

V. Chemical arms control and disarmament

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As of December 2020, there are 193 states parties to the 1993 Chemical Weapons Convention (CWC), the principal international legal instrument against chemical warfare; one state (Israel) has signed but not ratified the treaty; and three states (Egypt, North Korea and South Sudan) have neither signed nor acceded to it.¹

Organisation for the Prohibition of Chemical Weapons developments

Impact of Covid-19 pandemic on the operations of the OPCW

The Covid-19 pandemic impacted the work of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons (OPCW) throughout 2020. Prior to the World Health Organization (WHO) declaring the outbreak a public health emergency of international concern (PHEIC) on 30 January 2020, the OPCW director-general had established an internal task force, chaired by the deputy director-general, to monitor and assess the outbreak as it related to OPCW activities.² On 10 March 2020, at the opening of the 93rd Session of the Executive Council (EC-93), the director-general spoke about the measures taken and noted it would be ‘challenging’ to complete all 241 Article VI inspections that had been planned for calendar year 2020.³ On the following day the WHO characterized the outbreak as a PHEIC.⁴

Two days later, on 13 March, the OPCW director-general informed states parties of the measures being taken to protect OPCW staff.⁵ These included the postponement of all Article VI inspections as well as inspections related to former chemical weapons production facilities, abandoned chemical weapons and old chemical weapons.⁶ Only Article IV inspections relating

¹ For a summary and other details of the Chemical Weapons Convention see annex A, section I, in this volume.

² World Health Organization (WHO), ‘Statement on the second meeting of the International Health Regulations (2005) Emergency Committee regarding the outbreak of novel coronavirus (2019-nCoV)’, News, 30 Jan. 2020; Ghebreyesus, T. A., ‘WHO director-general’s statement on IHR emergency committee on novel coronavirus’, Speech, 30 Jan. 2020; and OPCW, Executive Council, ‘Opening statement by the Director-General to the Ninety-third Session of the Executive Council (full version)’, EC-93/DG.18, 10 Mar. 2020, para. 34.

³ OPCW, EC-93/DG.18 (note 2), para. 34.

⁴ WHO, ‘WHO director-general’s opening remarks at the media briefing on Covid-19’, 11 Mar. 2020. On the Covid-19 pandemic see section I in this chapter.

⁵ OPCW, Technical Secretariat, ‘Impact of the outbreak of the novel coronavirus (Covid-19) on the Organisation for the Prohibition of Chemical Weapons’, Note by the Technical Secretariat, S/1863/2020, 20 Mar. 2020, para. 2.

⁶ OPCW, S/1863/2020 (note 5), paras 7–11.

to verification of activities at chemical weapons destruction facilities in the United States were to continue. In addition to these changes, the director-general announced the postponement of all non-essential travel worldwide, including for training purposes and relating to capacity-building events, as well as missions to Syria.⁷

As the pandemic evolved the OPCW Technical Secretariat kept states parties up to date on the impact the pandemic was having on its activities and programmes of work.⁸ Some activities were significantly impacted—Article VI inspections did not resume until September, so too deployments of the OPCW Declaration Assessment Team (DAT) to Syria. As a result, only 82 out of 241 Article VI inspections were completed in 2020, with those ‘not completed’ being ‘prioritised’ for 2021.⁹ Planned in-person meetings were generally postponed or cancelled, or pivoted into virtual meetings. The International Cooperation and Assistance Division held capacity-building events online.¹⁰

Executive Council meetings did take place in person, although with limits on the number of people in the meeting room for health and safety reasons.¹¹ The 25th Session of the Conference of the States Parties (CSP) likewise went ahead, with adaptations, in the World Forum. The adapted format included splitting the session into two parts (with the first taking place on 30 November to 1 December 2020 and the second scheduled for no later than 30 April 2021) and limiting in-person participation to states parties (with their delegation size reduced) and no in-room general debate. States parties instead uploaded their national statements in written and video formats. International organizations, the chemical industry and non-governmental organizations were similarly offered this option. At the time of writing, OPCW staff continue to work remotely, ‘unless work on OPCW premises is absolutely necessary’.¹²

Follow-up to the Fourth Review Conference

Ambassador Agustín Vásquez Gómez of El Salvador, who had been chair of the Fourth Review Conference, and Ambassador I Gusti Agung Wesaka Puja of Indonesia, the former chair of the Open-ended Working Group (OEWG)

⁷ OPCW, S/1863/2020 (note 5), paras 4, 6, 12 and 14.

⁸ The Technical Secretariat sent four Notes in total between Mar. and Aug., all with the same title (‘Update on the impact of the outbreak of the novel coronavirus (Covid-19) on the Organisation for the Prohibition of Chemical Weapons’): OPCW, S/1863/2020 (note 5); S/1870/2020, 17 Apr. 2020; S/1876/2020, 3 June 2020; and S/1890/2020, 26 Aug. 2020.

⁹ OPCW, Technical Secretariat, ‘Update on the impact of the outbreak of the coronavirus disease (Covid-19) on the Organisation for the Prohibition of Chemical Weapons Programme in 2021’, Note by the Technical Secretariat, S/1930/2021, 18 Feb. 2021, para. 15.

¹⁰ OPCW, S/1930/2021 (note 9), paras 21–24.

¹¹ OPCW, S/1876/2020 (note 8), paras 6–7.

¹² OPCW, S/1930/2021 (note 9), para. 2.

Table 12.2. Voting record for the Draft Programme and Budget of the Organisation for the Prohibition of Chemical Weapons for 2021

Voting record	State
For the decision (33 votes)	Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Cameroon, Chile, El Salvador, France, Germany, Ghana, Guatemala, Italy, Japan, Republic of Korea, Lithuania, Mexico, Morocco, Nigeria, Norway, Peru, the Philippines, Poland, Romania, Saudi Arabia, Senegal, South Africa, Spain, United Arab Emirates, United Kingdom, United States
Against the decision (3 votes)	China, Iran, Russia
Abstentions (5 votes)	Algeria, India, Kenya, Pakistan, Sudan

Source: OPCW, Executive Council, Report of the 95th Session of the Executive Council, EC-95/4, 9 Oct. 2020, para. 10.33.

for the Preparations for the Fourth Review Conference, continued in their joint role as facilitators on organizational governance issues during 2020.

Ambassadors Gómez and Puja reported to EC-93 that they had held five rounds of facilitation in the run-up to the meeting and had used their ‘best judgement’ to formulate a set of recommendations in 12 areas around which they had identified a broad convergence of views.¹³ The facilitators highlighted a further six areas that would ‘especially’ benefit from further discussions.¹⁴ The recommendations were relayed to the Executive Council, which expressed ‘appreciation’ for this work and then ‘welcomed’ the appointment of the new facilitators on organizational governance issues, Ambassador Matthew Neuhaus of Australia and Ambassador Laura Dupuy Lasserre of Uruguay.¹⁵

Build-up to the 25th Conference of the States Parties

At EC-93, held on 10–12 March 2020, the OPCW director-general noted that the organization ‘will again face the challenge of delivering additional mandated activities under a zero nominal growth budget’.¹⁶ At a general level, he suggested that, should states parties ‘continue to maintain’ their approach for the 2021 budget, the Secretariat would have to ask them to ‘choose among programmatic priorities in order to focus and adapt the Programme and Budget to this reality’.¹⁷ He also noted that some ‘critical priorities’, such

¹³ OPCW, Executive Council, ‘Report by HE Ambassador Agustín Vásquez Gómez and H. E. Ambassador I Gusti Agung Wesaka Puja, the co-facilitators on organisational governance issues’, EC-93/WP.1, 10 Mar. 2020, paras 4, 6 and 7.

¹⁴ OPCW, EC-93/WP.1 (note 13), paras 7–9.

¹⁵ OPCW, Executive Council, Report of the Ninety-third Session of the Executive Council, EC-93/2, 12 Mar. 2020, para. 4.4.

¹⁶ OPCW, EC-93/DG.18 (note 2), para. 7.

¹⁷ OPCW, EC-93/DG.18 (note 2), para. 7.

as cyber security, ‘demand immediate and sustained resources’ and that, to be sustainable, the programme would require ‘dedicated staff and regular budget funding as soon as 2021’.¹⁸

The director-general presented states parties with the Draft Programme and Budget on 3 July 2020.¹⁹ When the Executive Council sat four days later for its 94th session, the director-general described the pandemic as further exposing ‘the fact that a Budget based on zero nominal growth hinders our ability to adapt to unforeseen circumstances’.²⁰ He noted, for example, that the information technology (IT) platforms that were required to shift activities online ‘proved to be outdated’ and that there was insufficient IT infrastructure to support staff working from home.²¹

When Executive Council members sat in October for the 95th session, their reactions to the proposed Draft Programme and Budget were mixed. The publicly available national statements from that session show, for example, Germany considering the proposed budget for 2021 to be ‘proportionate and justified’ and South Korea considering it to be ‘well devised’, but Russia as having ‘serious complaints’ and Iran as dissatisfied with the budget allocation to the International Cooperation and Assistance Programme.²²

This division meant the proposed Draft Programme and Budget was put to a vote. The result was 33 in favour, 3 against and 5 abstentions (see table 12.2).²³ The Draft Programme and Budget was transmitted to the CSP with a recommendation to approve.

The 25th Conference of the States Parties

The first session of the 25th CSP took place on 30 November and 1 December 2020 with Ambassador José Antonio Zabalgoitia Trejo of Mexico in the chair. The OPCW director-general had previously informed states parties that adaptations to the CSP, including reduced delegation sizes to ensure physical distancing at the meeting, would need to be made so that an in-person

¹⁸ OPCW, EC-93/DG.18 (note 2), para. 8.

¹⁹ OPCW, Executive Council, ‘Opening statement by the Director-General to the Ninety-fourth Session of the Executive Council (full version)’, EC-94/DG.24, 7 July 2020, para. 16. This later appeared on the public website as OPCW, Executive Council, ‘Draft Programme and Budget of the OPCW for 2021’, Note by the Director-General, EC-95/CRP.1, 3 July 2020.

²⁰ OPCW, EC-94/DG.24 (note 19), para. 13.

²¹ OPCW, EC-94/DG.24 (note 19), paras 13–14.

²² German Permanent Representative to the OPCW, Statement at the 95th Session of the Executive Council, EC-95/NAT.15, 6 Oct. 2020, p. 3; South Korean Permanent Representative to the OPCW, Statement at the 95th Session of the Executive Council, EC-95/NAT.57, 6 Oct. 2020, p. 2; Russian Permanent Representative to the OPCW, Statement at the 95th Session of the Executive Council, 6 Oct. 2020 (unofficial translation), p. 3; and Iranian Permanent Representative to the OPCW, Statement at the 95th Session of the Executive Council, EC-95/NAT.18, 6 Oct. 2020, p. 3.

²³ OPCW, Executive Council, Report of the Ninety-fifth Session of the Executive Council, EC-95/4, para. 10.3.

meeting could happen.²⁴ By general agreement, this first part of the CSP only covered issues requiring immediate attention, with the other agenda items to be addressed in a second part of the CSP, to be held in 2021. The issues addressed during this first part were those relating to the Programme and Budget; amendments to the OPCW Financial Regulations and Rules in relation to the new biennial Programme and Budget; scale of assessments for 2021; and the date of submission of the 2021 Financial Statements of the OPCW.²⁵

Five delegations took to the floor to detail why they were unable to support the Draft Programme and Budget in the Council: China, Cuba, Russia, Syria and Venezuela. They expressed similar concerns over the use of the cash surplus, using the budget to support the work of the Investigation and Identification Team (IIT) and the ‘omnibus format’.²⁶ Cuba additionally raised concerns that the budget for international cooperation and assistance ‘still falls far too short of what we need’.²⁷

Taking the floor immediately after the first four of these interventions, Ambassador Paul van den IJssel of the Netherlands described the nature of the objections as not financial or budgetary but ‘a principled difference of view on political issues’ and requested a roll-call vote.²⁸ After the required 24 hours had passed, the vote was taken: 103 in favour, 14 against and 13 abstentions.²⁹ Thirteen delegations took the floor afterward to explain their vote, with the predominant themes being the lack of consensus, the omnibus format and the element of the budget that would support the work of the IIT.³⁰

Other developments in 2020

The destruction of chemical weapons

Verification at chemical weapons destruction facilities in the USA continued throughout 2020 despite the pandemic, with modifications to ensure the health and safety of inspectors and personnel on site. The OPCW director-general reported that, as at 30 November 2020, 69 317 metric tonnes or

²⁴ OPCW, Executive Council, ‘Opening statement by the Director-General to the Ninety-fifth Session of the Executive Council (full version)’, EC-95/DG.29, 6 Oct. 2020, paras 44–48.

²⁵ OPCW, Conference of the States Parties, ‘Opening Statement by the Director-General to the Conference of the States Parties at its Twenty-fifth Session’, C-25/DG.19, 30 Nov. 2020, para. 38.

²⁶ Omnibus format refers to the packaging together in a single document several issues that may or may not be related. A number of countries object to this format. In this case, reasons for objecting included that the need for a budget was packaged with other financial issues: regular budget matters, funding the IIT following the June 2018 decision, and the allocation of cash surpluses to other purposes, rather than being returned to states parties.

²⁷ OPCW, CSP-25 Webcast, Day 1, 1:56:28–2:13:47 and 2:17:44–2:22:01.

²⁸ OPCW, CSP-25 Webcast (note 27), Day 1, 2:14:49–2:17:19.

²⁹ OPCW, CSP-25 Webcast (note 27), Day 2, 0:45:40–0:46:10.

³⁰ OPCW, CSP-25 Webcast (note 27), Day 2, 0:46:34–1:26:56.

98.3 per cent of declared Category 1 chemical weapons had been destroyed under verification by the Secretariat.³¹

During the year, the USA reported the completion of the sarin projectile destruction campaign at the main plant in the Blue Grass Chemical Agent-Destruction Pilot Plant and that it continued to be on track to meet the planned completion date of September 2023.³²

The pandemic put on hold all destruction operations and related activities with regard to chemical weapons abandoned in China at the end of World War II. Accordingly, the number of abandoned chemical weapons in China which were destroyed remained 'at around 57,700 of the 83,650 items declared'.³³

The OPCW Scientific Advisory Board

In 2020, the OPCW Scientific Advisory Board (SAB) met twice, in a virtual format, and produced two reports. In the report from its 29th session the SAB recommended that the OPCW director-general fully consider the recommendations in the final report of the Temporary Working Group (TWG) on Investigative Science and Technology and particularly those regarding the establishment of one TWG on determining the provenance of chemical samples and another TWG on the analysis of biotoxins. The SAB also recommended the convening of a workshop relating to the newly scheduled chemicals.³⁴ In his reply, the director-general said that both of the recommended TWGs will be given 'serious consideration', so too the workshop recommendation.³⁵

The Centre for Chemistry and Technology

Work continued on the Centre for Chemistry and Technology (ChemTech Centre) project in 2020. The OPCW director-general noted that 'the Centre will be an essential tool to fully address new and emerging chemical weapons threats, as well as to support international cooperation and assistance capacity-building activities'.³⁶ The director-general also noted that the Technical Secretariat will work with states parties 'to prepare a dossier of potential projects' which 'could encompass activities such as

³¹ OPCW, C-25/DG.19 (note 25), para. 14.

³² OPCW, Executive Council, 'Overall progress with respect to the destruction of remaining chemical stockpiles', Report by the Director-General, EC-94/DG.18, 1 July 2020, para. 11.

³³ OPCW, Executive Council, 'Overall progress with respect to the destruction of chemical weapons abandoned by Japan in the People's Republic of China', Report by the Director-General, EC-94/DG.19, 1 July 2020, para. 2.

³⁴ OPCW, Scientific Advisory Board, 'Report of the Scientific Advisory Board at its Twenty-ninth Session, 1–2 September 2020', SAB-29/1, 2 Sep. 2020, para. 1.4.

³⁵ OPCW, Executive Council, 'Response to the report of the Twenty-eighth Session of the Scientific Advisory Board, 1–2 September 2020', Note by the Director-General, EC-95/DG.26, 2 Oct. 2020, paras 7a and 7c.

³⁶ OPCW, C-25/DG.19 (note 25), para. 32.

scientific research programmes, lectures, and visits from academics'.³⁷ The latest publicly available report on the project noted that the final design of the ChemTech Centre was completed in July 2020 and that the request for expression of interest phase for the main construction contract was completed in August 2020.³⁸ The Secretariat expects to award the construction contract in the first quarter of 2021.³⁹ Over the course of the year, 23 states parties made contributions to support the ChemTech Centre, which is expected to be operational by 2022.⁴⁰

OPCW contribution to global antiterrorism efforts

The OPCW continued its efforts to counter the threat of chemical terrorism, including through its participation in the UN Global Counter-Terrorism Coordination Compact and the Compact's Working Group on Emerging Threats and Critical Infrastructure Protection, where the OPCW is a vice-chair.

The OEWG on Terrorism met in March and October of 2020. In March, the group focused on 'strengthening legal frameworks to counter chemical terrorism, as well as effectively monitoring and responding to such incidents', and heard a briefing from the UN Office on Drugs and Crime's Terrorism Prevention Branch, particularly about its work supporting the adoption and implementation of 19 international legal instruments on terrorism.⁴¹ The OEWG also heard from the Secretariat on the Situation Centre and its role as 'the eyes and ears' of the OPCW.⁴² In October, the OEWG met under a new chair, Ambassador Vusimuzi Philemon Madonsela of South Africa, and focused on inter-agency capacity-building efforts, particularly the role of the UN and the UN Office of Counter-Terrorism.⁴³

The OPCW Technical Secretariat also continued to offer support to states parties in their efforts to prevent acts of terrorism involving the release of toxic chemicals. This support included those states that have yet to adopt national implementing legislation covering all initial measures.⁴⁴ Of the

³⁷ OPCW, C-25/DG.19 (note 25), para. 33.

³⁸ OPCW, Technical Secretariat, 'Progress in the project to upgrade the OPCW Laboratory and Equipment Store to a Centre for Chemistry and Technology', Note by the Technical Secretariat, S/1912/2020, 16 Nov. 2020, paras 6–9.

³⁹ OPCW, S/1912/2020 (note 38), para. 10.

⁴⁰ OPCW, 'News: OPCW Centre for Chemistry and Technology', [n.d.]; and OPCW, S/1912/2020 (note 38), para. 12.

⁴¹ OPCW, Executive Council, 'Report by HE Ambassador Oji Nyimenuate Ngofa Chairperson of the Open-Ended Working Group on Terrorism to the Executive Council at its Ninety-third Session', EC-93/WP.2, 11 Mar. 2020, paras 2 and 4.

⁴² OPCW, EC-93/WP.2 (note 41), paras 4 and 6.

⁴³ OPCW, Executive Council, 'Report by HE Ambassador Mr Vusimuzi Philemon Madonsela, Chairperson of the Open-Ended Working Group on Terrorism to the Executive Council at its Ninety-fifth Session', EC-95/WP.2, 7 Oct. 2020, paras 3 and 5.

⁴⁴ OPCW, Executive Council, 'Status of the OPCW's contribution to global anti-terrorism efforts', Note by the Director-General, EC-96/DG.10, 18 Feb. 2021, para. 13.

193 states parties, 74 states parties either have legislation that covers only some of the initial measures or are yet to report on the adoption of any legislation.⁴⁵

The Africa Programme

On 1 January 2020, the OPCW launched the fifth phase of the Programme to Strengthen Cooperation with Africa on the CWC (Africa Programme), a programme of work that promotes the peaceful uses of chemistry for a developed, safe and secure Africa. The objectives assigned to the Africa Programme for 2020–22 were developed through ‘a consensual identification of the region’s current needs and priorities’.⁴⁶ There are three overarching areas for action: advancing CWC implementation; promoting chemical safety and security; and promoting knowledge in peaceful chemistry and applications in support of sustainable development.⁴⁷ The OPCW Technical Secretariat is to monitor and evaluate progress and report annually to the Executive Council and the CSP. A steering committee will regularly review and advise on implementation and progress.⁴⁸

Chemicals that act on the central nervous system

At the 93rd Session of the Executive Council in March 2020, Ambassador Kenneth Ward of the USA told council members that it was ‘essential’ that the threat from chemicals active on the central nervous system (CNS) be addressed and countered ‘effectively’ in 2020.⁴⁹ He described the threat as encompassing ‘the repurposing of pharmaceutical compounds, such as anaesthetics—like fentanyl—for military or law enforcement purposes’ such that they ‘pose a serious risk of further re-emergence of chemical weapons—opening up a backdoor to the Convention’.⁵⁰ Recognizing that the use of CNS-acting chemicals in warfare would ‘unquestionably be a violation of Article I’, Ambassador Ward argued that in aerosol form they could not ‘satisfy the “types and quantities” requirement’ of the CWC.⁵¹

A revised draft decision, still entitled ‘Understanding Regarding the Aerosolised Use of Central Nervous System-Acting Chemicals for Law Enforcement Purposes’, was reissued on 9 March.⁵² Further revisions of the proposal were circulated to states parties, along with an explanatory

⁴⁵ OPCW, EC-96/DG.10 (note 44), para. 11.

⁴⁶ OPCW, Executive Council, ‘The fifth phase of the Programme to Strengthen Cooperation with Africa on the Chemical Weapons Convention’, EC-93/DG.9, 18 Feb. 2020, para. 8.

⁴⁷ OPCW, EC-93/DG.9 (note 46), para. 10.

⁴⁸ OPCW, EC-93/DG.9 (note 46), paras 50–52.

⁴⁹ US Permanent Representative to the OPCW, Statement at the 93rd Session of the Executive Council, EC-93/NAT.14, 10 Mar. 2020, p. 1.

⁵⁰ US Permanent Representative to the OPCW (note 49), pp. 1–2.

⁵¹ US Permanent Representative to the OPCW (note 49), pp. 1–2.

⁵² OPCW, EC-93/2 (note 15), para. 13.1.

memorandum, at the end of September.⁵³ On 5 October 2020, the Technical Secretariat advised that the implication of the revised proposal in terms of additional requirements could be met within existing resources.⁵⁴

Russia, China, Iran and Syria separately submitted working papers on the issue.⁵⁵ Russia drew attention to the lack of clarity of the concept and obscurity of basic terms such as ‘aerosolized use of CNS-acting chemicals’, ‘law enforcement purposes’, ‘riot control agents’ and ‘temporary incapacitation’; suggested that ‘the application of any agents (not only chemical) for law enforcement purposes, are the sovereign and purely internal affair of each State’; and proposed informal consultation or the establishment of a TWG to work through ‘the different interpretations that currently exist’.⁵⁶ At the time of writing the working papers by China, Iran and Syria were not publicly available. The Executive Council decided to defer the matter for future consideration.⁵⁷

Conclusions and prospects for 2021

As was the case in other international arms control and disarmament forums, the Covid-19 pandemic impacted the work of the OPCW in 2020, yet the states parties and the Technical Secretariat adapted. Some of the latter’s adaptations, made to enable continued implementation of its mandate and delivery for states parties, may last beyond the current situation. For example, lessons being learned in the delivery of on-line capacity-building events may optimize future event delivery.⁵⁸ At the time of writing, the ongoing global pandemic seems likely to continue impacting the OPCW’s work in 2021. Nevertheless, the 2020 Conference of the States Parties will resume not later than 30 April 2021; the regular cycle of Executive Council meetings will also take place in 2021; and states parties will, among other things, consider the Technical Secretariat’s first submission of the biennial Programme and Budget.

⁵³ OPCW, EC-95/4 (note 23), para. 16.2.

⁵⁴ OPCW, Executive Council, ‘Financial, administrative, and programme and budget implications of the proposal for an understanding regarding the aerosolised use of central nervous system-acting chemicals for law enforcement purposes’, Report by the Director-General, EC-93/DG.2/Rev.1, 5 Oct. 2020, para. 4.

⁵⁵ OPCW, EC-95/4 (note 23), paras 16.4–16.5.

⁵⁶ Russian delegation to the OPCW, ‘On an understanding regarding the aerosolized use of central nervous system-acting chemicals for law enforcement purposes’, Statement submitted to the 93rd Session of the OPCW, EC-93/NAT.6, 6 Mar. 2020, pp. 2 and 4.

⁵⁷ OPCW, EC-95/4 (note 23), para. 16.7.

⁵⁸ OPCW, C-25/DG.19 (note 25), para. 17.