

**Chemical Weapons Convention Bill 2012**

**SECOND READING SPEECH**

Hon Dr Kieren Keke MP

10 October 2012

Mr Deputy Speaker,

It gives me great pleasure to introduce to the House today a Bill for an Act that gives effect in Nauru to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (done at Paris on 13 January 1993). Nauru ratified the Convention on 12 November 2001.

This Bill will ensure that Nauru complies with its treaty obligations to enact legislation giving effect to the Convention.

The Convention prohibits all development, production, acquisition, stockpiling, transfer, and use of chemical weapons. It requires each State Party to destroy chemical weapons and chemical weapons production facilities it possesses, as well as any chemical weapons it may have abandoned on the territory of another State Party. The verification provisions of the Convention not only affect the military sector but also the civilian chemical industry, worldwide, through certain restrictions and obligations regarding the production, processing and consumption of chemicals that are considered relevant to the objectives of the Convention. They will be verified through a combination of reporting requirements, routine on-site inspections of declared sites and short-notice challenge inspections. The Convention contains provisions on assistance in case a State Party is attacked or threatened with attack by chemical weapons. It also contains provisions on promoting the trade in chemicals and related equipment and international cooperation among States Parties in chemical activities not prohibited by the Convention.

Mr Deputy Speaker, I will give some background to the Convention drawn from the website of the Organisation for the Prohibition of Chemical Weapons established under the Convention.

For as long as chemicals have been used as a means of warfare, efforts to curtail such use have been undertaken internationally. The first international agreement limiting the use of chemical weapons dates back to 1675, when France and Germany came to an agreement, signed in Strasbourg, prohibiting the use of poison bullets.

Almost exactly 200 years later, in 1874, the next treaty or agreement of this sort was concluded: the Brussels Convention on the Law and Customs of War. The Brussels Convention prohibited the employment of poison or poisoned weapons, and the use of arms, projectiles or material to cause unnecessary suffering. Before the turn of the century, a third agreement came into being; an international peace conference held in The Hague in 1899 led to the signing of an agreement that prohibited the use of projectiles filled with poison gas.

In the wake of World War I, during which the world witnessed the horrors of large-scale chemical warfare, international efforts to ban the use of chemical weapons and prevent such suffering from being inflicted again, on soldiers and civilians, intensified. The result of this renewed global commitment was the 1925 Geneva Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and Bacteriological Methods of Warfare. The Geneva Protocol does not, however, prohibit the development, production or possession of chemical weapons. It only bans the use of chemical and bacteriological (biological) weapons in war. Furthermore, many countries signed the Protocol with reservations permitting them to use chemical weapons against countries that had not joined the Protocol or to respond in kind if attacked with chemical weapons. Since the Geneva Protocol has been in force, some of these States Parties have dropped their reservations and accepted an absolute ban on the use of chemical and biological weapons.

In 1971 the Eighteen Nations Disarmament Committee (ENDC) (later to become the Conference on Disarmament) completed negotiations on the text of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons, commonly referred to as the Biological Weapons Convention or BWC. In conjunction with the 1925 Geneva Protocol, it banned its States Parties from developing, producing, or possessing biological weapons, but contained no mechanism to verify the compliance of States Parties with these prohibitions. Included within the BWC was the stipulation that countries commit themselves to the negotiation of an international treaty banning chemical weapons.

Beginning in 1986, the global chemical industry actively participated in these negotiations.

Unlike the BWC, the negotiators of a chemical weapons ban reached an understanding that this ban would be subject to international verification. To this end, trial inspections of both industrial and military facilities were undertaken, starting in late 1988.

On 3 September 1992 the ad hoc committee submitted to the Conference on Disarmament the agreed text of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons, and on Their Destruction, now commonly referred to as the Chemical Weapons Convention or CWC. The Chemical Weapons Convention was opened for signature in Paris on 13 January 1993 and it was subsequently deposited with the United Nations Secretary-General in New York.

According to the terms of the Convention, the CWC would enter into force 180 days after the 65th country ratified the treaty. To prepare for the treaty's entry into force and the implementation of the verification regime, a Preparatory Commission (PrepCom) was established in 1993. Its mission was to lay the groundwork for the establishment of the permanent implementing body for the CWC: the Organisation for the Prohibition of Chemical Weapons or OPCW. The PrepCom was housed in The Hague, which became the host city of the OPCW as well. In addition to preparing the Convention's implementation guidance, another of the PrepCom's most important tasks was training 200 inspectors to conduct inspections worldwide of both military and industrial sites in order to verify compliance with the Convention.

Hungary was the 65th country to ratify the Convention, in late 1996, and on 29 April 1997 the Chemical Weapons Convention entered into force with 87 States Parties—becoming binding international law. (An additional 22 countries had ratified the treaty in the 180 days between Hungary's ratification and entry into force.)

With the entry into force of the Convention, the OPCW immediately began its work to implement the Convention. Both the Convention and its implementing body are intended to adapt not only to shifts in the international environment and the changing needs of States Parties, but also to respond to the rapid pace of scientific and technological developments.

Every five years, the Convention foresees that the States Parties should undertake a review of the implementation process. These review conferences serve as vehicles for the assessment and evaluation of the CWC's implementation, and the identification of areas where change is needed. A particular focus is given to the verification regime and the changing context within which it is implemented as well as scientific and technological advances in chemistry, engineering and biotechnology.

The penalties in Part 4 are of the highest order (\$1 million or imprisonment for life) because the offences relate to warfare and its most despicable aspects.

The explanatory memorandum describes in detail each provision of the Bill and gives an overview of the Convention and the chemicals that are controlled.

Mr Deputy Speaker, I commend the Bill to the House.