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## Italy and the Chemical Weapons Convention

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### Introduction

This paper suggests that the Italian government should continue to support the mandate of the *Chemical Weapons Convention* (CWC). After a brief introduction on the Convention, I discuss the legal and historical reasons why the Italian government should support the promotion of the Convention. Subsequently, I propose an amendment to the CWC that Rome should work for. I argue that the Italian government should not only apply the CWC's regulations to its own territory but assist other countries in implementing and spreading the Convention's regulations as well. Furthermore, this paper addresses some past instances showing Italy's commitment to the mission of the CWC.

### Background

The *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, commonly known as *Chemical Weapons Convention*, constitutes the first multilateral framework designed for the elimination of chemical weapons, categorized under weapons of mass destruction.<sup>①</sup> Precisely, the Convention seeks to ban “the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by States Parties.”<sup>②</sup> Accordingly, the objectives of the CWC include (1) setting a transparent system to check the abolition of chemical weapons, (2) preventing its recovery, (3) offering protection, and (4) promoting peaceful cooperation on the use of chemistry.<sup>③</sup>

The negotiations for the CWC began in 1980 at the United Nations Conference on Disarmament.<sup>④</sup> The initiative started collecting signatures on January 13, 1993<sup>⑤</sup> and entered into force on April 29, 1997, with the establishment of the Preparatory Commission for the *Organization for the Prohibition of Chemical*

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① Arms Control Association, “Chemical Weapons Convention (CWC),” *Arms Control Association*, <https://www.armscontrol.org/treaties/chemical-weapons-convention> (accessed April 28, 2021).

② Organization for the Prohibition of Chemical Weapons, “Chemical Weapons Convention,” *OPCW*, <https://www.opcw.org/chemical-weapons-convention> (accessed April 28, 2021).

③ Arms Control Association, “Chemical Weapons Convention (CWC).”

④ Daryl G. Kimball, “The Chemical Weapons Convention (CWC) at a Glance,” *Arms Control Association*, April 2020, <https://www.armscontrol.org/factsheets/cwvglance> (accessed April 28, 2021).

⑤ Arms Control Association, “Chemical Weapons Convention (CWC).”

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*Weapons* (OPCW). The OPCW administers the implementation of the CWC and has its headquarters in The Hague, The Netherlands.<sup>①</sup>

In order to guarantee compliance, on one side, the OPCW monitors the members' chemical facilities and activities.<sup>②</sup> On the other side, states-parties are obliged to declare the presence of "chemical industry facilities, which produce or use chemicals of concern to the convention."<sup>③</sup> Additionally, states-parties are legally bound to chemically disarm, by eliminating all stockpiles of chemical weapons that they possess and the facilities responsible of their production, together with any chemical weapons left on other states-parties' territories.<sup>④</sup>

According to the Convention, the chemicals are categorized into three schedules, arranged in order of their degree of risk. Schedule 1 includes chemicals posing a "high risk" (e.g., VX and sarin), which states-parties are prohibited from keeping unless they are used in limited quantities "for research, medical, pharmaceutical, or defensive"<sup>⑤</sup> purposes. Schedule 2 comprises chemicals posing a "significant risk" (e.g., phosgene), which are produced in limited quantities for commercial or similar peaceful uses. Schedule 3 encompasses chemicals "produced in large quantities for purposes not prohibited by the CWC, but still pose a risk to the convention."<sup>⑥</sup>

Today, the CWC is ratified by 193 states and "open to all nations."<sup>⑦</sup> Some special cases include Israel, who signed but has not ratified the Convention yet. Egypt, South Sudan, and the Democratic People's Republic of Korea are some examples of countries which have neither signed nor ratified the Convention.<sup>⑧</sup> Moreover, 98% of the chemical weapons stockpiles owned by states-parties have been destroyed and 98% of the global population is protected under the Convention.<sup>⑨</sup>

To conclude, the case of the CWC represents a successful implementation of a treaty, which includes all the core principles of disarmament treaties: non-discrimination, universality, and verifiability. To sum up, the CWC should be considered as a reference model for other disarmament and arms control agreements (i.e., nuclear and biological weapons).<sup>⑩</sup>

### **Rational Analysis: Benefits and Costs of the CWC for Italy**

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① Kimball, "The Chemical Weapons Convention (CWC) at a Glance."

② Ibid.

③ Ibid.

④ Organization for the Prohibition of Chemical Weapons, "Chemical Weapons Convention."

⑤ Kimball, "The Chemical Weapons Convention (CWC) at a Glance."

⑥ Ibid.

⑦ Ibid.

⑧ Organization for the Prohibition of Chemical Weapons, "OPCW by the Numbers," *OPCW*, <https://www.opcw.org/media-centre/opcw-numbers> (accessed April 28, 2021).

⑨ Ibid.

⑩ Giovanni Gasparini and Natalino Ronzitti, *The Tenth Anniversary of the CWC's Entry Into Force: Achievements and Problems* (Rome: Istituto Affari Internazionali, 2007), 5.

On one side, Italy can benefit greatly from being a member of the CWC for two main reasons: (1) contribute to the ban of chemical weapons for a safer world and (2) have the OPCW as a supervising entity. On the other side, Italy may encounter some costs while being part of the CWC: (1) financial costs and (2) ecological costs.

First, the most important benefit is also the top priority for the CWC: the elimination of chemical weapons. Until 2012, Italy still had some chemical remnants from World War II scattered across the country.<sup>①</sup> Therefore, having an international legal framework like the CWC helps the tracking and elimination of abandoned chemical waste on its national territory.

Second, an additional benefit is the presence of the OPCW acting as an impartial and regulatory authority. A special trait of the CWC is the inclusion of a “challenge inspection.” Namely, whenever a state-party suspects transgressions from another member, it can ask for an inspection. Following this procedure, any state-party can be subject to mandatory inspections, which are rightfully conducted regardless of time and place.<sup>②</sup> In addition, the OPCW is entitled to suggest “collective punitive measures” to states-parties, in case these are “found to have engaged in prohibited actions that could result in serious damage to the convention.”<sup>③</sup> In more severe cases, the OPCW can report the case to the UN Security Council and General Assembly. On their side, the states-parties are obliged to address the issues related to their compliance with the CWC raised by the OPCW. Otherwise, the OPCW can limit or suspend their benefits within the CWC (i.e., trade and voting rights).<sup>④</sup> Put briefly, the Italian membership in the CWC guarantees the presence of an objective apparatus for monitoring, ensuring that every state-party is legally bound to follow its regulations.

Third, as mentioned in the previous section, being a member of the CWC comes with responsibilities. Some of these include tracking and reporting chemical facilities and activities, which could be costly especially in the late 1990s-early 2000s when technology was not as advanced as it is today. Yet, regardless of the economic costs, it is acknowledged that following the protocols of the CWC had to be done as soon as possible, to limit further collateral damages.

Fourth, ecological costs are attached to the elimination of chemical weapons. One symbolic example of this case took place in January 2014. Following a sarin gas attack on August 21, 2013, which caused hundreds of fatalities in the outskirts of Damascus, an international agreement was proposed to transfer some deadly nerve agent components from Syria’s chemical weapons arsenal (including sarin and VX nerve

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① Giorgio Zampetti and Stefano Ciafani, “Armi chimiche: un’eredità ancora pericolosa,” *Legambiente*, February 21, 2012. [https://www.legambiente.it/sites/default/files/docs/dossier\\_armichimiche\\_1.pdf](https://www.legambiente.it/sites/default/files/docs/dossier_armichimiche_1.pdf) (accessed June 18, 2021).

② Organization for the Prohibition of Chemical Weapons, “Chemical Weapons Convention.”

③ Ibid.

④ Ibid.

agent, which are part of Schedule 1) to the port of Gioia Tauro in Southern Italy.<sup>①</sup> While the Italian government reassured that this port regularly dealt with the elimination of thousands of tons of dangerous chemicals each year, the operation met opposition from local residents who were concerned about environmental and health risks.<sup>②</sup> Finally, while some costs do exist, benefits of the CWC's membership outweigh the potential downsides.

### Further Suggestions

For over four decades, Italy has been supporting the mission of the CWC and the OPCW. For instance, in September 2020 the Italian government reiterated its position, condemning the use of chemical weapons in Syria.<sup>③</sup> The analysis of costs and benefits indicates that Italy should stay a member of the CWC. Furthermore, I argue that Italy should continue to support the CWC, not only for legal reasons but also for ethical ones. Namely, Italy has had a history of engaging in chemical warfare. In 1928, phosgene gas was used to repress local rebel groups in Libya.<sup>④</sup> In 1935, mustard gas was used in Ethiopia.<sup>⑤</sup> Interestingly, Italy officially admitted its engagement in chemical warfare in Ethiopia only in 1996.<sup>⑥</sup> Hence, the OPCW has a meaningful mission to hold states accountable not only for their current chemical facilities but also for their past conduct.

In addition, while the CWC guarantees compliance among states-parties considering their national situation, the Italian government should revise its position and make sure that the CWC is also implemented abroad following humanitarian crises. One example, in recent years, is the use of chemical weapons against civilians during the civil war in Syria. In this regard, Italy has already joined the *International Partnership against Impunity for the Use of Chemical Weapons*.<sup>⑦</sup> All things considered, the Italian government should further contribute to preventing these tragic events from ever happening again.

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① Naomi O'Leary, "Italy seeks to calm fears over Syrian chemical weapons transfer," *Reuters*, January 21, 2014. <https://www.reuters.com/article/us-syria-crisis-italy-chemicals/italy-seeks-to-calm-fears-over-syrian-chemical-weapons-transfer-idUKBREA0K19W20140121> (accessed June 18, 2021).

② Ibid.

③ ONU Italia, "Syria: Italy, supports the OPCW work, technical expertise," *Onu Italia*, September 29, 2020. <https://www.onuitalia.com/syria-italy-supports-opcw-work-technical-expertise/> (accessed June 18, 2021).

④ Agenzia Giornalistica Italia, "Vietate da sempre, usate da sempre. Storia delle armi chimiche," *Agenzia Giornalistica Italia*. May 4, 2017. [https://www.agi.it/estero/vietate\\_da\\_sempre\\_usate\\_da\\_sempre\\_storia\\_delle\\_armi\\_chimiche-1655546/news/2017-04-05/](https://www.agi.it/estero/vietate_da_sempre_usate_da_sempre_storia_delle_armi_chimiche-1655546/news/2017-04-05/) (accessed June 18, 2021).

⑤ Ibid.

⑥ Ibid.

⑦ ONU Italia, "Syria: Italy, supports the OPCW work, technical expertise."

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- [4] Kimball, Daryl G. “The Chemical Weapons Convention (CWC) at a Glance.” *Arms Control Association*, April 2020. <https://www.armscontrol.org/factsheets/cwcglance> (accessed April 28, 2021).
- [5] O’Leary, Naomi. “Italy seeks to calm fears over Syrian chemical weapons transfer.” *Reuters*, January 21, 2014. <https://www.reuters.com/article/us-syria-crisis-italy-chemicals/italy-seeks-to-calm-fears-over-syrian-chemical-weapons-transfer-idUKBREA0K19W20140121> (accessed June 18, 2021).
- [6] ONU Italia. “Syria: Italy, supports the OPCW work, technical expertise.” *Onu Italia*, September 29, 2020. <https://www.onuitalia.com/syria-italy-supports-opcw-work-technical-expertise/> (accessed June 18, 2021).
- [7] Organization for the Prohibition of Chemical Weapons. “Chemical Weapons Convention.” *OPCW*. <https://www.opcw.org/chemical-weapons-convention> (accessed April 28, 2021).
- [8] Organization for the Prohibition of Chemical Weapons. “OPCW by the Numbers.” *OPCW*. <https://www.opcw.org/media-centre/opcw-numbers> (accessed April 28, 2021).
- [9] Zampetti, Giorgio, and Stefano Ciafani. “Armi chimiche: un’eredita’ ancora pericolosa.” *Legambiente*, February 21, 2012. [https://www.legambiente.it/sites/default/files/docs/dossier\\_armichimiche\\_1.pdf](https://www.legambiente.it/sites/default/files/docs/dossier_armichimiche_1.pdf) (accessed June 18, 2021).
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