁸ OPCW, *The Role of the Secretariat* [Website], 2013.

²²⁹ Ibid.

²³⁰ OPCW, *Submission of Information Regarding National Programmes Related to Protective Purposes, Pursuant to Article X, Paragraph 4 of the Convention (C-9/DEC.10)* [Decision], 30 November 2004.

²³¹ Kenyon & Feakes, *The Creation of the Organisation for the Prohibition of Chemical Weapons: A Case Study in the Birth of an Intergovernmental Organisation*, 2007, pp. 209-10.

developing response teams, and regulating the peaceful use of chemicals to limit the danger of diversion to chemical weapons.²³² Because countries in political transition will have weak governance institutions, or even lacking a designated national authority on chemical weapons safety, the OPCW will need to work closely with such countries, on their national implementation and the unique needs that may be required in order to pursue successful implementation.²³³

Case Studies: Libya, Somalia, and Syria

Recently, Member States of the OPCW have dealt with the threat of chemical weapons, and possible chemical terrorism, stemming from the instability of their respective political transitions. In 2011, during the Libyan Civil War, there were concerns that chemical weapons could be used against civilians.²³⁴ Even though Libya had signed the CWC in 2004, the government still had significant stockpiles of chemical weapons.²³⁵ Near the end of the Libyan Civil War, a secret stockpile of chemical weapons was found, which the current government is cooperating with the OPCW to destroy through the use of an on-site neutralization unit.²³⁶ With the help of the OPCW, Libya has already completed destruction of its Bulk Sulfur Mustard stockpile and has destroyed more than 80% of its declared stockpiles.²³⁷ Although chemical weapons were never used, the instability of this country was ripe for use of such weapons or even acquisition by non-state actors.²³⁸ The role of the OPCW in fostering the destruction of these chemical weapons will help bring stability to Libya in the future.²³⁹

Additionally, some State Parties are in dire need of external resources in order to fulfill their obligations under the CWC. On 28 June 2013 Somalia became the 189th State Party to the CWC.²⁴⁰ Somalia has been engulfed in civil war for two decades, beginning in 1991 after the ousting of President Siad Barre, as a result of the rise of al-Shabaab, a group designated as a terrorist organization by the United States and linked to Al-Qaida, a group which still controls much of the country.²⁴¹ However, in August 2012, Somalia adopted a new constitution and swore in its first parliament ending the transition period and inaugurating a formal government.²⁴² Now that Somalia has signed the CWC they are eligible for international cooperation and assistance programs to build up their national defense against a possible chemical attack.²⁴³ This is of utmost importance, as there have been suspicions that al-Shabaab is developing or attempting to acquire chemical weapons.²⁴⁴

Such non-state actors pose significant threats to international peace and security and increase the risk of possible chemical terrorism, not just within the country in which they reside, but also for entire regions.²⁴⁵ Within Africa, al-Shabaab continues to wreak havoc, such as the recent hostage situation in Nairobi, Kenya, thus increasing violence, furthering destabilization, and jeopardizing international peace and security.²⁴⁶ The OPCW can help maintain international peace and security by assisting weak states, like Somalia, in building the capacity by providing the equipment and proper training for personnel in order to promote proficient chemical weapons safety practices.²⁴⁷

Finally, the confirmed use of chemical weapons on 21 August 2013 in Syria serves as an example of how chemical weapons can exacerbate and escalate conflict.²⁴⁸ There were reports of at least 3,600 victims treated for symptoms including shortness of breath, disorientation, runny nose, eye irritation, blurred vision, nausea, vomiting, general

²³² Ibid.

²³³ OPCW, *National Implementation of the Chemical Weapons Convention* [Website], 2013.

²³⁴ Channel 4 News, *Libya: could Gaddafi use chemical weapons?* 2011.

²³⁵ Black, *Libyan rebels discover Gaddafi's chemical weapons*, 2011.

²³⁶ OPCW, *Libya Completes Destruction of Its Bulk Sulfur Mustard Stockpile* [Press Release], 2013.

²³⁷ Ibid.

²³⁸ Associated Press, *Unsecured weapons, dangerous chemicals in Libya, concern US*, 2013.

²³⁹ OPCW, *Libya Completes Destruction of Its Bulk Sulfur Mustard Stockpile* [Press Release], 2013.

²⁴⁰ OPCW, *Somalia Becomes 189th State Party to the Chemical Weapons Convention* [Press Release], 2013.

²⁴¹ United States Department of State, *Designation of al-Shabaab*, 2008.

²⁴² BBC News, *Somali: MPs sworn in to historic parliament*, 2012.

²⁴³ OPCW, *Somalia Becomes 189th State Party to the Chemical Weapons Convention* [Press Release], 2013.

²⁴⁴ CBS News, *Court document reference al-Qaeda-linked chemical weapons program in Somalia*, 2013.

²⁴⁵ Tharoor, *Terror in Nairobi: Behind al-Shabab's War With Kenya*, 2013.

²⁴⁶ Allen, *What Actually Happened in the Nairobi Mall Attack?* 2013.

²⁴⁷ Myjer, *Issues of Arms Control Law and The Chemical Weapons Convention*, 2001, p. 130.

²⁴⁸ Lederer, *UN Confirms Chemical Weapons Used in Syria*, 2013.

weakness, and eventual loss of consciousness after the 21 August 2013 attack.²⁴⁹ There have also been claims that as many as 1,400 were killed from this chemical attack, which included more than 400 children.²⁵⁰ Syria only recently admitted to stockpiling chemical weapons after allegations arose about their use in the Syrian civil war in late 2012.²⁵¹ After confirming the use of the chemical weapons, the United States and the Russian Federation agreed to the *Framework for Elimination of Syrian Chemical Weapons* (2013) on 14 September 2013.²⁵²

As part of this deal, Syria has cooperated with the international community by providing information on its chemical weapon stockpiles to OPCW and UN experts.²⁵³ Moreover, Syria acceded to the CWC on 14 October 2013 and has commenced destruction activities with the aid of the OPCW and UN inspectors that will facilitate the verification and destruction process.²⁵⁴ The role of the OPCW in assisting with the destruction of chemical weapons in Syria, furthering universality of the CWC, and pursuing peace in the face of violent conflict has been crucial to preventing greater international escalation of the conflict and will help bring greater stability in Syria and with hope, the end of the use of chemical weapons in the country.²⁵⁵

Conclusion

The changing landscape of the world requires that the OPCW conform to the new challenges that the international community faces in preventing the spread of chemical weapons and protecting against their use.²⁵⁶ Countries going through political transitions are at an even higher risk from the dangers of chemical weapons and from chemical terrorism than others in the international community.²⁵⁷ Although the OPCW provides much support, there may be more the organization can do to support stability in countries struggling to achieve the goals of the CWC and whose populations face the greatest danger of a chemical weapons attack.²⁵⁸ Providing more technical training and facilitating greater cooperation among State Parties to develop chemical weapons safety schemes may prove crucial in securing political stability and ending the use of chemical weapons.²⁵⁹ Facilitating international cooperation has been vital to the work of the OPCW in achieving chemical weapons safety but are there other avenues for the OPCW to support chemical weapons safety? Further, national implementation of the CWC will likely lead to the fulfillment of the mandate of the Organisation but other levels of support, such as regional and sub-regional, may also prove useful in fostering national implementation.²⁶⁰ The following questions should also be considered if the OPCW is to adequately address chemical weapons safety in political transitions.

Should the OPCW expand its operations to assist Member States in political transition in particular? Can new technology and creative assistance by the OPCW lead to greater chemical weapons safety in unstable regions? How should countries in political transition address shortcomings in fulfilling their CWC obligations? What other roles might the OPCW play in proactively addressing chemical terrorism? Are there other ways for the OPCW to support chemical weapons safety besides direct assistance to State Parties? What other actions can the OPCW undertake to assist State Parties going through political transitions and potentially violent conflicts?

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Coleman, K. (2005). *A History of Chemical Warfare*. New York, NY: Palgrave MacMillan.
Coleman provides a great overview of the history of chemical weapons in modern warfare. Coleman looks at not just chemical warfare in World War I but also in World War II, the Korean War, Viet Nam, the Middle East, Afghanistan, Bosnia, and the Gulf War. Included is a chapter that

²⁴⁹ BBC News, *Syria Chemical Attack: What we know*, 2013.

²⁵⁰ Warrick, *More than 1,400 killed in Syrian chemical attacks, U.S. says*, 30 August 2013.

²⁵¹ MacFarquhar & Schmitt, *Syria Threatens Chemical Attack on Foreign Force* [Article], 2013.

²⁵² United States Department of State, *Framework for Elimination of Syrian Chemical Weapons*, 2013.

²⁵³ Stanglin, *Syrian FM: Syria will sign chemical ban, open storage sites*, 10 September 2013.

²⁵⁴ OPCW, *Syria's Accession to the Chemical Weapons Convention Enters Into Force* [Press Release], 2013; OPCW, *OPCW Deploys 2nd Team of Inspectors to Expand Verification and Destruction Activities in Syria* [Press Release], 2013.

²⁵⁵ Sabbagh, *Security Council sanctions joint UN-OPCW team for dismantling chemical weapons in Syria*, 2013.

²⁵⁶ Nayan, *CWC and OPCW: Future Course and Challenges*, 2013.

²⁵⁷ Thakur & Haru, *The Chemical Weapons Convention: Implementation, Challenges, and Opportunities*, 2006, p. 24.

²⁵⁸ Nayan, *CWC and OPCW: Future Course and Challenges*, 2013.

²⁵⁹ Sabbagh, *Security Council sanctions joint UN-OPCW team for dismantling chemical weapons in Syria*, 2013.

²⁶⁰ Tucker, *The Future of Chemical Weapons*, 2009.

delves into the emerging threat of chemical terrorism and the scary reality of the ease which terrorists may acquire chemical weapons, or chemical agents, and use them with devastating effects.

Croddy, E., C. Pere-Armendariz & J. Hart. (2002). *Chemical and Biological Warfare: A Comprehensive Survey for the Concerned Citizen*. New York, NY: Copernicus Books.

Eric Croddy gives a broad, but in-depth, look at the history of the use of chemical weapons across the world. The author also goes over the weaponization of chemical agents and the countries that have developed chemical weapons programs in the past. An examination of the new threat of chemical terrorism is included along with recently developed medical and civil defense responses to chemical attacks. This source is great for an overview of all types of chemical agents used in chemical weapons and how they are delivered in warfare.

Kenyon, I. & D. Feakes. (2007). *The Creation of the Organisation for the Prohibition of Chemical Weapons: A Case Study in the Birth of an Intergovernmental Organisation*. The Hague, The Netherlands: TMC Asser Press.

This book chronicles the development of the Organisation for the Prohibition of Chemical Weapons (OPCW). Ranging from the negotiations of the establishment of the Chemical Weapons Convention (CWC) to the early years of the OPCW's operation. This book looks at how the mandate of the CWC was translated into a working organization. Also included are lessons learned from other organizations relating to the difficulties the OPCW has experienced.

Mauroni, A. (2007). *Chemical and Biological Warfare: A Reference Handbook*. Denver, CO: ABC-CLIO.

Mauroni examines the background and history of chemical weapons in both military and political contexts. Mauroni surveys the controversial development and evolving threat of chemical weapons from World War I to modern day. An interesting look at military and political leaders that have dealt with chemical weapons directly provides insight into the problems today's leaders face and possible solutions that may help them. Mauroni also probes the multitude of delivery systems for chemical weapons and compares how both military and civilian response systems react to chemical attacks.

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This book analyzes in detail the compliance control model of the Chemical Weapons Convention (CWC). The book looks at the role of the Organisation for the Prohibition of Chemical Weapons (OPCW) in supervising the implementation of the CWC. Special focus is given attention to the role of the OPCW in arms control and the many functions that it can provide. The book is a useful tool for examining the international arms control model and possibilities for future developments in achieving the international disarmament agenda.

Organisation for the Prohibition of Chemical Weapons. (2013). *Organisation for the Prohibition of Chemical Weapons* [Website]. Retrieved 2 July 2013 from: <http://www.opcw.org>

The Website of the Organisation for the Prohibition of Chemical Weapons (OPCW) provides detailed information about what this organization is charged with in supporting the implementation of the Chemical Weapons Convention. Information can be found on the work of the OPCW in assistance and protection and supporting international cooperation, which are especially important for countries in political transitions. News and publications are also provided that help to show the history of the OPCW as well as its current work.

Solis, G. (2010). *The Law of Armed Conflict: International Humanitarian Law in War*. New York, NY: Cambridge University Press.

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Spiers, E. M. (2010). *A History of Chemical and Biological Weapons*. Chicago, IL: Reaktion Books.
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Thakur, R. & E. Haru. (2006). *The Chemical Weapons Convention: Implementation, Challenges, and Opportunities*. Hong Kong: United Nations University Press.
Considered to be the most complex and comprehensive arms control treaty, the Chemical Weapons Convention (CWC) is examined in-depth by renowned scholar Ramesh Thakur. The book examines the versatility of the treaty to adapt to the dynamic international security climate and developing technology. The work of the OPCW will need to adapt to future challenges that are outlined in this book, which also includes possible approaches for the continued success of the CWC.

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The history of chemical warfare from World War I to the present is chronicled in this book authored by Jonathan Tucker, a leading chemical and biological weapons expert. Tucker reviews the development of the military use of chemical weapons. The book also includes discussion highlighting the morality of using chemical weapons in warfare. Moving beyond history to the twenty-first century, War of Nerves winds up with a look at the emergence of chemical terrorism in light of the sarin gas attack on the Tokyo Subway.

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Rules of Procedure of the Organisation for the Prohibition of Chemical Weapons (OPCW)

Introduction

1. These rules shall be the only rules which apply to the Conference of the States Parties of the Organisation for the Prohibition of Chemical Weapons (hereinafter referred to as “the Committee”) and shall be considered adopted by the Committee prior to its first meeting.
2. For purposes of these rules, the Director, the Assistant Director(s), the Under-Secretaries-General, and the Assistant Secretaries-General, are designates and agents of the Secretary-General and Deputy Secretary-General, and are collectively referred to as the “Secretariat.”
3. Interpretation of the rules shall be reserved exclusively to the Deputy Secretary-General or her/his designate. Such interpretation shall be in accordance with the philosophy and principles of the National Model United Nations (NMUN) and in furtherance of the educational mission of that organization.
4. For the purposes of these rules, “President” shall refer to the chairperson or acting chairperson of the Committee, which can be any member of the Secretariat or their designate.
5. The practice of striving for consensus in decision-making shall be encouraged. NMUN also acknowledges it may sometimes be necessary for a Member State to abstain or vote against a resolution it cannot support for policy reasons.

I. SESSIONS

Rule 1 - *Dates of convening and adjournment*

The Committee shall meet every year in regular session, commencing and closing on the dates designated by the Secretary-General.

Rule 2 - *Place of sessions*

The Committee shall meet at a location designated by the Secretary-General.

II. AGENDA

Rule 3 - *Provisional agenda*

The provisional agenda shall be drawn up by the Deputy Secretary-General and communicated to the members of the Committee at least sixty days before the opening of the session.

Rule 4 - *Adoption of the agenda*

The agenda provided by the Deputy Secretary-General shall be considered adopted as of the beginning of the session. The order of the agenda items shall be determined by a majority vote of those present and voting.

The vote described in this rule is a procedural vote and, as such, observers are permitted to cast a vote. For purposes of this rule, those present and voting means those Member States and observers, in attendance at the meeting during which this motion comes to a vote. Should the Committee not reach a decision by conclusion of the first night’s meeting, the agenda will be automatically set in the order in which it was first communicated.

Rule 5 - Revision of the agenda

During a session, the Committee may revise the agenda by adding, deleting, deferring or amending items. Only important and urgent items shall be added to the agenda during a session. Debate on the inclusion of an item in the agenda shall be limited to three speakers in favor of, and three against, the inclusion. Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of a session, may be placed on the agenda if the Committee so decides by a two-thirds majority of the members present and voting. No additional item may, unless the Committee decides otherwise by a two-thirds majority of the members present and voting, be considered until a commission has reported on the question concerned.

For purposes of this rule, the determination of an item of an important and urgent character is subject to the discretion of the Deputy Secretary-General, or his or her designate, and any such determination is final. If an item is determined to be of such a character, then it requires a two-thirds vote of the Committee to be placed on the agenda. The votes described in this rule are substantive votes, and, as such, observers are not permitted to cast a vote. For purposes of this rule, —the members “present and voting” — means members (not including observers) in attendance at the session during which this motion comes to vote.

Rule 6 - Explanatory memorandum

Any item proposed for inclusion in the agenda shall be accompanied by an explanatory memorandum and, if possible, by basic documents.

III. SECRETARIAT

Rule 7 - Duties of the Secretary-General

1. The Secretary-General or her/his designate shall act in this capacity in all meetings of the Committee.
2. The Secretary-General, in cooperation with the Deputy Secretary-General, shall provide and direct the staff required by the Committee and be responsible for all the arrangements that may be necessary for its meetings.

Rule 8 - Duties of the Secretariat

The Secretariat shall receive and distribute documents of the Commission to the Members, and generally perform all other work which the Committee may require.

Rule 9 - Statements by the Secretariat

The Secretary-General or her/his designate, may make oral as well as written statements to the Committee concerning any question under consideration.

Rule 10 - Selection of the President

The Secretary-General or her/his designate shall appoint, from applications received by the Secretariat, a President who shall hold office and, *inter alia*, chair the Committee for the duration of the session, unless otherwise decided by the Secretary-General.

Rule 11 - Replacement of the President

If the President is unable to perform her/his functions, a new President shall be appointed for the unexpired term at the discretion of the Secretary-General or her/his designate.

IV. LANGUAGE

Rule 12 - Official and working language

English shall be the official and working language of the Committee during scheduled sessions (both formal and informal) of the Committee.

Rule 13 - Interpretation (oral) or translation (written)

Any representative wishing to address any body or submit a document in a language other than English shall provide interpretation or translation into English.

This rule does not affect the total speaking time allotted to those representatives wishing to address the body in a language other than English. As such, both the speech and the interpretation must be within the set time limit. The language should be the official language of the country you are representing at NMUN.

V. CONDUCT OF BUSINESS

Rule 14 - Quorum

The President may declare a meeting open and permit debate to proceed when representatives of at least one-third of the members of the Committee are present. The presence of representatives of a majority of the members of the Committee shall be required for any decision to be taken.

For purposes of this rule, members of the Committee means the total number of members (not including observers) in attendance at the first night's meeting (session).

Rule 15 - General powers of the President

In addition to exercising the powers conferred upon him or her elsewhere by these rules, the President shall declare the opening and closing of each meeting of the Committee, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to vote and announce decisions. The President, subject to these rules, shall have complete control of the proceedings of the Committee and over the maintenance of order at its meetings. He or she shall rule on points of order. The President may propose to the Committee the closure of the list of speakers, a limitation on the speakers time and on the number of times the representative of each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

Included in these enumerated powers is the power to assign speaking times for all speeches incidental to motions and amendment. Further, the President is to use her/his discretion, upon the advice and at the consent of the Secretariat, to determine whether to entertain a particular motion based on the philosophy and principles of the NMUN. Such discretion should be used on a limited basis and only under circumstances where it is necessary to advance the educational mission of the Conference and is limited to entertaining motions.

Rule 16 - Authority of the Committee

The President, in the exercise of her or his functions, remains under the authority of the Committee.

Rule 17 - Voting rights on procedural matters

Unless otherwise stated, all votes pertaining to the conduct of business shall require a favorable vote by the majority of the members "present and voting" in order to pass.

For purposes of this rule, the members present and voting mean those members (including observers) in attendance at the meeting during which this rule is applied. Note that observers may vote on all procedural votes; they may, however, not vote on substantive matters (see Chapter VI). Every delegation must cast a vote in procedural votes. Further, there is no possibility to abstain or pass on procedural votes

Rule 18 - Points of order

During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the members present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Such points of order should not under any circumstances interrupt the speech of a fellow representative. They should be used exclusively to correct an error in procedure. Any questions on order arising during a speech made by a representative should be raised at the conclusion of the speech, or can be addressed by the President, sua sponte (on her/his own accord), during the speech. For purposes of this rule, the members present and voting mean those members (including observers) in attendance at the meeting during which this motion comes to vote.

Rule 19 - Speeches

No representative may address the Committee without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

In line with the philosophy and principles of the NMUN, in furtherance of its educational mission, and for the purpose of facilitating debate, the Secretariat will set a time limit for all speeches which may be amended by the Committee through a vote if the President, at his or her discretion, decides to allow the Committee to decide. In no case shall the speaker's time be changed during the first scheduled session of the Committee. Consequently, motions to alter the speaker's time will not be entertained by the President. The content of speeches should be pertinent to the agenda as set by the Committee.

Rule 20 - List of Speakers

Members may only be on the list of speakers once but may be added again after having spoken. During the course of a debate, the President may announce the list of speakers and, with the consent of the Committee, declare the list closed. Once the list has been closed, it can be reopened upon by a vote of the Committee. When there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure by decision of the Committee.

The decision to announce the list of speakers is within the discretion of the President and should not be the subject of a motion by the Committee. A motion to close the speakers list or reopen (if the list has already been closed) is within the purview of the Committee and the President should not act on her/his own motion.

Rule 21 - Right of reply

If a remark impugns the integrity of a representative's State, the President may permit that representative to exercise her/his right of reply following the conclusion of the controversial speech, and shall determine an appropriate time limit for the reply. No ruling on this question shall be subject to appeal.

For purposes of this rule, a remark that impugns the integrity of a representative's State is one directed at the governing authority of that State and/or one that puts into question that State's sovereignty or a portion thereof. All interventions in the exercise of the right of reply shall be addressed in writing to the Secretariat and shall not be raised as a point of order or motion. The reply shall be read to the Committee by the representative only upon approval of the Secretariat, and in no case after voting has concluded on all matters relating to the agenda topic, during the discussion of which, the right arose. The right of reply will not be approved should it impugn the integrity of another State.

Rule 22 - Suspension of the meeting

During the discussion of any matter, a representative may move the suspension of the meeting, specifying a time for reconvening. Such motions shall not be debated but shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass. Delegates should not state a purpose for the suspension.

This motion should be used to suspend the meeting for lunch or at the end of the scheduled Board session time. Delegates should properly phrase this motion as "suspension of the meeting," and provide a length of time when making the motion.

Rule 23 - Adjournment of the meeting

During the discussion of any matter, a representative may move to the adjournment of the meeting. Such motions shall not be debated but shall be put to the vote immediately, requiring the support of a majority of the members present and voting to pass. After adjournment, the Committee shall reconvene at its next regularly scheduled meeting time.

As this motion, if successful, would end the meeting until the Committee's next regularly scheduled session the following year, and in accordance with the philosophy and principles of the NMUN and in furtherance of its educational mission, the President will not entertain such a motion until the end of the last meeting of the Committee.

Rule 24 - Adjournment of debate

During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. Two representatives may speak in favor of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Rule 25 - Closure of debate

A representative may at any time move the closure of debate on the item under discussion, whether or not any other representative has signified her/his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall be put to the vote immediately. Closure of debate shall require a two-thirds majority of the members present and voting. If the Committee favors the closure of debate, the Committee shall immediately move to vote on all proposals introduced under that agenda item.

Rule 26 - Order of motions

Subject to Rule 18, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

1. To suspend the meeting;
2. To adjourn the meeting;
3. To adjourn the debate on the item under discussion;
4. To close the debate on the item under discussion.

Rule 27 - Proposals and amendments

Proposals and amendments shall normally be submitted in writing to the Secretariat. Any proposal or amendment that relates to the substance of any matter under discussion shall require the signature of twenty percent of the members of the Committee [sponsors].

The Secretariat may, at its discretion, approve the proposal or amendment for circulation among the delegations. As a general rule, no proposal shall be put to the vote at any meeting of the Committee unless copies of it have been

circulated to all delegations. The President may, however, permit the discussion and consideration of amendments or of motions as to procedure, even though such amendments and motions have not been circulated.

If the sponsors agree to the adoption of a proposed amendment, the proposal shall be modified accordingly and no vote shall be taken on the proposed amendment. A document modified in this manner shall be considered as the proposal pending before the Committee for all purposes, including subsequent amendments.

For purposes of this rule, all proposals shall be in the form of working papers prior to their approval by the Secretariat. Working papers will not be copied, or in any other way distributed, to the Committee by the Secretariat. The distribution of such working papers is solely the responsibility of the sponsors of the working papers. Along these lines, and in furtherance of the philosophy and principles of the NMUN and for the purpose of advancing its educational mission, representatives should not directly refer to the substance of a working paper that has not yet been accepted as a draft resolution during formal speeches. After approval of a working paper, the proposal becomes a draft resolution and will be copied by the Secretariat for distribution to the Committee. These draft resolutions are the collective property of the Committee and, as such, the names of the original sponsors will be removed. The copying and distribution of amendments is at the discretion of the Secretariat, but the substance of all such amendments will be made available to all representatives in some form. Should delegates wish to withdraw a working paper or draft resolution from consideration, this requires the consent of all sponsors.

Rule 28 - Withdrawal of motions

A motion may be withdrawn by its proposer at any time before voting has commenced, provided that the motion has not been amended. A motion thus withdrawn may be reintroduced by any member.

Rule 29 - Reconsideration of a topic

When a topic has been adjourned, it may not be reconsidered at the same session unless the Committee, by a two-thirds majority of those present and voting, so decides. Reconsideration can only be moved by a representative who voted on the prevailing side of the original motion to adjourn. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put to the vote immediately. The President may limit the time to be allowed to speakers under this rule.

Rule 30 - Invitation to silent prayer or meditation

Immediately after the opening of the meeting and immediately preceding the closing of the final meeting, the President shall invite the representatives to observe one minute of silence dedicated to prayer or meditation with the motion to do so by a representative.

VI. VOTING

Rule 31 - Voting rights

Each member of the Committee shall have one vote.

This rule applies to substantive voting on amendments, draft resolutions, and portions of draft resolutions divided out by motion. As such, all references to member(s) do not include observers, who are not permitted to cast votes on substantive matters.

Rule 32 - Request for a vote

A proposal or motion before the Committee for decision shall be voted upon if any member so requests. Where no member requests a vote, the Committee may adopt proposals or motions without a vote.

For purposes of this rule, proposal means any draft resolution, an amendment thereto, or a portion of a draft resolution divided out by motion. Just prior to a vote on a particular proposal or motion, the President may ask if there are any objections to passing the proposal or motion by acclamation, or a

member may move to accept the proposal or motion by acclamation. If there are no objections to the proposal or motion, then it is adopted without a vote. Adoption by “acclamation” or “without a vote” is consistent not only with the educational mission of the conference but also the way in which the United Nations adopts a majority of its proposals.

Rule 32 - Consensus required

1. Decisions on matters of substance should be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the President shall defer any vote for 10 minutes and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of this period, the Conference shall take the decision by a two-thirds majority of the Members present and voting unless specified otherwise in the Convention.
2. For the purpose of tabulation, the phrase “members present and voting” means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

All members declaring their representative States as “present and voting” during the attendance roll call for the meeting during which the substantive voting occurs, must cast an affirmative or negative vote, and cannot abstain on substantive votes. In the case where the deferment period shall cause a meeting to run past its allotted time, the President has discretion to not call for the period and move immediately to a vote.

Rule 33 - Method of voting

1. The Committee shall normally vote by a show of placards, except that a representative may request a roll-call, which shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is randomly selected by the President. The name of each member shall be called in any roll-call, and one of its representatives shall reply “yes,” “no,” “abstention,” or “pass.”

Only those members who designate themselves as present or present and voting during the attendance roll-call, or in some other manner communicate their attendance to the President and/or Secretariat, are permitted to vote and, as such, no others will be called during a roll-call vote. Any representatives replying pass must, when requested a second time, respond with either a yes or no vote. A pass cannot be followed by a second pass for the same proposal or amendment, nor can it be followed by an abstention on that same proposal or amendment.

2. When the Committee votes by mechanical means, a non-recorded vote shall replace a vote by show of placards and a recorded vote shall replace a roll-call vote. A representative may request a recorded vote. In the case of a recorded vote, the Committee shall dispense with the procedure of calling out the names of the members.
3. The vote of each member participating in a roll-call or a recorded vote shall be inserted in the record.

Rule 34 - Explanations of vote

Representatives may make brief statements consisting solely of explanation of their votes after the voting has been completed. The representatives of a member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended, and the member has voted against the proposal or motion.

All explanations of vote must be submitted to the President in writing before debate on the topic is closed, except where the representative is of a member sponsoring the proposal, as described in the second clause, in which case the explanation of vote must be submitted to the President in writing immediately after voting on the topic ends. Only delegates who are sponsors of a draft resolution that has been adopted with an unfriendly amendment, whom subsequently voted against the draft resolution may explain their vote.

Rule 35 - Conduct during voting

After the President has announced the commencement of voting, no representatives shall interrupt the voting except on a point of order in connection with the actual process of voting.

For purposes of this rule, there shall be no communication among delegates, and if any delegate leaves the committee room during voting procedure, they will not be allowed back into the room until the Committee has convened voting procedure. Should a delegate who is also serving as Head Delegate leave the room, they may reenter but they may not retake their seat and participate in the vote.

Rule 36 - Division of proposals and amendments

Immediately before a proposal or amendment comes to a vote, a representative may move that parts of a proposal or of an amendment should be voted on separately. If there are calls for multiple divisions, those shall be voted upon in an order to be set by the President where the most radical division will be voted upon first. If an objection is made to the motion for division, the request for division shall be voted upon, requiring the support of a majority of those present and voting to pass. Permission to speak on the motion for division shall be given only to two speakers in favor and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are approved shall then be put to a vote. If all operative parts of the proposal or of the amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

For purposes of this rule, most radical division means the division that will remove the greatest substance from the draft resolution, but not necessarily the one that will remove the most words or clauses. The determination of which division is most radical is subject to the discretion of the Secretariat, and any such determination is final.

Rule 37 - Amendments

An amendment is a proposal that does no more than add to, delete from, or revise part of another proposal. Permission to speak on the amendment shall be given only to two speakers in favor and two speakers against.

An amendment can add, amend, or delete entire operative clauses, but cannot in any manner add, amend, delete, or otherwise affect preambular clauses or sub-clauses of operative clauses. The President may limit the time to be allowed to speakers under this rule. These speeches are substantive in nature.

Rule 38 - Voting on amendments

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed there from, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

For purposes of this rule, furthest removed in substance means the amendment that will have the most significant impact on the draft resolution. The determination of which amendment is furthest removed in substance is subject to the discretion of the Secretariat, and any such determination is final.

Rule 39 - Order of voting on proposals

If two or more proposals, other than amendments, relate to the same question, they shall, unless the Committee decides otherwise, be voted on in the order in which they were submitted.

Rule 40 - The President shall not vote

The President shall not vote but may designate another member of her/his delegation to vote in her/his place.

VII. CREDENTIALS

Rule 41 - Credentials

The credentials of representatives and the names of members of a delegation shall be submitted to the Secretary-General prior to the opening of a session.

Rule 42 - Authority of the General Assembly

The Committee shall be bound by the actions of the General Assembly in all credentials matters and shall take no action regarding the credentials of any member.

VII. PARTICIPATION OF NON-MEMBERS OF THE BOARD

Rule 43 - Participation of non-Member States

The Committee shall invite any Member of the United Nations that is not a member of the Committee and any other State, to participate in its deliberations on any matter of particular concern to that State.

A sub-Board or sessional body of the Committee shall invite any State that is not one of its own members to participate in its deliberations on any matter of particular concern to that State. A State thus invited shall not have the right to vote, but may submit proposals which may be put to the vote on request of any member of the body concerned.

If the Committee considers that the presence of a Member invited, according to this rule, is no longer necessary, it may withdraw the invitation. Delegates invited to the Committee according to this rule should also keep in mind their role and obligations in the Committee that they were originally assigned to. For educational purposes of the NMUN Conference, the Secretariat may thus ask a delegate to return to his or her Board when his or her presence in the Committee is no longer required. Delegates may request the presence of a non-member of their Board simply by informing the President that this is the desire of the body, there is no formal procedural process.

Rule 44 - Participation of national liberation movements

The Committee may invite any national liberation movement recognized by Board to participate, without the right to vote, in its deliberations on any matter of particular concern to that movement.

National liberation movements are only represented at NMUN in two ways: (1) if their delegation has been assigned explicitly the national liberation movement itself; or (2) should the Security Commission wish to hear from a representative of the movement in their deliberations, the Secretariat shall provide the appropriate representative.

Rule 45 - Participation of and consultation with specialized agencies

In accordance with the agreements concluded between the United Nations and the specialized agencies, the specialized agencies shall be entitled: a) To be represented at meetings of the Committee and its subsidiary organs; b) To participate, without the right to vote, through their representatives, in deliberations with respect to items of concern to them and to submit proposals regarding such items, which may be put to the vote at the request of any member of the Committee or of the subsidiary organ concerned.

NMUN does not assign delegations to Specialized Agencies.

Rule 46 - Participation of non-governmental organization and intergovernmental organizations

Representatives of non-governmental organizations/intergovernmental organizations accorded consultative observer status by the Economic and Social Council and other non-governmental organizations/intergovernmental organizations designated on an ad hoc or a continuing basis by the Committee on the recommendation of the

Bureau, may participate, with the procedural right to vote, but not the substantive right to vote, in the deliberations of the Committee on questions within the scope of the activities of the organizations.

NMUN will assign delegations an NGO instead of a Member State upon request.