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Article VI Verification in Light of Emerging Threats and Chemical Terrorism






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Doha, 4 October 2018

The Hague Ethical Guidelines


<https://beta.opcw.org/hague-ethical-guidelines>




Applying the norms of the practice of chemistry to support the Chemical Weapons Convention

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THE HAGUE ETHICAL GUIDELINES

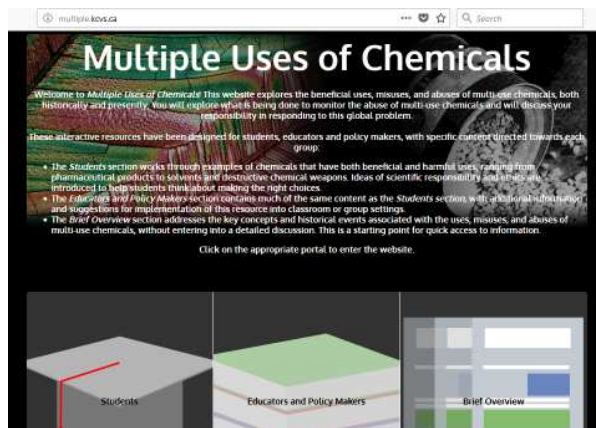
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Multiple Uses of Chemicals Website



<http://multiple.kcvs.ca/>



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ABEO report 5/1



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Advisory Board on Education and Outreach

Fifth Session
27 February – 1 March 2018

ABEO-5/1
12 February 2018
Original: ENGLISH

REPORT ON THE ROLE OF EDUCATION AND OUTREACH IN PREVENTING THE RE-EMERGENCE OF CHEMICAL WEAPONS

1. EXECUTIVE SUMMARY

- 1.1 This report by the Advisory Board on Education and Outreach (ABEO) identifies education and outreach (E&O) approaches to help the Organisation for the Prohibition of Chemical Weapons (OPCW) achieve its goal of preventing the re-emergence of chemical weapons.

<https://beta.opcw.org/resources/documents/subsidiary-bodies/advisory-board-education-and-outreach>



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Overview

- Emerging (and Continuing) Threats
- Chemical Terrorism and Counter-terrorism
- CWC Article VI: Verification and Beyond
- Conclusions



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Emerging (and Continuing) Threats

- 6th Preambular Paragraph:
“Determined for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention”
- Article I:
“(1) Each State Party to this Convention undertakes never under any circumstances;
...
(b) To use chemical weapons;”



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Emerging (and Continuing) Threats (cont'd)

- C-SS-4 took place 26 – 28 June 2018; C-SS-4/DEC.3 by UK, adopted by vote 82 to 24
- **Decides** that the Secretariat shall put in place arrangements to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic by identifying and reporting on all information potentially relevant to the origin of those chemical weapons ... (para 10)
- **Affirms** that, whenever a chemical weapons use occurs on the territory of a State Party, those who were the perpetrators, organisers, sponsors or otherwise involved should be identified, and **underscores** the added value of the Secretariat conducting an independent investigation of an alleged use of chemical weapons with a view to facilitating universal attribution of all chemical weapons attacks (para 19)



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Emerging (and Continuing) Threats (cont'd)

- **Invites** the Director-General to submit to the Conference at its next regular session:
 - a) proposals to enhance the capacity and tools of the Secretariat **to strengthen implementation of the Convention verification regime;**
 - b) options for further assistance the Secretariat may provide to States Parties to enable them to implement their obligations under the Convention, to enhance chemical security, and to enable international cooperation in the field of chemical activities for purposes not prohibited under the Convention

(para 21)



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An Evolving Operating Context

A growing threat?



Non-state actors



Advances in science and technology



Economic integration



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How can the CWC /
OPCW help to combat
the threat of chemical
terrorism?

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The Open-Ended Working Group on Terrorism

- Created in 2001 in response to WTC attacks
- Aimed at identifying specific measures
- Mandate reaffirmed by 3rd Review Conference in 2013
- Increase in activity since 2014
- 2015: new sub Working Group on Non-State Actors (NSAs) – established to make concrete recommendations
- Three themes being developed: legal accountability, prevention and response



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EC-86 Decision on Non-State Actors

- Key components:
 - Recognition of “fundamental threat” posed to the object and purpose of the CWC by NSAs
 - Potential for threat to grow over time
 - Underscores role of the OPCW in preventing and responding to this threat
 - Importance of Article VI (“adopt the necessary measures”) and VII of the CWC
 - Importance of capacity building



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RC-4 Preparations and Art VI Verification

- Recommendation of the Open-Ended Working Group on Future Priorities of the OPCW:
 8. Verification activities should be carried out based on a risk-based approach, in which States Parties' declarations would continue to form the basis for such activities, but factors such as States Parties' technical capacities, advances in science and technology, voluntary measures by relevant stakeholders, and the degree to which effective national implementation measures are in place should be taken into account in prioritising activities. Any information used in this context should be based on credible sources.

(RC-4/WP.1, dated 16 July 2018)



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RC-4 Preparations and Art VI Verification

- Scientific Advisory Board report to RC-4:
 30. OPCW verification could benefit from risk assessment tools and practices employed in the chemical industry, specifically those that have been developed to facilitate safer process and product design, and for regulatory compliance. For further consideration, see paragraphs 122 to 134 of Annex 1.



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Summary

- CW use and Non-State Actors have emerged as major threats to the object and purpose of the CWC;
- Opportunities for updating / enhancing Article VI and its verification provisions are arising from:
 - Decision of 4th Special Session of CSP;
 - Anti-terrorism work of OPCW, e.g. EC-86/DEC.9;
 - Preparatory work for RC-4, both OEWG-FP and SAB recommendations



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