

III. Chemical weapons: Arms control and disarmament

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The 1993 Chemical Weapons Convention (CWC) provides the principal international legal basis for the prohibition of chemical warfare.¹ In 2018 the CWC entered into force for one new state: Palestine.² As of December 2018 there were 193 states parties to the Convention, which is implemented by the Organisation for the Prohibition of Chemical Weapons (OPCW).³

In June 2018, an international Symposium on Medical Treatment of Chemical Warfare Victims was convened at OPCW headquarters in The Hague, the Netherlands.⁴ It was attended by more than 50 scientists, clinicians, experts, academics and civil society representatives from around the world. The symposium focused on various challenges associated with providing medical assistance to victims of chemical warfare, with a special focus on the long-term effects on health and the treatment required. Participants prepared a symposium declaration, which made recommendations on how the OPCW Technical Secretariat and the International Support Network for Victims of Chemical Weapons could most usefully provide support for victims of chemical weapons (CWs).⁵

On 25 July 2018, Ambassador Fernando Arias of Spain began his four-year term as Director-General of the OPCW, having been appointed by the 2017 Conference of the States Parties (CSP). He succeeded Ambassador Ahmet Üzümcü of Turkey, who completed his second term as Director-General the day before. Ambassador Arias is the fourth Director-General of the OPCW since its establishment in 1997.

As of 15 November 2018, 56 states parties had registered with and were actively using the Secure Information Exchange (SIX) system, which was launched in June 2014 for the transmission of declarations and related documentation. In the same month, the Technical Secretariat released the 2018 edition of the Handbook on Chemicals and a new version of the Online Scheduled Chemicals Database. Both have been expanded to include the

¹ For a summary and other details of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention, CWC), see annex A, section I, in this volume.

² OPCW, Executive Council, 'Annual report on the implementation of the Action Plan for Universality of the Chemical Weapons Convention during the period from 16 August 2017 to 15 August 2018', Note by the Director General, EC.89/DG.12, C23/DG.9, 3 Sep. 2018, para. 7.

³ Israel has signed but not ratified the CWC, while Egypt, North Korea and South Sudan remain non-signatories.

⁴ OPCW, 'Symposium on medical treatment of chemical weapons victims: Challenges and hopes', Symposium programme, The Hague, 28–29 June 2018.

⁵ OPCW, 'Symposium on medical treatment of victims of chemical weapons: Challenges and hopes', News release, The Hague, 2 July 2018; and OPCW, 'International symposium on medical treatment of chemical warfare victims: challenges and hopes', Symposium declaration, The Hague, June 2018.

scheduled chemicals declared by states parties between 2014 and 2017, as well as those scheduled chemicals registered by the Chemical Abstracts Service in the same time period.⁶

OPCW developments

Throughout 2018, the agenda of the OPCW Technical Secretariat continued to be dominated by investigations of allegations of new and continuing use of CWs in Syria and elsewhere, and by attempts to confirm the completeness and correctness of Syria's declaration. Both issues exacerbated tensions between Western countries and Russia, and placed unprecedented institutional stresses on the OPCW that played out at the three main conferences held during the year—the Fourth CWC Review Conference and two sessions of the CSP, one routine and one special.

The Fourth Special Session of the Conference of the States Parties

At the request of the Permanent Representatives of Australia, Bulgaria, Canada, France, Germany, Japan, New Zealand, Poland, Romania, the United Kingdom and the United States, a special session of the CSP was held on 26–27 June.

The convening of this special session was not supported by all states parties. China, Iran, Russia, Syria and Venezuela issued a statement to the Executive Council expressing 'doubt that the requesting member-states are really concerned about fulfilling their commitments under the Convention'.⁷ Nonetheless, the special session took place with Ambassador Abdelouahab Bellouki of Morocco in the chair. The first day was held in public and the second in private.

In his opening statement to the Special Session, the Director-General noted that the meeting took place against a background of international public opinion that was 'increasingly restive, alarmed at the failure of the relevant world fora to hold those responsible accountable for their actions'.⁸ Reminding the assembled states parties that 'if accountability is avoided, the potential re-emergence and acceptance of chemicals as weapons of war and terror will not be deterred', the Director-General called on the conference to 'forge unity'.⁹

⁶ OPCW, *Handbook on Chemicals, 2018* (OPCW: The Hague, Jan. 2017).

⁷ OPCW, Executive Council, 'Joint Statement on behalf of the People's Republic of China, the Islamic Republic of Iran, the Russian Federation, the Syrian Arab Republic and the Bolivarian Republic of Venezuela', EC-M-60/NAT.1, 4 June 2018, p. 2.

⁸ OPCW, Conference of the States Parties, 'Opening Statement by the Director-General to the Conference of the States Parties at its Fourth Special Session', C-SS-4/DG.4, 26 June 2018, p. 1.

⁹ OPCW (note 8), pp. 2, 3.

Table 8.1. Votes for and against the revised draft decision ‘addressing the threat from chemical weapons’ at the Fourth Special Session of the Conference of the States Parties, 27 June 2018

For the decision (82 votes)	Against the decision (24 votes)
Albania, Andorra, Australia, Austria, Bahrain, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Cook Islands, Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guyana, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Republic of Korea, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, North Macedonia, Malawi, Malta, Mexico, Moldova, Monaco, Montenegro, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Papua New Guinea, Peru, Poland, Portugal, Qatar, Romania, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Seychelles, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, Togo, Tonga, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Vanuatu	Belarus, Bolivia, Botswana, Burundi, Cambodia, China, Eritrea, India, Iran, Kazakhstan, Laos, Myanmar, Namibia, Nicaragua, the Philippines, Russia, South Africa, Sudan, Syria, Tajikistan, Uganda, Uzbekistan, Venezuela, Viet Nam

Source: OPCW, Conference of the States Parties, Report of the Fourth Special Session of the Conference of the States Parties, C-SS-4/3, 27 June 2018, para. 3.15.

Four days before the session began, the UK submitted a revised draft decision supported by 30 other countries on ‘addressing the threat from chemical weapons use’.¹⁰ This resulted in five proposed amendments, all of which were defeated.¹¹ Burundi submitted a competing draft decision for consideration but this was subsequently withdrawn following the result of the vote on the UK-led draft decision, which was 82 in favour and 24 against with 26 abstentions (see table 8.1).¹²

¹⁰ OPCW, Conference of the States Parties, ‘Report of the Fourth Special Session of the Conference of the States Parties’, C-SS-4/3, 27 June 2018, para. 3.4. The 30 other countries that proposed draft decision C-SS-4/DEC/CRP.1/Rev.1, 22 June 2018, were: Albania, Australia, Belgium, Bulgaria, Canada, Denmark, Estonia, Finland, France, Georgia, Germany, Iceland, Ireland, Japan, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Sweden, Turkey and the USA.

¹¹ OPCW (note 10), paras. 3.6–3.10. Proposed amendments were submitted by Kazakhstan (OPCW document C-SS-4/DEC/CRP.5), Belarus (OPCW document C-SS-4/DEC/CRP.6), Venezuela (OPCW document C-SS-4/DEC/CRP.7), Iran (OPCW document C-SS-4/DEC/CRP.9) and Burundi (OPCW document C-SS-4/DEC/CRP.10). The voting record is recorded as follows: Kazakhstan amendment, 22 in favour, 76 against; Belarus amendment, 23 in favour, 78 against; Venezuela amendment, 21 in favour, 78 against; Iran amendment 19 in favour, 79 against and the Burundi amendment 23 in favour, 78 against.

¹² OPCW (note 10), para. 3.16.

The decision, which became known as ‘the June decision’, has two main parts. The first concerns Syria and empowers the OPCW to attribute responsibility for CW attacks there—both those that have already taken place and, if needed, attacks in the future. The decision also authorizes the OPCW to share its information with all relevant UN investigatory mechanisms. The second part goes beyond Syria. It mandates the Director-General to make proposals to the next sitting CSP on establishing an independent, impartial expert arrangement for identifying those responsible for the use of CWs, if requested by a state party that is investigating possible CW use on its territory. The Director-General is also empowered to enlist the assistance of external experts with relevant experience if they are required. The decision even allows for additional action by the OPCW to provide further assistance to states parties in order to help prevent the threat posed by non-state actors.

Speaking on behalf of the European Union (EU) after the decision had been adopted, Bulgaria called it a ‘welcome achievement’.¹³ However, not all the states parties concurred. Russia, for example, expressed its ‘categorical disagreement with the decision taken’, arguing that ‘only the United Nations Security Council has the prerogative to take coercive measures when it comes to States, and attribution is one of the most important elements of that competency’.¹⁴ Iran argued similarly that: ‘The Convention has not given the right or obligation of attributing the responsibility of the use of chemical weapons to the Director General or Technical Secretariat.’¹⁵ Syria gave eight reasons why it had voted against the draft decision, among which were that the decision was ‘politicized’, went beyond the provisions of the CWC, was ‘based on deceit’, and ‘was adopted under threat and intimidation by the States that have submitted it’.¹⁶

The build-up to the 23rd Conference of the States Parties

The 89th Session of the Executive Council was held on 9–12 October 2018. Its purpose, among other things, was to consider the Draft Programme and

¹³ OPCW, Conference of the States Parties, ‘Bulgaria: Statement by Judit Koromi, Chair of the Working Party on Non-Proliferation (Conop) of the Council of the European Union European External Action Service at the Fourth Special Session of the Conference of the States Parties’, C-SS-4/NAT.12, 27 June 2018, p. 2.

¹⁴ OPCW, Conference of the States Parties, ‘Russian Federation: Statement by Mr G. V. Kalamonov, Head of the Delegation of the Russian Federation, on the results of the vote on the British draft decision at the Fourth Special Session of the Conference of the States Parties’, C-SS-4/NAT.42, 27 June 2018, pp. 1–2.

¹⁵ OPCW, Conference of the States Parties, ‘Iran: Statement by HE Dr Alireza Jahangiri, Ambassador Extraordinary and Plenipotentiary to the Netherlands and Permanent Representative of the Islamic Republic of Iran to the OPCW at the Fourth Special Session of the Conference of the States Parties’, CSP-SS-4, 27 June 2018, p. 5.

¹⁶ OPCW, Conference of the States Parties, ‘Syrian Arab Republic: Statement by HE Ambassador Bassam Al-Sabbagh, Permanent Representative of the Syrian Arab Republic to the OPCW at the Fourth Special Session of the Conference of the States Parties: Explanation of Vote’, C-SS-4/NAT.19, 27 June 2018, p. 1 (items 1, 2, 5, 7).

Budget of the OPCW for 2019, which included projections on the resources required to implement the June decision.

In his opening statement to the Executive Council, the Director-General told states parties that five days before, he had been briefed by the Dutch Ministry of Foreign Affairs ‘about an action by the Netherlands Defence Intelligence and Security Service on 13 April to disrupt a cyber operation targeting the OPCW’. He assured them that the Secretariat had found ‘no evidence of information compromise’.¹⁷ Nonetheless, the Director-General advised states parties that the draft budget and programme of work included a proposal for a ‘special capital investment fund . . . to fund additional acquisitions of IT security tools and services’.¹⁸ The delegation of the Netherlands referred interested parties to a letter that the Dutch Minister of Defence had sent to the Dutch Parliament, in which she stated that on 13 April:

Russian Military Intelligence [GRU] officers had moved to a location close to the OPCW headquarters in The Hague and were making preparations to hack into OPCW networks. The officers were in possession of specialist equipment with which to intercept and manipulate Wi-Fi traffic. In order to protect the integrity of the OPCW, DISS [the Netherlands Defence Intelligence and Security Service] pre-empted the GRU cyber operation and escorted the Russian intelligence officers out of the Netherlands that same day.¹⁹

The publicly available national statements from the 89th session indicate a division among the states parties between those that explicitly referenced their concern at the news (mainly Western countries) and considered it an attack on the integrity of the OPCW and its work, and those that made no reference to the incident. For example, the OPCW public website has no comment on the issue from the Russian delegation.

On the matter of the draft budget, a similar division arose as those states parties which had opposed the June decision now opposed the corresponding lines in the budget.²⁰ According to the meeting report, a vote on the Draft Programme and Budget resulted in 27 in favour and 5 against with 8 abstentions.²¹ Consequently, the draft decision was not adopted. The report on the session also noted that a Russian draft decision on the matter of the

¹⁷ OPCW, Executive Council, ‘Opening statement by the Director-General to the Executive Council at its Eighty-ninth Session’, EC-89/DG.31, 9 Oct. 2018, para. 7.

¹⁸ OPCW (note 17), para. 8.

¹⁹ Dutch Ministry of Defence, ‘Letter to the House of Representatives on Disruption of a GRU cyber operation in The Hague’, 4 Oct. 2018.

²⁰ See e.g. OPCW, Executive Council, ‘Statement by Ambassador Dr Alireza Jahangiri, Permanent Representative of the Islamic Republic of Iran to the OPCW at the Eighty-Ninth Session of the Executive Council’, 9 Oct. 2018.

²¹ OPCW, Executive Council, ‘Report of the Eighty-ninth Session of the Executive Council’, EC-89/3, 22 Oct. 2018, para. 9.10.

budget and programme of work failed to be adopted after voting resulted in 6 in favour and 21 against with 13 abstentions.²²

On 16 October 2018, Canada, the Netherlands and the USA submitted a 'Joint Proposal by Canada, the Netherlands, and the United States of America for a Technical Change to Schedule 1 of the Annex on Chemicals to the Chemical Weapons Convention'. The proposal was communicated to all states parties on 25 October, but this communication note is not available on the public website.²³ Ambassador Kenneth Ward of the USA told the 89th Session of the Executive Council that:

This proposal is being made to ensure that the Chemical Weapons Convention specifically and concretely addresses the type of chemical warfare agent used in Salisbury and identified by the Scientific Advisory Board in its recent report. This agent and its associated families have no known use for purposes not prohibited by the Chemical Weapons Convention and should be listed as Schedule 1 chemical families.²⁴

On 7 December, the Director-General announced that a meeting of the Executive Council would be convened on 14 January 2019 to address the proposal.²⁵ In late November, the Secretariat also received five proposals to change the Annex on Chemicals from the Russian Federation.²⁶ The evaluation of these proposals by the Secretariat went into January 2019.

The 23rd Conference of the States Parties

The 23rd Session of the CSP was held against this tense backdrop, with Ambassador Bellouki of Morocco in the chair. The session was scheduled for the two days immediately before the Fourth CWC Review Conference. It was tasked, among other things, with making decisions on matters related to the Programme and Budget of the OPCW for 2019, on which no consensus had been reached in the Executive Council.²⁷

In response to the Director-General's proposals on implementation of the decision made at the Special Session, China and Russia submitted a draft decision on 'Preserving the Integrity of the Organisation for the Prohibition of Chemical Weapons' that called for an open-ended working group to be

²² OPCW (note 21), para. 9.11.

²³ Dates as reported in OPCW, Executive Council, 'Report by the Director-General, Financial, administrative, and programme and budget implications of the follow-up activities related to the adoption of the Joint Proposal under item 3 of the provisional agenda of the Sixty-second Meeting of the Executive Council', EC-M-62/DG.2, 10 Jan. 2019, para. 1.

²⁴ OPCW, Executive Council, 'United States of America: Statement by HE Ambassador Kenneth D. Ward, Permanent Representative of the United States of America to the OPCW at the Eighty-Ninth Session of the Executive Council', EC-89/NAT.10, 9 Oct. 2018, p. 4.

²⁵ OPCW, Executive Council, 'Notification of a meeting of the Executive Council', Note by the Director-General, EC-M-62/1, 7 Dec. 2018, para. 2.

²⁶ OPCW, Executive Council, 'Opening remarks by the Director-General at the Sixty-third Meeting of the Executive Council', 25 Feb. 2019.

²⁷ OPCW, Conference of the States Parties, 'Provisional Agenda for the Twenty-third Session of the Conference of the States Parties', Note by the Director-General, C-23/1, 11 July 2018.

convened by the Executive Council to review proposals on implementation of the June decision. The draft decision failed to be adopted, with 30 votes in favour, 82 against and 31 abstentions in a roll-call vote.²⁸

Three amendments to the proposed programme and budget for 2019 were proposed by Iran and Russia, which forced each of them to a vote. After each of these amendments had failed to be adopted, the Draft Programme and Budget was passed with 99 votes in favour, 27 against and 18 abstentions.²⁹ A further voting session was needed to adopt the draft decision on the establishment of a Special Fund for IT Infrastructure to Support the Implementation of C-SS-4/DEC.3 (the June decision), which was passed with 94 votes for and 26 against, with 23 abstentions.³⁰

The 23rd CSP was suspended on 20 November because it was unable to reach agreement on adoption of a final report. Just before the suspension, the USA had submitted a proposal to insert a footnote that read: ‘Some states parties do not legally recognise the “State of Palestine” as a state and therefore do not recognise it as a state party to the Chemical Weapons Convention.’³¹ The proposed new text was not well received.³² When the meeting reconvened on 29 November, the penultimate day of the Review Conference, a revised version of the final report was introduced that contained an acceptable formulation of words. In a session that lasted just 14 minutes, the revised report was introduced, considered as a whole and adopted.³³

The Fourth CWC Review Conference

Ambassador Fernando Arias began his opening statement to the Fourth CWC Review Conference, his first Review Conference as Director-General, by setting out some milestones in the OPCW’s work since the Third Review Conference in April 2013.³⁴ He highlighted: (a) conclusion of the destruction of declared CW stockpiles in Russia, as well as destruction of declared stockpiles in Syria, Libya and Iraq; (b) the ‘landmark [June] decision’ taken at the Special Session; (c) investigations into alleged CW use and the establishment of the fact-finding missions (FFMs); and (d) the OPCW winning the Nobel Peace Prize.³⁵ However, he also noted that the OPCW

²⁸ OPCW, Conference of the States Parties, ‘Report of the Twenty-third Session of the Conference of the States Parties’, C-23/5, 29 Nov. 2018, paras 8.12–8.16.

²⁹ OPCW (note 28), paras 12.1–12.5.

³⁰ OPCW (note 28), paras 15.3–15.4.

³¹ Guthrie, R., ‘The second day of the Conference of States Parties: Voting and suspension’, *CWC Review Conference Report*, no. 3, 21 Nov. 2018, p. 2.

³² Guthrie (note 31), p. 2.

³³ Guthrie, R., ‘The penultimate day of the Review Conference and closure of the CSP’, *CWC Review Conference Report*, no. 10, 30 Nov. 2018, p. 2.

³⁴ OPCW, Review Conference, ‘Opening statement by the Director-General to the Fourth Special Session of the Conference of the States Parties to review the operation of the Chemical Weapons Convention’, RC-4/DG.5, 21 Nov. 2018.

³⁵ OPCW (note 34), paras. 6, 11, 12–15, 16.

stood ‘at a crucial juncture’ and ‘must resolutely guard against breaches of the Convention’s norms’.³⁶

Continuing this theme, the UN Secretary-General’s message to the Review Conference, as conveyed by the UN High Representative for Disarmament Affairs, Izumi Nakamitsu, noted that the period since 2013 had been marked by ‘remarkable achievements as well as painful tragedy’. He described the recent use of CWs as ‘abhorrent’ and ‘unacceptable’ and a direct threat to ‘the disarmament and non-proliferation regimes’, and emphasized that the need to identify those responsible and hold them to account was ‘paramount’.³⁷

Allegations of use, investigations into alleged use and the decision by the Special Session resulted in divergent views being expressed in the General Debate, which lasted for three days. Well-rehearsed positions on the issue of investigations into alleged use were also evident in statements on related aspects. On the FFMs, for example, Russia suggested that ‘the time has come for a drastic revision of the Terms of Reference’.³⁸ Germany called the activities of FFMs ‘professional and impartial’.³⁹

However, it was in statements surrounding issues of attribution of responsibility where the most strongly divergent views were found. Supporters of the June decision considered attribution of responsibility to be within the scope of the CWC, whereas those opposed to the decision expressed the view that such attribution would require an amendment conference. For example, the UK claimed that ‘supporting OPCW attribution is not about choosing sides in big power politics, it is about restoring the global taboo against chemical weapons’.⁴⁰ The USA stated that the additional tools that the decision gives the OPCW ‘should serve as a deterrent for State and non-State actors considering the use of chemical weapons in the future’.⁴¹ In contrast, the Ambassador for Malaysia expressed his delegation’s view that ‘the decision to assign the OPCW with an attribution mandate was, for all intents and purposes, a “rushed job”’ and called the new mechanism

³⁶ OPCW (note 34), paras 17, 21.

³⁷ OPCW, ‘RC-4, Day 1, Morning, the Fourth Review Conference’, YouTube, 21 Nov. 2018.

³⁸ Russian Ministry of Foreign Affairs, ‘Statement by Georgy V. Kalamonov, Deputy Minister of Industry and Trade, Head of the Delegation of the Russian Federation, at the IV Chemical Weapons Review Conference, The Hague, 21 November’ (unofficial translation), 21 Nov. 2018, p. 5.

³⁹ OPCW, Review Conference, ‘Germany: Statement by Ambassador Rudiger Bohn, Deputy Commissioner of the Federal German Government for Disarmament and Arms Control, at the Fourth Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention’, RC-4/NAT.13, 21 Nov. 2018, p. 2.

⁴⁰ OPCW, Review Conference, ‘United Kingdom: Statement by the Right Honourable Sir Alan Duncan, Minister of State for Europe and the Americas, at the Fourth Special Session of the Conference of the States Parties to review the operation of the Chemical Weapons Convention’, RC-4/NAT.10, 22 Nov. 2018, p. 2.

⁴¹ OPCW, Review Conference, ‘United States: Statement by HE Ambassador Kenneth D. Ward, Permanent Representative of the United States of America, to the OPCW at the Fourth Special Session of the Conference of the States Parties to review the operation of the Chemical Weapons Convention’, RC-4/NAT.7, 22 Nov. 2018, p. 3.

'amorphous'.⁴² Russia called the decision 'illegitimate' and a 'destructive step with regard to the chemical disarmament and non-proliferation regime which has been evolving for decades'.⁴³

Adding to this already tense atmosphere were allegations made by the USA about the possession of CWs, including its 'longstanding concerns that Iran maintains a chemical weapons programme that it failed to declare to the OPCW' and is 'pursuing central nervous system-acting chemicals for offensive purposes'.⁴⁴ Iran used its right of reply to refute these allegations.⁴⁵

Divergence of views with regard to the June decision carried over into the second week and the meetings of the Committee of the Whole. Three groupings of states parties emerged: supporters of the June decision, opponents of the June decision and a quiet group of states that either did not have strong inclinations regarding attribution or saw no advantage in speaking out as they could not see any way of bridging the gap between the other two groupings.⁴⁶

The Committee of the Whole, with Ambassador Marcin Czepelak of Poland as chair, began its work on 26 November and reported back to the plenary on its progress in the afternoon of 28 November. During this time, the Committee of the Whole held six meetings to consider the draft provisional text produced by the chair of the Open-Ended Working Group for the Preparation of the Fourth Review Conference, Ambassador Gusti Agung Wesaka Puja of Indonesia. However, in his report back to the plenary, Ambassador Czepelak noted that:

In the afternoon, on 28 November, when the Committee was approaching the end-point of its proceedings, it became clear that no consensus could be reached on all paragraphs of the draft provisional text within the limited time given to us. While a substantial number of paragraphs were agreed ad referendum in the Committee, there are still outstanding issues, on which fundamental divergence of views continue to exist.⁴⁷

⁴² OPCW, Review Conference, 'Malaysia: Statement by HE Ambassador Ahmad Nazri Yusof, Permanent Representative of Malaysia to the OPCW, at the Fourth Special Session of the Conference of the States Parties to review the operation of the Chemical Weapons Convention', RC-4/NAT.34, 22 Nov. 2018, p. 2.

⁴³ Russian Ministry of Foreign Affairs (note 38), p. 2.

⁴⁴ OPCW, RC-4/NAT.7 (note 41).

⁴⁵ OPCW, Review Conference, 'Iran: Statement by the Delegation of the Islamic Republic of Iran in response to the statement delivered by the Delegation of the United States of America at the Fourth Special Session of the Conference of the States Parties to review the operation of the Chemical Weapons Convention', RC-4/NAT.59, 26 Nov. 2018.

⁴⁶ Guthrie, R., 'The sixth day: A committee of the whole or a committee of three parts?', *CWC Review Conference Report*, no. 9, 29 Nov. 2018, p. 1.

⁴⁷ OPCW, Review Conference, 'Statement by the Chairperson of the Committee of the Whole HE Ambassador Marcin Czepelak of Poland at the Fourth Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention', RC-4/CoW.2, 28 Nov. 2018, p. 2.

With the Committee of the Whole unable to achieve a consensus draft text, Ambassador Agustín Vásquez Gómez of El Salvador, Chair of the Review Conference, began a series of informal consultations. A new text, in the name of the chair, was introduced the day before the Review Conference was due to conclude. During that session Ambassador Gómez highlighted some areas where text had been added, such as that ‘the instances of use since the last Review Conference as continuing to be subject to debate and contention’.⁴⁸ Other areas included in the chair’s report were central nervous system-acting chemicals, sea-dumped CWs and references to highlight the valuable contribution that civil society organizations make to the OPCW.⁴⁹ In the report of the General Committee the following day, it was confirmed that overnight consultations had made it clear that there would be no consensus on a final report from the Conference as the differences in the positions held by the delegations were too great.⁵⁰ The chair’s report issued the day before was then issued under rule 50 of the Rules of Procedure.⁵¹

Many states parties expressed their regret at the inability of the Review Conference to reach consensus, and this was reflected in the introduction of two joint declarations: one by France on behalf of 57 states and one by Russia on behalf of 26 states. The French-led declaration stated that the ‘re-emergence of the use of chemical weapons is the most alarming development we face today’ and called for a range of actions to strengthen implementation of the CWC.⁵² In contrast, the Russia-led declaration suggested that disunity within the CWC due to the politicization of the problem of CW use was significantly reducing the efficiency of the OPCW’s work and called for ‘dialogue and consultations among states parties to bridge their division and address their disagreements’ and to explore ‘the possibility of improving the Rules and Procedures of the Conference of States Parties’.⁵³

⁴⁸ Guthrie (note 33).

⁴⁹ Guthrie (note 33), p. 1.

⁵⁰ Guthrie, R., ‘The closure of the Review Conference and some reflections’, *CWC Review Conference Report*, no. 11, 20 Dec. 2018, p. 1.

⁵¹ OPCW, Review Conference, ‘Chairperson’s report of the proceedings of the Fourth Special Session of the Conference of the States Parties to review the operation of the Chemical Weapons Convention’, RC-4/3/Rev.1, 30 Nov. 2018, p. 1.

⁵² Statement delivered by by HE Ambassador Philippe Laillot of France at the Fourth Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention’, RC-4/NAT.37, 30 Nov. 2018, pp. 1, 3.

⁵³ Russian Ministry of Foreign Affairs, Joint statement by Angola, Armenia, Azerbaijan, Belarus, Bolivia (plurinational state of), Burundi, China, Comoros, Congo, Cuba, Democratic Republic of the Congo, Eritrea, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Lao People’s Democratic Republic, Mozambique, Myanmar, Nicaragua, Pakistan, Russian Federation, State of Palestine, Syrian Arab Republic, Tajikistan, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe at the Fourth Review Conference of the Chemical Weapons Convention, The Hague, Nov. 30, 2018’, 11 Dec. 2018.

Other developments in 2018

The destruction of chemical weapons

As of the end of October 2018, more than 96.5 per cent of declared Category 1 CWs had been verifiably destroyed. The USA is now the only remaining declared possessor state party with a forecast date for the completion of destruction—of September 2023. In 2018 the USA reported that it had finished construction of its final CW destruction facility, at Blue Grass, Kentucky, and that it remains on track to meet its planned completion date.⁵⁴

The designated destruction facility in Munster, Germany, completed destruction of all Category 2 CWs shipped from Libya in November 2017. Activities in relation to Libya in 2018 focused on the former CW storage site in Ruwagha Tank Farm. Secretariat inspectors were unable to travel to the site themselves, so four Libyan nationals were trained to collect soil samples and on live video streaming. Sampling operations at the site, under the observation of Secretariat inspectors, began at the end of March 2018 and were concluded on 5 April 2018. The OPCW Secretariat is now facilitating clean-up of the site, which should be completed by August 2019.⁵⁵

The destruction of CWs abandoned by Japan on Chinese territory continued at the Haerbaling destruction facility in 2018 and 12 related inspections were conducted. Recovery of significant quantities of old CWs took place in six states parties in Europe: Belgium, France, Germany, Italy, the Netherlands and the UK. Seven inspections of activities in relation to old CWs were conducted in these countries during the year.⁵⁶

The OPCW Scientific Advisory Board

In 2018, the OPCW Scientific Advisory Board (SAB) produced four reports and continued its ‘Science for Diplomats’ initiative, on which six events took place. In addition, SAB advice on sample stability and storage was authored by all members of the board and published in October.⁵⁷ There were also a number of other peer-reviewed publications, many arising from the

⁵⁴ OPCW, Executive Council, ‘United States: Report to the Eighty-eighth Session of the Executive Council on progress achieved towards complete destruction of its chemical weapons stockpile (31 May 2018)’, EC-88/NAT.3, 18 June 2018.

⁵⁵ OPCW, Conference of the States Parties, ‘Opening statement by the Director-General to the Conference of the States Parties at its Twenty-third Session (Full Version)’, C-23/DG.19, 19 Nov. 2018, para. 35.

⁵⁶ OPCW (note 55), paras 36–38.

⁵⁷ Timperley, C. et al., ‘Advice on chemical weapons sample stability and storage by the Scientific Advisory Board of the Organisation for the Prohibition of Chemical Weapons to increase investigative capabilities worldwide’, *Talanta*, vol. 188 (Oct. 2018), pp. 808–32.

2017 OPCW–International Union of Pure and Applied Chemistry (IUPAC) workshop on innovative technologies for chemical security.⁵⁸

The SAB's Temporary Working Group (TWG) to consider the practical applications of investigative methods and technologies, which was established in 2017 at the request of the OPCW Director-General, met for the first time in February 2018. The terms of reference for the TWG are to review the science and technology relevant to investigations such as those mandated under Articles IX and X of the CWC, including for the validation of evidence and establishing its provenance (i.e. determining the chronology of ownership, custody and location) and the integration of multiple and diverse sources of evidence to reconstruct past events.⁵⁹ At the first meeting, members received a number of briefings relating to past and current investigations, such as OPCW missions in Syria and those of the OPCW–UN Joint Investigative Mechanism, as well as from a number of external experts. Six sub-groups were established to consider issues such as forensic science methods and capabilities; data collection and management; and sampling, detection and analysis.⁶⁰

Furthermore, as the Review Conference was to be convened in 2018, the SAB produced a substantive review of scientific and technological developments since the previous conference in a report that was published in April 2018.⁶¹ In regard to the Schedules of the CWC, the SAB noted that:

As the Fourth Review Conference takes place, all chemicals listed in Schedule 1 have now been in the public domain for more than 35 years . . . Including chemicals in Schedule 1 only when past weaponization and/or stockpiling is a known fact, or when highly toxic compounds have no legitimate uses, carries the inherent risk that the OPCW and its State Parties could be caught by surprise, should any unscheduled chemical(s) be used as [chemical warfare agents] CWAs.⁶²

A few weeks after the publication of the report for the Fourth Review Conference, and 'in view of the findings from the March 2018 technical assistance

⁵⁸ See *Pure and Applied Chemistry*, vol. 90, no. 10 (Oct. 2018), pp. 1501–1670; Timperley, C. et al., 'Advice from Scientific Advisory Board of the Organisation for the Prohibition of Chemical Weapons on riot control agents in connection with the Chemical Weapons Convention', *RSC Advances*, no. 73 (2018), pp. 41731–39; Borrett, V. et al., 'Investigative science and technology supporting the Organisation for the Prohibition of Chemical Weapons (OPCW)', *Australian Journal of Forensic Studies*, 26 Dec. 2018; Forman, J. and Timperley, C., 'Chemical disarmament in a technologically evolving world', eds E. Contis et al., *Responsible Conduct in Chemistry Research and Practice: Global Perspectives* (American Chemical Society: Washington, DC, 2018).

⁵⁹ OPCW, Scientific Advisory Board, 'Summary of the first meeting of the Scientific Advisory Board's Temporary Working Group on Investigative Science and Technology', SAB-27/WP.1, 26 Feb. 2018, para. 5.1.

⁶⁰ OPCW (note 59), pp. 30–33 (agenda item 15).

⁶¹ OPCW, Review Conference, 'Report of the Scientific Advisory Board on developments in science and technology for the Fourth Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention', RC-4/DG.1, 30 Apr. 2018.

⁶² OPCW (note 61), para. 120.

visit requested by the United Kingdom’, the Director-General asked the SAB to provide advice on toxic chemicals that have been identified as new types of nerve agents.⁶³ The Director-General requested that any state party in a position to do so make relevant information available to the SAB.⁶⁴ The SAB completed its work on this task and its report was released to states parties on 3 July. The Director-General noted that: ‘The findings provide a factual basis on which the states parties can discuss the relevance to the Convention of these new types of nerve agents’.⁶⁵

The Advisory Board on Education and Outreach

The OPCW Advisory Board on Education and Outreach (ABEO) met twice in 2018: in February–March and in August. In February the ABEO submitted its first substantive report to the Director-General.⁶⁶ The report recommended, among other things, that the phrase ‘preventing the re-emergence of chemical weapons’ be adopted as an ‘overarching theme’ for education and outreach activities.⁶⁷ The report recommended active enrolment of stakeholder communities, but importantly envisaged them as either ‘targets of [education and outreach] or partners in the design and implementation of education and outreach activities’.⁶⁸ A practical brochure based on this report aimed primarily at National Authorities was published in November.⁶⁹ The 4th Review Conference emphasized that education and outreach are ‘increasingly important tools employed by the OPCW to engage with states parties’ and relevant stakeholder communities at the international, regional and local levels.⁷⁰ It ‘requested the Secretariat to further strengthen education and outreach’ and ‘encouraged the Secretariat, in concert with the ABEO, to assist states parties, upon request, in implementing education and outreach activities’.⁷¹

Activities in cooperation with other international agencies

The OPCW continued to focus its attention on the issue of countering the threat of chemical terrorism, including by deepening existing relations

⁶³ OPCW, Technical Secretariat, ‘Request for information from states parties on new types of nerve agents’, Note by the Director-General, S/1621/2018, 2 May 2018, pp. 2–3.

⁶⁴ OPCW (note 63), para. 2.

⁶⁵ OPCW, Executive Council, ‘Opening statement by the Director-General to the Executive Council at its eighty-eighth session’, EC-88/DG.22, 10 July 2018, para. 20.

⁶⁶ OPCW, Advisory Board on Education and Outreach, ‘Report on the role of education and outreach in preventing the re-emergence of chemical weapons’, ABEO-5/1, 12 Feb. 2018.

⁶⁷ OPCW (note 66), para. 1.13.

⁶⁸ OPCW, Review Conference, ‘Statement by Professor Alastair Hay, member of the OPCW Advisory Board on Education and Outreach, to the Fourth Review Conference of the Chemical Weapons Convention, The Hague, 23 November 2018’, RC-4/WP.12, 23 Nov. 2018, p. 2.

⁶⁹ OPCW, Advisory Board on Education and Outreach, ‘Education and outreach for a world free of chemical weapons: Role of states parties’, [n.d.].

⁷⁰ OPCW (note 51), para. 9.85

⁷¹ OPCW (note 51), para. 9.87(d).

with other international agencies. In March, the Director-General signed the UN Office of Counter-Terrorism-sponsored Global Counter-Terrorism Coordination Compact.⁷² This non-binding compact, which brings together 38 international agencies, seeks to ensure coordination and coherence of UN system-wide counterterrorism efforts, including coordination of operational-level activities in order to avoid duplication of effort. The OPCW acts as co-chair, with the International Atomic Energy Agency, of the UN Counter-Terrorism Implementation Task Force (CITITF) Working Group on Preventing and Responding to Weapons of Mass Destruction Attacks. In April, the OPCW hosted a workshop to lay the groundwork for the Working Group's action plan to address the recommendations of a table-top exercise held in 2017.⁷³ In June the Technical Secretariat hosted the first OPCW Conference on Countering Chemical Terrorism, which brought together more than 250 participants from relevant international organizations, non-governmental organizations and academia.⁷⁴ In his concluding remarks at the conference, the Director-General stated that there should be more conferences of this kind, acting as 'further opportunities to forge partnerships and to strengthen cooperation among those working to counter the threat of chemical terrorism'.⁷⁵

Relations with other international organizations were also deepened in 2018. For example, the OPCW exchanged letters of intent with the World Health Organization, aimed at establishing more formal cooperative arrangements. The OPCW's long-standing cooperation with the 1540 mechanism continued and deepened through reciprocal participation in each other's events, as did its similar relationship with the Biological and Toxin Weapons Convention.

The UN agenda for disarmament and chemical weapons

In late May 2018 the UN Secretary-General, António Guterres, presented a new agenda for disarmament.⁷⁶ In the foreword to the 87-page document, Guterres describes a bleak disarmament environment where: 'In many recent conflicts, the laws of humanity have been disregarded and prohibited weapons, such as chemical munitions, have returned to the battlefield.'⁷⁷ As a

⁷² OPCW (note 55), para. 80. On the issue of cooperative relations with other international organizations and mechanisms, see para. 81.

⁷³ OPCW (note 55), para. 80.

⁷⁴ See OPCW, Technical Secretariat, 'Summary of the Conference on Countering Chemical Terrorism, OPCW Headquarters, The Hague, the Netherlands, 7–8 June 2018', Note by the Technical Secretariat, S/1652/2018, 16 July 2018.

⁷⁵ OPCW (note 74), para. 44.

⁷⁶ United Nations Office for Disarmament Affairs (UNODA), *Securing Our Common Future: An Agenda for Disarmament* (UNODA: New York, 2018).

⁷⁷ UNODA (note 76), p. ix.

result, ‘the new reality demands that disarmament and non-proliferation are put at the centre of the work of the United Nations’.⁷⁸

With respect to CWs, a central theme of the agenda is ensuring ‘respect for the global norm’ against chemical (and biological) weapons and increasing the capacity to uphold that norm. The report notes that the norms against such weapons ‘have been challenged in recent years by their repeated use—so far with impunity’ in the Syrian conflict and elsewhere.⁷⁹ Suggesting that ‘political differences have frustrated efforts to achieve accountability’, the report argues that ‘Unless these trends are checked, we risk falling back to a moral dark age where the use of chemical, and potentially biological, weapons becomes tragically normalized’.⁸⁰

The report calls on the Security Council to ‘demonstrate new leadership and unity to end impunity’.⁸¹ It argues that the Security Council has ‘failed to live up to its responsibilities’ and has instead ‘descended into a tragic form of political theatre’ that must come to an end.⁸² Consequently, an explicit action point in relation to CWs is for the UN Secretary-General to work with members of the Security Council to ‘build new leadership and unity in restoring respect for the global norm against chemical weapons, including through the creation of a new and impartial mechanism to identify those responsible for the use of chemical weapons in the Syrian Arab Republic’.⁸³

On the issue of creating a new and impartial mechanism, the report suggests that the OPCW, as the CWC approaches universality, should become the body responsible for carrying out investigations and efforts to strengthen the CWC, and that its institutional capacity should be supported by the Secretary-General.⁸⁴

A related and relevant area proposed in the agenda is encouraging responsible innovation. Noting that scientists have developed approaches and techniques to ‘safeguard and verify the non-diversion of peaceful . . . chemical activities to use in weapons’, and also ‘served on the front lines’ of investigations into allegations of use, the report states that the Secretary-General supports ‘a more inclusive role for industry and academia in policymaking processes related to ensuring the peaceful use of technology’.⁸⁵

The UN Office for Disarmament Affairs launched a ‘living’ implementation plan for the agenda in October 2018.⁸⁶ In connection with CWs, this plan notes

⁷⁸ UNODA (note 76), p. vii. See also chapter 7, section V, and chapter 9, section IV, in this volume.

⁷⁹ UNODA (note 76), p. 24.

⁸⁰ UNODA (note 76), p. 25.

⁸¹ UNODA (note 76), p. 25.

⁸² UNODA (note 76), pp. 25–26.

⁸³ UNODA (note 76), p. 25.

⁸⁴ UNODA (note 76), p. 26.

⁸⁵ UNODA (note 76), pp. 53–54.

⁸⁶ See United Nations, Implementation plan for the Secretary-General’s Disarmament Agenda, Update of 11 Mar. 2019.

that on Action 9—restoring ‘respect for the global norm’ against chemical (and biological) weapons—a ‘lessons-learned’ process on the OPCW–UN Joint Investigative Mechanism is ‘in progress’. It is hoped that the findings of this process will ‘better prepare the international community to respond to any future allegations of the use of chemical weapons and enhance the Security Council’s understanding of best practices related to an effective and credible mechanism’.⁸⁷

⁸⁷ See United Nations, Implementation plan for the Secretary-General’s Disarmament Agenda, Action 9, Restore respect for norms against chemical and biological weapons, Update of 7 Mar. 2019.