

## II. Chemical weapon control and disarmament

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The 1993 Chemical Weapons Convention (CWC) contains a comprehensive and unequivocal prohibition of chemical weapons and chemical warfare.<sup>1</sup> There was no change in the membership of the CWC during 2023: as of December 2023, there were still 193 states parties. Only four United Nations member states were not party to the CWC: Israel, which has signed but not ratified, and Egypt, North Korea and South Sudan, which have neither signed nor acceded to the CWC.

In a historic step, in 2023 the last of the chemical weapon stockpiles declared by states parties were destroyed under verification of the Organisation for the Prohibition of Chemical Weapons (OPCW), the CWC's implementing body. This section provides an update on this and other CWC-related developments in 2023—including the outcome of the fifth CWC Review Conference and developments within the OPCW—as well as discussions of chemical weapon issues at the United Nations.

### **The fifth Review Conference of the Chemical Weapons Convention**

CWC review conferences are held every five years to review the operation of the convention and develop recommendations to states parties and the OPCW on future steps. The fifth Review Conference took place at the OPCW headquarters in The Hague on 15–19 May 2023. Given the geopolitical situation and the known political differences between states parties, especially regarding the question of how to address chemical weapon use, difficult discussions were to be expected.<sup>2</sup> Indeed, in the end the states parties could not agree on a substantive final document, mostly due to persisting conflicts over the question of how to deal with Syria's non-compliance with the convention (see section I of this chapter). Nevertheless, important work was done on other topics, and the common ground that emerged despite the political disputes could facilitate progress in some areas of the CWC (as outlined below).

<sup>1</sup> 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.

<sup>2</sup> For background information and expectations prior to the fifth Review Conference see Ghionis, A., Kelle, A. and Garzón Maceda, M., *Preparing for Success at the Fifth Review Conference of the Chemical Weapons Convention: A Guide to the Issues* (UN Institute for Disarmament Research: Geneva, 2023). For assessments and recommendations after the conference see Albalawi, A. and Burck, K., 'The pursuit of consensus: The fifth Chemical Weapons Convention Review Conference', Peace Research Institute Frankfurt (PRIF) Blog, 28 Aug. 2023; and Ghionis, A. and Kelle, A., 'The Chemical Weapons Convention after its fifth Review Conference: Key issues for the European Union', Non-proliferation and Disarmament Papers no. 87, EU Non-proliferation and Disarmament Consortium, Feb. 2024.

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The proceedings of the Review Conference started with the opening formalities and the opening statement by the OPCW director-general, Fernando Arias. States parties then had the opportunity to express their general views and priorities in the general debate, which lasted until the second day of the conference.<sup>3</sup>

The actual review of the CWC took place in the committee of the whole, chaired by Ambassador Zabalgoitia Trejo of Mexico, on the basis of a draft provisional text prepared by the chair of the open-ended working group for the preparation of the fifth Review Conference (OWEG-RC), Ambassador Lauri Kuusing of Estonia.<sup>4</sup> As Kuusing noted in his report for the Review Conference, there had been broad consensus in the OEWG-RC on large parts of the draft provisional text, but differences of views of a political nature ‘on some verification-related issues’ had remained and would need to be tackled by the Review Conference.<sup>5</sup>

After two days of discussions, Trejo reported to the plenary that the committee of the whole had made good progress on a number of topics and that consensus had been achieved, or nearly achieved, in several issue areas. These included industry verification, geographical representation, tenure policy, cooperation with civil society, international cooperation and global counterterrorism efforts. However, he also reported that no consensus could be found on some other outstanding issues and that the committee of the whole had to conclude its work without producing a consensual outcome document.<sup>6</sup> Even though there would have been time for further consultations, the chair of the Review Conference, Ambassador Henk Cor van der Kwast of the Netherlands, announced on the penultimate day of the conference that there would be no substantive final document of the Review Conference. Unsurprisingly, the differences regarding the question of how to reflect in a final document Syria’s non-compliance with the CWC and other issues related to chemical weapon use proved unsurmountable.

States parties maintained the positions that they had expressed numerous times and that had led to voting—rather than consensus outcomes—in the policymaking organs of the OPCW (see section I). On the one hand, Syria and the Russian Federation denied any chemical weapon use by the Syrian government and, like a few other states, considered the Investigation and Identification Team (IIT)—with its mandate to identify perpetrators—as

<sup>3</sup> OPCW, Review Conference, Morning session, 15 May 2023, Video recording, starting at 00:58. All publicly available statements are accessible at OPCW, ‘Fifth Review Conference’, [n.d.].

<sup>4</sup> The OEWG-RC was established by the Executive Council in May 2022 and held 22 meetings between June 2022 and Apr. 2023. OPCW, Working Group for the Preparation of the Fifth Review Conference, Report of the chair, WGRC-5/1, 25 Apr. 2023.

<sup>5</sup> OPCW, Review Conference, Report by the chair of the open-ended working group for the preparation of the fifth Review Conference, RC-5/WP.9, 15 May 2023, p. 4.

<sup>6</sup> OPCW, Review Conference, Afternoon session, 18 May 2023, Video recording, Oral report by the chair of the committee of the whole, starting at 2:20.

lying outside the scope of the CWC and hence being illegitimate. They consequently rejected any reference to Syrian non-compliance or the work of the IIT in official documents. On the other hand, a larger number of states from the Western, East European and Latin American regional groups fully supported the work of the Technical Secretariat, including the IIT, and insisted on also addressing non-compliance and condemning Syria's use of chemical weapons in official documents. However, no vote took place at the Review Conference, and states parties instead adopted a merely procedural report on 19 May 2023.<sup>7</sup>

Before the adoption of the report and the closure of the conference, many delegations delivered closing statements.<sup>8</sup> Delegations from all regional groups expressed their disappointment at the lack of consensus, although they put the blame on different sides: some cited an alleged politicization of the OPCW or a lack of flexibility during the Review Conference; others highlighted an unwillingness to address the use of chemical weapons. Some delegations were of the view that more could have been achieved with better use of the available time; some expressed their satisfaction that no vote was forced on an outcome document. Many delegations emphasized that progress had been made in some areas even in the absence of consensus in other areas; several delegations also pointed out that important substantive work could still be carried out in the wake of the Review Conference even without a final document.

The conference clearly showed that the divisions between states parties regarding compliance politics in the CWC, as sketched above, run deep and are unlikely to be resolved any time soon. At the same time, as Arias noted in November 2023, 'the common ground found during the review process serves as useful guidance for the States Parties in their consultations, and has been helpful to the Secretariat in its ongoing adaptation'.<sup>9</sup>

## **Developments in the Organisation for the Prohibition of Chemical Weapons**

### *International cooperation and assistance*

The OPCW's Technical Secretariat continued its activities related to international cooperation and assistance in the peaceful use of chemistry. At the Conference of the States Parties (CSP) in November 2023, the director-general reported that the Technical Secretariat had carried out 82 capacity-building activities since the previous CSP, in 2022, and that 13 of these had

<sup>7</sup> OPCW, Review Conference, Report of the fifth Review Conference, RC-5/3, 7 June 2023.

<sup>8</sup> OPCW, Review Conference, Afternoon session, 19 May 2023, Video recording.

<sup>9</sup> OPCW, Conference of the States Parties, Opening statement by the director-general, C-28/DG.21, 27 Nov. 2023, para. 6.

used the new Centre for Chemistry and Technology (ChemTech Centre) as a platform.<sup>10</sup> One of the core activities in this area has been the Programme to Strengthen Cooperation with Africa on the CWC (the Africa Programme), which has been in operation since 2007.

In January 2023 the Secretariat initiated the sixth three-year phase of the Africa Programme.<sup>11</sup> The objectives—defined after consultations with African countries in a needs-based approach—include enhancing national implementation of the CWC as well as enhancing capabilities for protection from and response to chemical incidents and of chemical laboratories in general; advancing chemical safety and security; and promoting knowledge and exchange of peaceful uses of chemistry.<sup>12</sup> Activities during 2023 included the convening of the CHEMEX Africa exercise in Algiers in October. Eighty first responders from 33 African states parties participated in this exercise, which was the ‘first-ever pan-African chemical emergency response capacity-building exercise’.<sup>13</sup>

Several of the activities of the Africa Programme, and in the area of international cooperation and assistance in general, intersect with the OPCW’s work regarding the prevention of chemical terrorism, such as projects to enhance chemical safety and security.

### *Prevention of chemical terrorism*

The OPCW continued its work in the area of the prevention of terrorism both through its interaction with other international organizations and through its activities within the CWC regime. Through its external collaborations, the OPCW was involved in several activities and networks with UN agencies, including the UN Global Counter-Terrorism Coordination Compact.<sup>14</sup>

In its three meetings in 2023, the OPCW open-ended working group on terrorism (OEWG-T), which was established in 2001, discussed relevant elements of the work of the OPCW Scientific Advisory Board (SAB) and the CHEMEX Africa exercise, and it received a briefing from the International Police Organization (Interpol). In addition, the OEWG-T held a tabletop exercise on 20–21 November 2023 simulating a chemical terrorist attack.<sup>15</sup>

<sup>10</sup> OPCW, C-28/DG.21 (note 9), para. 25. See also OPCW, Executive Council, ‘Progress made and review of the status of implementation of Article XI of the Chemical Weapons Convention’, Report by the director-general, EC-104/DG.14 and C-28/DG.11, 13 Sep. 2023.

<sup>11</sup> OPCW, Executive Council, ‘The sixth phase of the Programme to Strengthen Cooperation with Africa on the Chemical Weapons Convention’, Note by the director-general, EC-102/DG.11, 16 Feb. 2023.

<sup>12</sup> OPCW, EC-102/DG.11 (note 11), para. 9.

<sup>13</sup> OPCW, C-28/DG.21 (note 9), para. 24.

<sup>14</sup> United Nations, Office of Counter-Terrorism, ‘UN Global Counter-Terrorism Coordination Compact’, [n.d.]. On the OPCW activities see also OPCW, Executive Council, ‘Status of the OPCW’s contribution to global anti-terrorism efforts’, Note by the director-general, EC-105/DG.10, 16 Feb. 2023.

<sup>15</sup> OPCW, EC-105/DG.10 (note 14), paras 9–10.

Other terrorism-prevention activities carried out by the OPCW intersect with other programmes (e.g. the Africa Programme as noted above) and with other areas of CWC implementation, especially national implementation of the CWC and international cooperation and assistance. These include the criminalization by states parties of prohibited chemical weapon-related activities; measures to enhance and build capacity in chemical safety and security; measures for effective response to the hostile use of toxic chemicals; and, more generally, enhancing the laboratory capacities of the OPCW and states parties.<sup>16</sup>

### *The Centre for Chemistry and Technology*

The OPCW's new ChemTech Centre became operational in March 2023 and was formally inaugurated on 12 May 2023.<sup>17</sup> It houses the OPCW laboratory, equipment store and training facilities, providing support to the organization's activities as well as serving as a venue for events and cooperation endeavours. The ChemTech Centre replaced the previous OPCW Laboratory and Equipment Store and is generally expected to bring additional benefit to the OPCW's work, both in the technical area and by fostering capacity building, international cooperation and outreach.<sup>18</sup> Indeed, the director-general emphasized to the Review Conference the crucial role of the ChemTech Centre in supporting the Technical Secretariat's activities as well as in fostering collaboration among stakeholders.<sup>19</sup>

The process to construct the new centre began in 2017 and was funded by the voluntary contributions of 56 states parties, 1 signatory state, the European Union (EU), 6 chemical associations and personal contributions, which totalled €34.6 million (\$37.4 million).<sup>20</sup> In a presentation to the SAB in September 2023, the head of the OPCW Laboratory reported that it was then at 90 per cent of its operational capacity, and that he expected it to be fully operational by the end of 2023. Among the activities carried out at the centre during 2023 were proficiency tests, including for biotoxins, chemical forensics, training of OPCW inspectors and capacity-building events.<sup>21</sup>

<sup>16</sup> OPCW, EC-105/DG.10 (note 14).

<sup>17</sup> OPCW, 'OPCW Centre for Chemistry and Technology officially inaugurated', 12 May 2023.

<sup>18</sup> E.g. Anthony, I., 'The Centre for Chemistry and Technology and the future of the OPCW', SIPRI Research Policy Paper, Mar. 2024.

<sup>19</sup> OPCW, Review Conference, Response to the report of the Scientific Advisory Board on developments in science and technology, Report by the director-general, RC-5/DG.2, 22 Feb. 2023, para. 46.

<sup>20</sup> OPCW, 'Centre for Chemistry and Technology', [n.d.]; and OPCW, Technical Secretariat, 'Progress in the project to upgrade the OPCW Laboratory and Equipment Store to a Centre for Chemistry and Technology', S/2193/2023, 20 July 2023.

<sup>21</sup> OPCW, Scientific Advisory Board, Report of 37th session, SAB-37/1, 1 Sep. 2023, para. 25; and OPCW, C-28/DG.21 (note 9), para. 25.

*The Advisory Board on Outreach and Education*

The Advisory Board on Outreach and Education (ABEO) met twice in 2023, in February and June. Among other things, the board continued its discussion of enhanced outreach to and interaction with universities and research entities to raise awareness and knowledge of the CWC and the work of the OPCW. Board members were involved in the development and review of interactive CWC-related modules for universities and the OPCW's e-learning courses.<sup>22</sup> The university modules were expected to be completed in 2023. Moreover, in its June meeting the ABEO agreed that it should include ethical aspects of scientific and technological developments with potential impact on the CWC, in particular artificial intelligence (AI), in its further work.<sup>23</sup>

*The Scientific Advisory Board report for the Review Conference*

In preparation for the fifth CWC Review Conference, the SAB published a scientific report emphasizing that developments in science, including the convergence of scientific fields, have an impact on the working of the CWC and the OPCW and that implementation of the CWC increasingly depends on a transdisciplinary approach and collaboration across scientific disciplines and with other disarmament regimes.<sup>24</sup> The report also noted the challenges posed by a 'volatile social and political landscape' and set out three focus areas for the OPCW after completion of the destruction of all declared chemical weapon stockpiles: 'preventing the re-emergence of chemical weapons, the misuse of chemistry, and the weaponisation of science, both literally and rhetorically'.<sup>25</sup>

The report covered a wide range of topics, technologies and developments that are relevant to the CWC, including production, delivery, detection, sampling and analysis, forensics, decontamination and remediation, chemical safety and security, personal protective equipment, medical countermeasures, and science communication. Based on its analysis of these topics and on its previous work, the SAB issued several recommendations.

First, the board noted that the available information on newly scheduled chemicals (i.e. the chemicals added to Schedule 1 in 2019 from the carbamate and so-called novichok families) was still insufficient and should be

<sup>22</sup> OPCW, Advisory Board on Education and Outreach, Report of 14th session, ABEO-14/1, 9 Feb. 2023; and OPCW, Advisory Board on Education and Outreach, Report of 15th session, ABEO-15/1, 22 June 2023. The e-learning courses are available at OPCW, 'OPCW e-learning'. For general information on the OPCW's activities on education and outreach see OPCW, 'Education and outreach', [n.d.].

<sup>23</sup> OPCW, ABEO-15/1 (note 22), para. 20.1.

<sup>24</sup> OPCW, Review Conference, Report of the Scientific Advisory Board on developments in science and technology, RC-5/DG.1, 22 Feb. 2023.

<sup>25</sup> OPCW, RC-5/DG.1 (note 24), para. 8.

enhanced, for example by holding workshops.<sup>26</sup> Similarly, the SAB recommended further information sharing and possibly the establishment of a temporary working group (TWG) on chemicals that act on the central nervous system (CNS).

Second, on the subject of the convergence of scientific and technological fields, the report covered AI, machine learning and additive manufacturing as particularly relevant developments for which continuous monitoring and reflection would be advisable.<sup>27</sup>

Third, the SAB made various recommendations related to refining the OPCW's verification capabilities.<sup>28</sup> These included the detection and identification of unscheduled or unknown chemicals and the handling of old and abandoned chemical weapons.

Fourth, regarding delivery and dissemination technologies, the SAB recommended the monitoring and assessment of advances in the area of payload delivery (e.g. uncrewed delivery platforms), as well as drug delivery (e.g. DNA origami or other carriers on a nano scale).<sup>29</sup>

The report also made recommendations regarding assistance and protection as well as chemical safety and security, before closing the list of recommendations with advice on scientific literacy and scientific advice.<sup>30</sup> On the latter, the SAB suggested closer collaboration between the SAB and the ABEO, devising strategies to reduce problems arising from misinformation about scientific topics, and continuing and expanding education and outreach activities including towards youths. It also recommended 'strengthening the trustworthiness of [the Technical Secretariat's] own science and technology offerings to ensure that fact-based, objective information [on chemical weapon-related issues] is widely available'.<sup>31</sup>

In his response to the SAB report, the director-general concurred with and supported the recommendations. For example, given the rapid pace of scientific and technological developments, Arias agreed that reviewing and monitoring the changing landscape of chemical-production technologies was 'one of the key priority areas for the Secretariat', especially regarding the potential impact on verification.<sup>32</sup> Regarding scientific literacy and communication, he underscored 'the importance of fact-based, robust, and objective scientific information to build trust and credibility'.<sup>33</sup> He also emphasized

<sup>26</sup> OPCW, RC-5/DG.1 (note 24), paras 26–31. See also OPCW, Conference of the States Parties, 'Changes to Schedule 1 of the Annex on Chemicals to the Chemical Weapons Convention', Decision C-24/DEC.5, 27 Nov. 2019.

<sup>27</sup> OPCW, RC-5/DG.1 (note 24), paras 32–37.

<sup>28</sup> OPCW, RC-5/DG.1 (note 24), paras 38–54.

<sup>29</sup> OPCW, RC-5/DG.1 (note 24), paras 55–56.

<sup>30</sup> OPCW, RC-5/DG.1 (note 24), paras 57–70.

<sup>31</sup> OPCW, RC-5/DG.1 (note 24), para. 67.

<sup>32</sup> OPCW, RC-5/DG.2 (note 19), para. 18.

<sup>33</sup> OPCW, RC-5/DG.2 (note 19), para. 44.

the crucial role that the new ChemTech Centre will play in both supporting verification activities and also in engaging with other stakeholders, building synergies and fostering collaboration.

*Report of the Scientific Advisory Board temporary working group on biotoxins*

The temporary working group on biotoxins, which was funded by the EU, held six meetings between May 2021 and April 2023.<sup>34</sup> The director-general had set up the TWG in 2021 in response to a recommendation made by the SAB in 2020, recognizing the distinct characteristics of biotoxins and the technical challenges that they pose for investigations of alleged attacks with biotoxins.<sup>35</sup> The TWG worked in five subgroups focusing on (a) underlying requirement for the analysis of biotoxins; (b) the most relevant biotoxins; (c) technical requirements for analysis; (d) cooperation between the OPCW and other international efforts for biotoxin analysis; and (e) measures for international cooperation.<sup>36</sup>

The TWG's report contains 23 recommendations from the five subgroups. Nine of these are marked as 'strong recommendations' to be prioritized in the OPCW's future work in this area: (a) compile and disseminate information on diagnosis and treatment of biotoxin exposure; (b) focus activities on the nine biotoxins identified as most relevant (i.e. abrin, aflatoxins, botulinum toxins, epsilon toxin, ricin, saxitoxin, *Staphylococcus aureus* enterotoxins, T-2 toxin and tetrodotoxin); (c) identify laboratories with specialized capabilities and expertise in biotoxin analysis; (d) follow a comprehensive forensic approach in all investigations of alleged use of biotoxins; (e) take into account the different technical requirements for analysis of low-molecular-weight (LMW) and high-molecular-weight (HMW) biotoxins; (f) compile and disseminate best practices for the identification of specific biotoxins; (g) 'develop minimum specification requirements for performance criteria of immunological and activity assays for the analysis of HMW biotoxins', possibly in partnership with the laboratory network of the UN Secretary-General's Mechanism for Investigation of Alleged Use of Chemical and Biological Weapons (UNSGM); (h) consider establishing a proficiency test regime for biotoxin analysis; and (i) cooperate with the UN to establish an informal network for biotoxin analysis.<sup>37</sup>

The SAB promoted the implementation of all the TWG's recommendations 'to the extent possible' in its own recommendations from its 37th session, in September 2023. However, it singled out as priorities the TWG's call

<sup>34</sup> OPCW, SAB-37/1 (note 21), para. 6.1.

<sup>35</sup> OPCW, Scientific Advisory Board, Report of 29th session, SAB-29/1, 2 Sep. 2020, paras 1.4, 7.2; and OPCW, Scientific Advisory Board, Report of 31st session, SAB-31/1, 4 Mar. 2021, paras 10.2–10.6.

<sup>36</sup> OPCW, Scientific Advisory Board, 'Analysis of biotoxins', Report of the SAB's temporary working group, SAB/REP/1/23, Apr. 2023, paras 4–11.

<sup>37</sup> OPCW, SAB/REP/1/23 (note 36), paras 13, 15, 16, 19, 22–24, 29, 31.

for increased harmonization with the UNSGM and the establishment of a network of laboratories for biotoxin analysis through proficiency testing.<sup>38</sup>

*The 37th session of the Scientific Advisory Board*

At its 37th session, held from 28 August to 1 September 2023, the SAB received updates on various OPCW-related activities and heard 13 technical presentations on diverse topics. Among these were the role of plants in the detection and surveillance of chemical substances including chemical warfare agents, new medical countermeasures and therapeutics, and applications of enabling technologies such as AI, quantum chemistry and biomaterial 3D printing.<sup>39</sup>

Following the end of the mandate of the TWG on biotoxins, the SAB proposed three options for consideration as the topic for a new TWG: (a) ‘provenancing of chemical samples relevant to the [CWC], including methods of chemical forensic profiling’; (b) ‘scientific and technical considerations regarding chemicals acting on the central nervous system’; or (c) ‘the long-term degradation and effects of abandoned and old chemical weapons and associated chemicals’.<sup>40</sup>

Other recommendations to the director-general included the convening of topical workshops on several of the issues that were on the SAB’s agenda in 2023. These included hazard mitigation and new medical countermeasures related to biotoxins and CNS-acting substances, as well as ‘the ability of plants, insects, and other materials to act as sensors, sentinels, and evidence of exposure to chemical warfare agents’.<sup>41</sup> Research in the latter might facilitate detection of chlorine exposure, which could be helpful in supporting future investigations of the alleged use of chlorine as a weapon.<sup>42</sup>

In reaction to the SAB’s recommendations, the director-general established a new TWG on chemical forensics, which he expected to begin work in early 2024.<sup>43</sup> Recognizing the need for further information and expertise regarding the newly scheduled chemicals, he also asked the SAB to hold a topical workshop on hazard mitigation of chemical warfare agents. Furthermore, he asked the SAB to continue to closely monitor developments and research on this topic as well as on the impact of AI and additive manufacturing, and on biomarkers that could help detect exposure to chemical warfare agents.<sup>44</sup>

<sup>38</sup> OPCW, SAB-37/1 (note 21), para. 1.5(c).

<sup>39</sup> OPCW, SAB-37/1 (note 21).

<sup>40</sup> OPCW, SAB-37/1 (note 21), para. 1.5(a).

<sup>41</sup> OPCW, SAB-37/1 (note 21), para. 1.5(b).

<sup>42</sup> OPCW, SAB-37/1 (note 21), section 11.

<sup>43</sup> OPCW, Executive Council, Response to the report of the 37th session of the Scientific Advisory Board, Note by the director-general, EC-104/DG.22, 27 Sep. 2023, para. 7; and OPCW, C-28/DG.21 (note 9), para. 21.

<sup>44</sup> OPCW, EC-104/DG.22 (note 43).

*Administrative and organizational matters at the OPCW*

As recommended by the Executive Council, the Conference of the States Parties adopted the biennial OPCW budget for 2024–25 in November 2023.<sup>45</sup> In both forums, as in previous years, there was no consensus on the budget, and a vote was taken. At the CSP, 98 states parties voted in favour, 8 against and 21 abstained.<sup>46</sup> The lack of consensus was mainly due to the inclusion of funds for the IIT, which several states parties (including Cuba, Iran, Russia and Syria) still argued to be illegitimate and not covered by the scope of the CWC (see section I). There was also criticism of cuts to the budget and the reallocation of funds; several states parties advocated for cooperation and assistance activities to be funded from the regular budget instead of voluntary contributions and for the budget to be adopted by consensus and not subjected to a vote.<sup>47</sup> The director-general emphasized that the budget reductions were envisaged as a temporary measure to compensate for deficits and remaining difficulties related to the Covid-19 pandemic.<sup>48</sup>

The CSP elected 20 new members to the 41-member Executive Council for a two-year term. In the case of four of the regional groups, all 17 members were elected by acclamation. In the case of the Eastern Europe Group, because four states put forward their candidacy for the three vacant seats, a secret ballot was held. Election required 66 votes; Lithuania (76 votes), Poland (123 votes) and Ukraine (126 votes) were elected, whereas Russia (65 votes) lost its seat on the Executive Council for the first time and will not be represented there in the two years from May 2024.<sup>49</sup>

The Technical Secretariat continued to experience a shortage of staff and anticipated an even greater reduction in staff numbers by the end of 2023. As of 31 October, according to the director-general, 102 of the 464 approved posts were vacant.<sup>50</sup> This situation had intensified discussions on changing the OPCW's tenure policy—which limits appointments to a maximum of seven years—and rehiring former staff. In July 2023 the Executive Council initiated a facilitation process on the question of the tenure policy. No consensus could be found on the question of rehiring former staff, primarily because of concerns that this could disadvantage under-represented regions.<sup>51</sup> The draft decision consequently did not address this question. On the seven-year limit,

<sup>45</sup> OPCW, Executive Council, 'Draft programme and budget of the OPCW for 2024–2025', Decision EC-104/DEC.2, 12 Oct. 2023.

<sup>46</sup> OPCW, Conference of the States Parties, Report of 28th session, C-28/5, 1 Dec. 2023, para. 13.7.

<sup>47</sup> OPCW, Conference of the States Parties, Afternoon session, 27 Nov. 2023, Video recording, Debate under agenda item 13, starting at 47:37.

<sup>48</sup> OPCW, C-28/DG.21 (note 9), paras 51–52.

<sup>49</sup> OPCW, C-28/5 (note 46), paras 12.2–12.3. For the voting results see OPCW, Conference of the States Parties, Morning session, 29 Nov. 2023, Video recording (part 2).

<sup>50</sup> OPCW, C-28/DG.21 (note 9), para. 52.

<sup>51</sup> OPCW, Conference of the States Parties, Report by the co-facilitators on the tenure policy, C-28/WP.1, 14 Nov. 2023, para. 12.

the draft proposed that the director-general may 'issue one-year contract extensions, for a period of no more than three years beyond the seven-year total length of service' and that 'the total number of staff extensions shall not exceed 10 fixed-term positions at any time'.<sup>52</sup> The CSP considered and adopted the decision, but Russia disassociated itself from the consensus.<sup>53</sup>

At the fifth Review Conference a common understanding emerged that the verification regime should be improved by being adapted to the evolution of science and technology and to trends in the chemical industry regarding 'the growth in its scale and complexity; the expanding number of industrial sites that use Schedule 2 chemicals; and the geographical distribution of production sites'.<sup>54</sup> States parties continued to discuss this question, and in November 2023 the director-general reported that they had agreed to adjust the frequency of Schedule 2 plant inspections according to risk assessments.<sup>55</sup> In his view, this would also eliminate the backlog in this inspection category that arose due to the Covid-19 pandemic. At that time, the Technical Secretariat expected to complete 194 of the 200 planned inspections by the end of the year. As Arias explained to the CSP, the shortfall was 'mainly attributable to planning and logistical constraints related to sequential inspections'.<sup>56</sup>

The Business Continuity Initiative, started by Germany in 2020, was prompted by the difficulties encountered by the Executive Council in continuing its work under the restrictions in place during the Covid-19 pandemic. After three years of consultations, in March 2023 the Executive Council adopted a decision on the convening of its meetings in extraordinary circumstances.<sup>57</sup> According to this decision, the Council may now hold sessions in locations in the Netherlands other than the OPCW headquarters or, if that is not possible, virtually if extraordinary circumstances make it impossible for it to convene in the regular manner.

## **Chemical weapon destruction**

Chemical disarmament reached a milestone in 2023 with the completion of the verified destruction of all declared chemical weapon stocks worldwide, amounting to 72 304.34 metric tonnes. The last remaining stockpile was

<sup>52</sup> OPCW, Conference of the States Parties, 'Amendment of the OPCW tenure policy', Decision C-28/DEC.10, 30 Nov. 2023.

<sup>53</sup> OPCW, C-28/5 (note 46), paras 16.7–16.13.

<sup>54</sup> OPCW, C-28/DG.21 (note 9), para. 31.

<sup>55</sup> OPCW, C-28/DG.21 (note 9), paras 32–33.

<sup>56</sup> OPCW, C-28/DG.21 (note 9), para. 29.

<sup>57</sup> OPCW, Executive Council, 'Allowing the convening of Executive Council meetings or sessions in extraordinary circumstances', Decision EC-102/DEC.6, 16 Mar. 2023.

destroyed in the United States on 7 July 2023.<sup>58</sup> Destruction of declared chemical weapon stockpiles was originally to be completed by 2007, with a possible five-year extension until 2012. Most of the declared possessor states—Albania, India, Iraq, South Korea, Libya, Russia, Syria and the USA—destroyed their declared stockpiles before 2012 or within their specific deadlines (e.g. Russia, which completed its destruction process in 2017).<sup>59</sup> With the destruction of all declared stocks completed, the OPCW continues to focus on preventing the re-emergence of chemical weapons and has been adjusting its inspection activities accordingly.<sup>60</sup> However, there remain concerns about the incompleteness of Syria's declarations (see section I), and Myanmar may also have a former chemical weapon programme to declare (see below).

The removal and destruction of the chemical weapons abandoned by Japan in China in the 1930s–40s was still ongoing in 2023. At the CSP in November 2023 both countries gave presentations on their activities related to the destruction process. China criticized Japan, claiming that progress in the removal and destruction was too slow, and demanded that Japan intensify its efforts.<sup>61</sup> Japan emphasized the amount of resources it had already invested and the difficulties in safely recovering and destroying the decades-old weapons.<sup>62</sup> The CSP 'urged the Abandoning State Party [Japan] to continue to make the fullest possible effort to complete the destruction of chemical weapons abandoned by Japan on the territory of China as early as possible' and 'reaffirmed that the Territorial State Party [China] shall provide appropriate cooperation'.<sup>63</sup>

### **Chemical weapon issues at the United Nations**

At the United Nations, chemical weapon-related matters are mainly discussed in the Security Council and in the First Committee (on disarmament and international security) of the General Assembly. In 2023 many of the topics raised in OPCW debates were also covered in the First Committee proceedings, and delegates voiced similar positions and used similar arguments to those used

<sup>58</sup> E.g. OPCW, 'OPCW confirms: All declared chemical weapons stockpiles verified as irreversibly destroyed', 7 July 2023. See also OPCW, Conference of the States Parties, Afternoon session, 28 Nov. 2023, Video recording, Oral presentation by the USA, starting at 3:10.

<sup>59</sup> Walker, P. F., 'Three decades of chemical weapons elimination: More challenges ahead', *Arms Control Today*, vol. 49, no. 10 (Dec. 2019); and Walker, P. F., 'Abolishing chemical weapons: Progress, challenges, and opportunities', *Arms Control Today*, vol. 40, no. 9 (Nov. 2010).

<sup>60</sup> OPCW, C-28/DG.21 (note 9), para. 34.

<sup>61</sup> OPCW (note 58), Oral presentation by China, starting at 32:14.

<sup>62</sup> OPCW (note 58), Oral presentation by Japan, starting at 24:30. See also OPCW, Review Conference, Japan's efforts and progress on the destruction of abandoned chemical weapons in China', Statement by Japan, 17 May 2023.

<sup>63</sup> OPCW, C-28/5 (note 46), para. 9.8.

in the OPCW policymaking organs and at the fifth Review Conference.<sup>64</sup> This concerned, among other things, the use of chemical weapons in Syria and the work of the Fact-Finding Mission (FFM) and the IIT, and the outcome of the Review Conference. Regarding the latter, many delegations expressed their appreciation of the convergence of views in some areas, but also their regret that no final document could be agreed, while some also welcomed the fact that there was no vote on an outcome document. Israel, which as a signatory state does not participate in the regular OPCW discussions, expressed its support for the work of the organization at the First Committee. It condemned Syria for its chemical weapon policy and accused Iran of violating the CWC.<sup>65</sup> Both countries rejected these allegations.<sup>66</sup>

In a statement in the First Committee, the representative of Myanmar—who was appointed by the civilian government and who has openly criticized the military coup of February 2021—acknowledged ‘that the past chemical weapon programme of the military has put Myanmar in non-compliance with the provisions of the CWC’.<sup>67</sup> He went on to say that sulfur mustard had been produced in a military facility in the 1980s, that the programme was strictly classified by the military, and that efforts made by the civilian government to remedy Myanmar’s compliance situation were blocked by the military coup.<sup>68</sup> Myanmar acceded to the CWC in 2015 without declaring a former chemical weapon programme, but suspicions about the existence of such a programme have been raised repeatedly.<sup>69</sup>

The UN Security Council continued to hear regular briefings in 2023 about the situation regarding Syria and chemical weapons. Monthly briefings, as mandated in 2013 by UN Security Council Resolution 2118 on the chemical disarmament of Syria, continued to be scheduled by most Council presidents in 2023.<sup>70</sup> In addition, the OPCW director-general as part of his regular

<sup>64</sup> For a summary of the discussions see Hipkins, A., ‘Chemical weapons’, *First Committee Monitor*, 21 Oct. 2023, pp. 24–25.

<sup>65</sup> On US accusations of Iranian non-compliance with the CWC, mostly for failure to submit complete declarations and pursuing dual-use activities see US Department of State, ‘Compliance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction Condition (10) (C) Report’, Apr. 2023, pp. 9–12.

<sup>66</sup> For the full debate see United Nations, General Assembly, First Committee, 14th plenary meeting and 15th plenary meeting, 18 Oct. 2023, UN Web TV.

<sup>67</sup> United Nations, General Assembly, First Committee, Statement by Myanmar, 19 Oct. 2023. See also ‘Myanmar’s UN ambassador fired day after calling for global action to overturn coup, state TV says’, France 24, 27 Feb. 2021; and United Nations, General Assembly, Report of the credentials committee, A/78/605, 6 Dec. 2023, paras 7, 9.

<sup>68</sup> On Myanmar’s chemical weapon programme see Koblentz, G. D. and Roty, M., ‘Myanmar should finally come clean about its chemical weapons past—With US help’, *Bulletin of the Atomic Scientists*, 11 Mar. 2020.

<sup>69</sup> E.g. US Department of State (note 65), pp. 6–8.

<sup>70</sup> UN Security Council Resolution 2118, 27 Sep. 2013; and Security Council Report, ‘Syria: Meetings on the political, humanitarian, and chemical weapons tracks’, What’s in Blue, 20 Dec. 2023.

reporting on the Syria case briefed Security Council members on the 2023 report of the IIT.<sup>71</sup>

The UN General Assembly adopted its regular resolution on the CWC, submitted by Poland, with 159 states voting in favour, 7 against (China, Iran, Mali, Nicaragua, Russia, Syria and Zimbabwe) and 16 abstaining.<sup>72</sup> In the First Committee, the vote on the draft resolution as a whole had been 154–7–18.<sup>73</sup> Separate votes had been taken on paragraphs concerning the use of chemical weapons in Syria; assassinations in Malaysia, Russia and the United Kingdom; the investigations into chemical weapon attacks in Syria and the related efforts, instruments and decisions by the OPCW; and CNS-acting chemicals. On these paragraphs, a slightly higher number of states voted ‘no’ and the number of abstentions was between 39 and 63.<sup>74</sup> This reflected the debates at the OPCW, as these were the topics where OPCW members could not find consensus but also had to resort to voting, whereas other issues and understandings covered in the UN General Assembly resolution obviously enjoyed much wider support.

## Outlook

After an eventful year in 2023, the OPCW will face several challenges and opportunities in 2024. The completion of the destruction of all declared stockpiles will allow the transition of the organization’s focus to the prevention of the re-emergence of chemical weapons. This will necessitate further adjustment of its verification activities along with efforts to preserve destruction and inspection expertise as previously undeclared chemical weapon stockpiles might emerge in the future.

The allegations of chemical weapon use in Ukraine, Syria’s non-compliance with its disarmament obligations and unresolved issues regarding the alleged use of chemical weapons in Syria and the related political conflicts will most likely continue to have an impact on and complicate the work of the policymaking organs of the OPCW. It remains to be seen whether and how the increased pressure to restore compliance exerted by the Conference of the States Parties will affect Syria’s behaviour.

<sup>71</sup> Arias, F., OPCW director-general, ‘Briefing to the members of the United Nations Security Council on the 3rd report of the IIT’, 7 Feb. 2023.

<sup>72</sup> UN General Assembly Resolution 78/29, ‘Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction’, 4 Dec. 2023; and United Nations, Digital Library, ‘Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction: Resolution adopted by the General Assembly’, 4 Dec. 2023.

<sup>73</sup> United Nations, General Assembly, ‘General and complete disarmament’, Report of the First Committee, A/78/409, 10 Nov. 2023, para. 21(i).

<sup>74</sup> United Nations, A/78/409 (note 73), para. 21. In addition to some of the 7 states that voted against the resolution as a whole, Belarus, Bolivia, Cuba, Kazakhstan, North Korea, Kyrgyzstan and Laos voted against one or more individual paragraphs of the resolution.

The work of the fifth Review Conference, while not providing binding decisions for future action, nevertheless provided useful guidance on common ground and priorities for future areas of work, which can now be transformed into effective action. This concerns, among other things, adjustments to industry verification, geographical representation, and efforts to prevent and counter chemical terrorism. The medium-term plan prepared by the Technical Secretariat for the period 2024–28 ‘provides direction for the annual planning process’ of the OPCW with regard to seven core objectives: the elimination and the non-proliferation of chemical weapons; assistance and protection against chemical weapons; international cooperation to foster development; national implementation of the CWC; universalization of the CWC; and the implementation of all provisions of the CWC.<sup>75</sup> Due in large part to the advisory bodies’ work, the Technical Secretariat and states parties also have a rich agenda of scientific and technical questions and issues to address in a practical way. Among other things, this includes work in the areas of biotoxins, chemical forensics and the role of enabling technologies such as AI and additive manufacturing.

Consequently, while the political processes regarding ensuring and restoring compliance with the CWC, and all related aspects, are likely to remain polarized and hampered by political conflicts, the ongoing activities of the OPCW in verification, international cooperation and assistance will continue. There is, moreover, scope for action to further strengthen the scientific foundation and the cooperation aspects of the CWC.

<sup>75</sup> OPCW, Executive Council, ‘Medium-term plan of the Organisation for the Prohibition of Chemical Weapons 2024–2028’, Note by the Technical Secretariat, EC-104/S/1 and C-28/S/1, 14 Aug. 2023, para. 1 and annex.