

III. Chemical arms control and disarmament

CAITRÍONA MCLEISH

As of December 2019, there are 193 states parties to the 1993 Chemical Weapons Convention (CWC), the principal international legal instrument against chemical warfare; one state has signed but not ratified it; and three states have neither signed nor ratified the convention.¹ No state joined the treaty in 2019.

On 14 January 2019 Ambassador Odette Melono of the Republic of Cameroon joined the Technical Secretariat as the deputy director-general of the Organisation for the Prohibition of Chemical Weapons (OPCW). She is the fourth person to hold this office and succeeds Ambassador Hamid Ali Rao of India.

In February 2019, the OPCW fulfilled its first commitment for the International Gender Champions Initiative with the appointment of 10 OPCW Gender Focal Points. In his opening remarks to the 24th Session of the Conference of States Parties (CSP) in November 2019, the OPCW director-general, Ambassador Fernando Árias, also announced that the Technical Secretariat had ‘achieved 50–50 gender balance in the 10 top management structure positions of the Secretariat’.²

In August, the Secretariat released the 2019 versions of the Handbook on Chemicals and Online Scheduled Chemicals Database, with each now including those scheduled chemicals newly declared and those registered by the Chemical Abstracts Service between 2014 and 2017.³ The director-general informed the CSP that the new Electronic Declarations Information System, which will make the preparation and submission of electronic declarations (including declarations on riot control agents) more efficient, ‘will be released before the end of 2019’.⁴

OPCW developments

Throughout 2019, work related to responding to allegations of use of chemical weapons continued to dominate the agenda of the OPCW Technical Secretariat. A particular focus was implementing the decision adopted by states parties at the June 2018 Special Session, C-SS-4/DEC.3 (the June

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 Conference of the States Parties (CSP), ‘Opening Statement by the Director-General to the Conference of the States Parties at its Twenty-fourth Session (full version)’, C-24/DG.21, 25 Nov. 2019, para. 137.

³ OPCW, *Handbook on Chemicals*, 2019 (OPCW: The Hague, 2019).

⁴ OPCW CSP, C-24/DG.21 (note 2), para. 57.

decision).⁵ The continued divisions among states parties over this decision placed high levels of institutional stress on the OPCW. This played out in Executive Council meetings and at the main conference of the year, the 24th Session of the Conference of States Parties.

Implementing the June decision

During 2019, the OPCW Executive Council received four progress reports on the activities of the Investigation and Identification Team (IIT): two from the director-general on the status of implementation as of March and September, and two from the Technical Secretariat on the work of the IIT as at June and October.⁶ The first report from the IIT itself is expected in early 2020.

At the 90th Session of the Executive Council in March, the director-general informed states parties that the recruitment process for the members of the team was under way and that the IIT would become ‘fully operational in the coming weeks’.⁷ A stated goal of the Secretariat was to build sustainable capabilities within the IIT, and so a key activity during the post-recruitment period would be to establish ‘training to further build investigative capabilities in areas such as crime scene management, witness interviews, evidence collection, and forensics’.⁸

The June progress report concentrated on IIT working methods and personnel.⁹ The recruitment process for IIT personnel and support staff, in which due regard was had to both gender balance and representation of all geographical regions, hired a number of ‘experienced investigators and analysts with relevant qualifications and experience in complex investigations, analysis and forensics, as well as an expert in information systems, an administrative assistant, and a legal adviser’.¹⁰ On the basis of ‘a preliminary assessment of relevant incidents’, the IIT was focusing its work on nine incidents: Al-Tamanah, 12 April 2014; Kafr-Zita, 18 April 2014; Al-Tamanah, 18 April 2014; Marea, 1 September 2015; Ltamenah, 24 March 2017; Ltamenah, 25 March 2017; Ltamenah, 30 March 2017; Saraqib,

⁵ OPCW CSP, Fourth Special Session of the Conference of the States Parties, ‘Addressing the threat from chemical weapons use’, Decision, C-SS-4/DEC.3, 27 June 2018; and OPCW CSP, ‘Report of the Fourth Special Session of the Conference of the States Parties’, C-SS-4/3, 27 June 2018, para. 3.15.

⁶ OPCW Executive Council, ‘Progress in the implementation of Decision C-SS-4/Dec.3 on addressing the threat from chemical weapons’, Report by the Director-General, EC-90/DG.14, 7 Mar. 2019; OPCW Executive Council, ‘Work of the Investigation and Implementation Team established by C-SS-4/Dec.3 (dated 27 June 2018)’, Note by the Technical Secretariat, EC-91/S/3, 28 June 2019; OPCW Executive Council, ‘Progress in the implementation of Decision C-SS-4/Dec.3 on addressing the threat from chemical weapons’, Report by the Director-General, EC-92/DG.26, 27 Sep. 2019; and OPCW Executive Council, ‘Work of the Investigation and Implementation Team established by C-SS-4/Dec.3 (dated 27 June 2018)’, Note by the Technical Secretariat, EC-92/S/8, 3 Oct. 2019.

⁷ OPCW Executive Council, ‘Opening statement by the Director-General to the Ninetieth Session of the Executive Council’, Note by the Director-General, EC-90/DG.16, 12 Mar. 2019, para. 11.

⁸ OPCW Executive Council, EC-90/DG.14 (note 6), para. 14.

⁹ OPCW Executive Council, EC-91/S/3 (note 6), annex 1.

¹⁰ OPCW Executive Council, EC-91/S/3 (note 6), annex 1.

4 February 2018; and Douma, 7 April 2018.¹¹ The report noted that the IIT was ‘in the process’ of establishing contact with member states and other actors, including at the regional and local levels, ‘to gather information and conduct investigations and analysis, as it considers necessary and appropriate’.¹²

By the 92nd Session of the Executive Council in October 2019, the €1.3 million voluntary funding requirements specified in the 2019 budget as being needed to support the IIT had been met.¹³ The Technical Secretariat’s October report informed the Executive Council that the IIT had ‘further developed internal work practices’, especially in regard to ‘information management, investigations and evidence collection, documentation, and chain of custody’.¹⁴ Specific practices include that access to information within the IIT is on a ‘need-to-know basis’; that the IIT’s information management system and its file storage system can be accessed only through designated terminals which are ‘air-gapped’ (i.e. physically isolated from unsecured networks); that chain of custody is properly ensured through its registry procedures; and that, to prevent records from being deleted or lost, ‘only pre-authorised IIT personnel are able to delete records’ and there are ‘audit trails that cannot be modified or removed’.¹⁵

Continued dissatisfaction about the June decision

Despite this progress, a small number of states parties continued to regard the decision to establish the IIT as illegitimate. At the 91st Session of the Executive Council in July 2019—some months after the IIT began operating—Russia re-stated its position that the June decision ‘is illegitimate and is a direct violation of the prerogatives of the United Nations Security Council, and reaches far beyond the framework of the Convention and the mandate of the Organisation’.¹⁶ Iran also expressed its discontent, stating that the decision had ‘diverted the Organisation from its very technical nature’.¹⁷ Syria continued with its position that the decision lacked ‘international legitimacy’, ran ‘contrary to the provisions of the Convention, and was adopted in a manner widely departing from the OPCW tradition of

¹¹ OPCW Executive Council, EC-91/S/3 (note 6), annex 2.

¹² OPCW Executive Council, EC-91/S/3 (note 6), para. 9.

¹³ Contributions and pledges came from Australia, Canada, Denmark, Germany, New Zealand, Norway, Slovenia, Sweden, Switzerland, the United Kingdom and the European Union. See OPCW Executive Council, EC-92/DG.26 (note 6), para. 10.

¹⁴ OPCW Executive Council, EC-92/S/8 (note 6), para. 8.

¹⁵ OPCW Executive Council, EC-92/S/8 (note 6), paras 9, 11, 12 and 14.

¹⁶ OPCW Executive Council, Russian Federation, ‘Statement by HE Ambassador A. V. Shulgin, Permanent Representative of the Russian Federation to the OPCW, at the Ninety-First Session of the Executive Council’, EC-91/NAT.44, 9 July 2019, p. 1.

¹⁷ OPCW Executive Council, Islamic Republic of Iran, ‘Statement by HE Ambassador Dr Alireza Kazemi Abadi, Permanent Representative of the Islamic Republic of Iran, to the OPCW at the Ninety-First Session of the Executive Council’, EC-91/NAT.27, 10 July 2019, p. 3.

consensus, which is the keystone for all its decisions'.¹⁸ As a consequence of Syria's position, on 23 April 2019 the deputy minister of foreign affairs of the Syrian Arab Republic, Faisal Mekdad, informed the director-general through note verbale that 'the Syrian Arab Republic would not issue a visa to the Coordinator of the IIT to visit Damascus'.¹⁹ At the time of writing this remains the case.

Follow-up to the Fourth Review Conference

Expressing their deep regret that a Final Report was not adopted at the Fourth Review Conference, the Non-Aligned Movement of states parties and China, at the 90th Session of the Executive Council, issued a joint position paper proposing the establishment of an open-ended working group (OEWG) 'to identify those items contained in the Chairperson's Report of the Proceedings of the Fourth Review Conference on which consensus is achievable and to determine the prioritisation of implementation of the identified items'.²⁰ The nominated co-facilitators of the process were 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, who had been the chair of the OEWG for the preparation of the Fourth Review Conference.

At the 91st session of the Executive Council in July, co-facilitators Gómez and Puja reported that they had held six rounds of consultation: in March; on 21 and 28 June; and on 3, 5 and 8 July.²¹ During the June consultations, states parties exchanged views on a Secretariat non-paper entitled 'Ensuring Diverse and Qualified Workforce of the Technical Secretariat', which contained a number of proposals about the future of the Secretariat. This discussion resulted in a proposal to establish an OEWG on the topics contained within the non-paper.²² A revised version of this proposal was issued in July but did not enjoy consensus primarily due to disagreement about identifying topics for the OEWG to consider.²³ Although the co-facilitators noted a continued 'absence of viable common ground' on the proposal to establish an OEWG, they observed that there is a 'strong sense that the current facilitations could

¹⁸ OPCW Executive Council, Syrian Arab Republic, 'Statement by HE Ambassador Bassam Sabbagh, Permanent Representative of the Syrian Arab Republic, to the OPCW at the Ninety-First Session of the Executive Council', EC-91/NAT.41, 10 July 2019, p. 1.

¹⁹ OPCW Executive Council, EC-91/DG.14 (note 8), para. 15.

²⁰ OPCW Executive Council, 'Joint position paper by the member states of the non-aligned movement that are states parties to the Chemical Weapons Convention and China: A follow up to the Fourth Special Session of the Conference of the States Parties to review the operation of the Chemical Weapons Convention', EC-90/Nat.4, 7 Mar. 2019, para. 1.

²¹ OPCW Executive Council, 'Report by HE Ambassador Agustín Vásquez Gómez and HE Ambassador I Gusti Agung Wesaka Puja, co-facilitators nominated by the Ninetieth Session of the Executive Council', EC-91/WP.1, 10 July 2019, paras 5–12.

²² OPCW Executive Council, EC-91/WP.1 (note 21), paras 9 and 10.

²³ OPCW Executive Council, EC-91/WP.1 (note 21), para. 11.

Table 12.1. Voting record for the adoption of the Draft Programme and Budget of the OPCW for 2020, 92nd session 11 Oct. 2019

Voting record	State
For the decision (30 votes)	Argentina, Brazil, Bulgaria, Cameroon, Canada, Chile, Czech Republic, Denmark, France, Germany, Ghana, Guatemala, Indonesia, Italy, Japan, Malta, Mexico, Morocco, the Netherlands, Nigeria, Panama, Peru, Portugal, Republic of Korea, Romania, Saudi Arabia, Senegal, Ukraine, United Kingdom, United States
Against the decision (3 votes)	China, Iran, Russia
Abstentions (8 votes)	Algeria, Bangladesh, India, Iraq, Kenya, Pakistan, South Africa, Sudan

Source: OPCW Executive Council, 'Report of the Ninety-Second Session of the Executive Council', EC-92/5, 11 Oct. 2019, para. 11.19.

benefit from a revitalising impulse'.²⁴ The Executive Council requested that the co-facilitators continue their work.²⁵

Reporting to the 92nd Session of the Executive Council in October, co-facilitators Gómez and Puja noted that their proposed structure for further deliberations was reflected in 'the Chair's non-paper on the revitalisation of the facilitation framework, enhancing coordination and addressing issues on which progress is sought by States Parties in a non-discriminatory and effective manner'.²⁶ Reactions to their proposal were mixed, leading the co-facilitators to conclude that although their proposal had 'come as close to the "golden middle ground" as is possible', the divergent approaches among states could not be ignored.²⁷ They reported that they felt 'the need to take a realistic approach and leave it to others to take over from now on',²⁸ and that 'The OPCW cannot freeze in the past, it needs to evolve with times and adapt to the changing external environment. We need to make sure that our working methods adequately reflect this evolution and changes'.²⁹

The chair of the Executive Council requested that co-facilitators Gómez and Puja 'make an extra and final effort for a period of one month' to conduct additional consultations to find a proposal which enjoyed consensus.³⁰ The

²⁴ OPCW Executive Council, EC-91/WP.1 (note 21), paras 12 and 13.

²⁵ OPCW Executive Council, 'Report by HE Ambassador Agustín Vásquez Gómez and HE Ambassador I Gusti Agung Wesaka Puja, co-facilitators nominated by the Ninetieth Session of the Executive Council', EC-92/WP.1, 9 Oct. 2019, para. 3.

²⁶ OPCW Executive Council, EC-92/WP.1 (note 25), para. 3.

²⁷ OPCW Executive Council, EC-92/WP.1 (note 25), para. 7.

²⁸ OPCW Executive Council, EC-92/WP.1 (note 25), para. 9.

²⁹ OPCW Executive Council, EC-92/WP.1 (note 25), para. 11.

³⁰ OPCW Executive Council, 'Report of the Ninety-Second Session of the Executive Council', EC-92/5, 11 Oct. 2019, para. 5.3.

co-facilitators circulated a further proposal on 12 November 2019, which was welcomed by some states parties at the 24th Session of the CSP.³¹

Build-up to the 24th Session of the Conference of States Parties

At the 92nd Session of the Executive Council held on 8–11 October, states parties considered a number of matters, including the Draft Programme and Budget for 2020 and ‘key strategic financing proposals’ to ‘bolster the Organisation’s programmatic and financial strength and address the issue of future programme and budgets at zero real growth’, such as transitioning from an annual to biennial programme and budget cycle.³²

The publicly available national statements from the 92nd Session indicate division among the states parties along similar lines drawn in 2018 with regard to allocating budget towards implementation of the IIT according to the June decision.³³ Russia, for example, found the idea of an ‘omnibus decision bundle’ to be particularly objectionable.³⁴ The representative of the United States described those countries objecting to the omnibus format as ‘attempting to hold the 2020 budget hostage’.³⁵ According to the report of the 92nd Session, a vote to adopt the Draft Programme and Budget resulted in 30 in favour, 3 against and 8 abstentions (table 12.1). The result meant that the Executive Council adopted the Draft Programme and Budget and transmitted it to the CSP with a recommendation for approval.³⁶

The 24th Session of the Conference of the States Parties

The 24th Session of the CSP was held between 25 and 29 November 2019 with Ambassador Krassimir Kostov of Bulgaria as chair. As well as considering the proposals to amend the CWC Schedules, the CSP was tasked, among other things, with making decisions on matters related to the Programme and

³¹ See e.g. OPCW CSP, Azerbaijan, ‘Statement on behalf of the members of the non-aligned movement that are states parties to the Chemical Weapons Convention and China, delivered by HE Ambassador Jafar Huseynzada, Acting Director of the Department for Political-Military Affairs, Ministry of Foreign Affairs of the Republic of Azerbaijan, at the Twenty-Fourth Session of the Conference of States Parties’, C-24/Nat.7, 25 Nov. 2019, p. 2; and OPCW CSP, Finland, ‘Statement of the European Union, delivered by HE Ambassador Mika-Markus Leinonen, EU Liaison Officer to The Hague, at the Twenty-fourth Session of the Conference of States Parties’, C-24/NAT.48, 25 Nov. 2019, p. 3.

³² OPCW Executive Council, ‘Opening statement by the Director-General to the Ninety-second Session of the Executive Council (full version)’, EC-92/DG.34, 8 Oct. 2019, para. 4.

³³ See e.g. OPCW Executive Council, Iran, ‘Statement by HE Ambassador Dr Alireza Kazemi Abadi, Permanent Representative of the Islamic Republic of Iran, to the OPCW at the Ninety-second Session of the Executive Council’, EC-92/Nat.9, 8 Oct. 2019, p. 3.

³⁴ OPCW Executive Council, Russian Federation, ‘Statement by HE Ambassador A. V. Shulgin, Permanent Representative of the Russian Federation, to the OPCW at the Ninety-second Session of the Executive Council’, EC-92/Nat.26, 8 Oct. 2019, pp. 2–3.

³⁵ OPCW Executive Council, United States, ‘Statement by HE Ambassador Kenneth D. Ward, Permanent Representative of the United States of America, to the OPCW at the Ninety-second Session of the Executive Council’, EC-92/Nat.13, 8 Oct. 2019, p. 2.

³⁶ OPCW Executive Council, EC-92/5 (note 30), para. 11.19.

Table 12.2. Voting record for the adoption of the Draft Programme and Budget of the OPCW for 2020, 24th session, 29 Nov. 2019

Voting record	State
For the decision (106 votes)	Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Eswatini, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Holy See, Honduras, Hungary, Iceland, Indonesia, Ireland, Italy, Jamaica, Japan, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Mauritius, Mexico, Monaco, Montenegro, Morocco, Namibia, the Netherlands, New Zealand, Nigeria, North Macedonia, Norway, Oman, Panama, Paraguay, Peru, the Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Switzerland, Thailand, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Uruguay, Vanuatu, Viet Nam, Zambia
Against the decision (19 votes)	Armenia, Belarus, China, Cuba, Iran, Kazakhstan, Kyrgyzstan, Laos, Mongolia, Myanmar, Nicaragua, Palestine, Russia, Sudan, Syrian Arab Republic, Tajikistan, Uzbekistan, Venezuela, Zimbabwe
Abstentions (17 votes)	Algeria, Angola, Bolivia, Burkina Faso, Cambodia, Ethiopia, India, Iraq, Jordan, Kenya, Lebanon, Mozambique, Nepal, Pakistan, Rwanda, Sri Lanka, Uganda

Source: OPCW Conference of States Parties, 'Report of the Twenty-Fourth Session of the Conference of States Parties, 25–29 November 2019', C-24/5, 29 Nov. 2019, para. 14.4.

Budget of the OPCW for 2020, on which no consensus had been reached in the Executive Council.

Two months before the session, on 24 September 2019 Russia submitted a modification to its proposal to change Schedule 1 (see section II in this chapter), by dropping group 5 from the proposal.³⁷ This modification paved the way for many states parties at the 24th Session to express support in their national statements for the adoption, by consensus, of both the Canada–Netherlands–USA proposed change and the Russian modified proposal. The CSP considered both proposals together under agenda item 10 and adopted

³⁷ OPCW CSP, 'Report of the Twenty-Fourth Session of the Conference of States Parties, 25–29 November 2019', C-24/5, 29 Nov. 2019, para. 10.2.

them in parallel and by consensus.³⁸ This resulted in ‘a spontaneous round of applause’.³⁹ In his response to the adoption of these changes to the CWC schedules, the director-general informed states parties that the Secretariat would issue a note before the end of the year to provide guidance regarding the implementation of the decisions.⁴⁰

The moment of consensus among states parties quickly gave way to discord. By way of an explanation for the lack of consensus in the Executive Council on the Programme and Budget of Work for 2020 (agenda item 14), Ambassador Alexander Shulgin of the Russian Federation suggested there had been ‘dogged attempts to push through not only the regular budget but also other provisions which have nothing to do with the objectives set forth in the CWC’.⁴¹ Echoing Russia’s dissatisfaction with the omnibus format, China outlined its concerns with ‘the format and content’ and also suggested that ‘a couple of countries’ had ‘forcefully pushed’ the draft decision to a vote and ‘rushed’ to submit it to the CSP.⁴² Russia and China also raised the funding required to implement the June decision, which they opposed.

Taking the floor immediately after their interventions, Ambassador Kenneth Ward of the United States said that the objections of Russia and China were ‘a refusal on their part to support the implementation by the Technical Secretariat of a valid decision’ and requested a roll-call vote.⁴³ After a 24-hour delay, as required by the Rules of Procedures, voting to adopt the OPCW Draft Programme and Budget for 2020 took place. The result was 106 in favour, 19 against and 17 abstentions (table 12.2).⁴⁴ The votes fulfilled the requirement of two-thirds of the states parties present and voting in favour to adopt the budget.

Eleven delegations (Algeria, China, Cuba, India, Iran, Pakistan, Malaysia, Russia, South Africa, Syria and Venezuela) took the floor to explain their vote.⁴⁵ The predominant themes in these explanations were ‘a call for consensus and a questioning of the legitimacy’ of the June decision.⁴⁶

³⁸ See OPCW CSP, ‘Technical change to Schedule 1(a) of the Annex on Chemicals to the Chemical Weapons Convention’, Decision, C-24/Dec.4, 27 Nov. 2019; and OPCW CSP, ‘Changes to Schedule 1 of the Annex on Chemicals to the Chemical Weapons Convention’, Decision, C-24/Dec.5, 27 Nov 2019.

³⁹ Guthrie, R., ‘Conclusion of the general debate and the Schedule amendment decision(s)’, *Report of the Twenty-Fourth Session of the Conference of the States Parties*, CWC-CSP-24 Report no. 4, 28 Nov. 2019, p. 1.

⁴⁰ OPCW CSP, ‘Statement by the Director-General in response to the adoption of two decisions under Article XV of the Chemical Weapons Convention to amend the Annex on Chemicals’, C-24/DG.20, 27 Nov. 2019, para. 7.

⁴¹ OPCW, Webcast CSP-24, ‘Day 3—Afternoon’, 1:06:17–1:14:49.

⁴² OPCW, Webcast CSP-24 (note 41), 1:14:55–1:20:38.

⁴³ OPCW, Webcast CSP-24 (note 41), 1:20:44–1:23:57.

⁴⁴ OPCW CSP, C-24/5 (note 37), para. 14.4.

⁴⁵ OPCW CSP, C-24/5 (note 37), para. 14.5.

⁴⁶ Guthrie, R., ‘CW destruction, attribution, a vote on the budget and EC membership’, *Report of the Twenty-Fourth Session of the Conference of the States Parties*, CWC-CSP-24 Report no. 5, 29 Nov. 2019, p. 2.

A joint statement issued by 45 states parties during the CSP noted that the accreditation of some non-governmental organizations (NGOs) to that meeting had been blocked.⁴⁷ Some states had expressed their concern about this in advance of the CSP, especially their concern in relation to those NGOs who had previously been approved.⁴⁸ In responding to the joint statement, Russia expressed its concern about particular NGOs ‘bringing in unjustified politicisation to what is primarily technical activity’, making particular reference to the Syrian Civil Defence and White Helmets.⁴⁹ In the same statement, Russia confirmed its full support for the participation of civil society in the work of the main body of the OPCW, describing their participation as ‘an imperative’.

Other developments in 2019

The destruction of chemical weapons

As of 31 October 2019, 97.3 per cent of declared Category 1 chemical weapons (CWs) had been destroyed under international verification.⁵⁰ The USA remains the only declared possessor state party with CWs yet to be destroyed. In April 2019, the OPCW director-general and chair of the Executive Council, together with a delegation of Executive Council members, visited the Pueblo Chemical Agent-Destruction Pilot Plant (PCAPP) in Colorado and also held meetings in Washington, DC.⁵¹ As well as engaging with officials, the delegation met with the Colorado Citizens Advisory Commission. The chair reported to the Executive Council that the delegation was ‘confident’ that the United States could complete its remaining destruction activities ‘within the current timelines’.⁵² During a detailed presentation on the status of the chemical demilitarization programme at the 24th Session of the CSP, the USA affirmed its commitment to destroy its CWs as quickly as practicable and that it was on track to meet the planned completion date, noting that to

⁴⁷ OPCW CSP, Joint statement concerning accreditation of non-governmental organisations for the Twenty-fourth Session of the Conference of the States Parties’, C-24/NAT.26, 25 Nov. 2019.

⁴⁸ See e.g. OPCW Executive Council, Australia, ‘Statement by Michelle McKendry, Deputy Permanent Representative of Australia to the OPCW at the Ninety-second Session of the Executive Council’, EC-92/NAT.20, 8 Oct. 2019, p. 2.

⁴⁹ OPCW CSP, Russia, ‘Statement by HE Ambassador A. V. Shulgin, Deputy Head of the Delegation of the Russian Federation, Permanent Representative of the Russian Federation to the OPCW at the Twenty-fourth Session of the Conference of the States Parties, in response to a statement by a group of countries on NGO participation’, C-24/Nat.39, 25 Nov. 2019.

⁵⁰ OPCW, CSP, ‘Opening statement by the Director-General to the Conference of States Parties at its Twenty-fourth Session’, C24/DG.19, 25 Nov. 2019, para. 33.

⁵¹ OPCW, ‘OPCW Executive Council and Director-General visit the United States’, Press release, 15 Apr. 2019.

⁵² OPCW Executive Council, ‘Visit by the Chairperson of the Executive Council, the Director-General and representatives of the Executive Council to the Pueblo chemical agent-destruction pilot plant, Colorado, United States of America, 6–11 April 2019’, EC-91/2, 14 June 2019, para. 66.

date it had safely destroyed more than 93.26 per cent of its CW stockpiles at a cost of \$31.6 billion.⁵³

Destruction of CWs abandoned by Japan on Chinese territory continued in 2019. In September, the director-general, the chair and representatives of the Executive Council visited the Haerbaling Abandoned Chemical Weapons Destruction Site ‘to better understand the technical and administrative issues associated with recovery identification and destruction’ of the abandoned CWs.⁵⁴

During 2019, the Secretariat conducted twelve related inspections in China, as well as eight inspections of old CWs in seven states parties (Belgium, France, Germany, Italy, Japan, the Netherlands and the UK).⁵⁵

The Centre for Chemistry and Technology

Work continues on the Centre for Chemistry and Technology project, for which the principal objective is to provide increased and enhanced space and capabilities for the OPCW Laboratory, Equipment Store and training facilities, currently in Rijswijk.⁵⁶ The latest publicly available report on the project noted that the design tender was planned for completion in the fourth quarter of 2019 and that the purchase agreement for the plot was expected to be concluded by the end of December 2019.⁵⁷ The land purchase agreement and deed of transfer were signed on 19 December, as planned, and work on the design of the building was scheduled to begin in January 2020.⁵⁸ As of December 2019, 28 countries and the European Union had made or pledged financial contributions to the project.⁵⁹ At the 24th Session of the CSP, the director-general renewed his appeal to all states parties to ‘pledge financial support for this project, regardless of the amount’.⁶⁰

The OPCW Scientific Advisory Board

In 2019 the OPCW Scientific Advisory Board (SAB) produced four reports and continued its ‘Science for Diplomats’ initiative. Included in the report of the 28th Session of the SAB was a recommendation that the appointment

⁵³ OPCW, Webcast CSP-24, ‘Day 4—Morning’, 2:10–15:07.

⁵⁴ OPCW, ‘Executive Council and Director-General review progress on destruction of abandoned chemical weapons in China’, Press release, 9 Sep. 2019.

⁵⁵ OPCW CSP, C-24/DG.21 (note 2), paras 36 and 38.

⁵⁶ 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/1769/2019, 9 July 2019, para. 3.

⁵⁷ OPCW Technical Secretariat, S/1769/2019 (note 56), paras 128–29.

⁵⁸ OPCW, ‘OPCW and municipality of Pijnacker-Nootdorp sign location agreement for new Centre for Chemistry and Technology’, Press release, 19 Dec. 2019.

⁵⁹ The 28 countries are Bangladesh, Belgium, Canada, Chile, China, Czech Republic, Estonia, Finland, France, Hungary, Ireland, Italy, Japan, Kazakhstan, Luxembourg, the Netherlands, New Zealand, Pakistan, Poland, Portugal, Republic of Korea, Slovakia, Slovenia, Spain, Turkey, UK, United Arab Emirates and USA. See OPCW, Press release, 19 Dec. 2019 (note 58).

⁶⁰ OPCW CSP, C-24/DG.21 (note 2), para. 30.

of a forensic adviser with broad experience in forensic science and international law be considered to provide advice to the director-general and the OPCW.⁶¹ In his reply to the report, the director-general said that the Secretariat ‘is exploring the modalities of how such an advisory role might be operationalised’.⁶² More recommendations can be expected in the Final Report of the Temporary Working Group (TWG) on Investigative Science and Technology. This TWG considered a range of new technologies relevant to CW investigations, including geospatial verification of weapons of mass destruction (WMD), crowdsourcing WMD verification, remote verification techniques, robotics and artificial intelligence support to investigations in hazardous environments, forensic biometrics in conflict zones, forensic big data analysis, and a generic integrated forensic toolbox.⁶³ The TWG held its final meeting in Helsinki in November 2019 and its Final Report is due before its mandate ends in February 2020. At the time of writing, this report has not appeared on the public website of the OPCW.

SAB members maintained their engagement with the Biological Weapons Convention⁶⁴ community by sharing relevant experiences about the provision of scientific advice to disarmament decision makers and the development of The Hague Ethical Guidelines.⁶⁵ The practice of increasing the visibility of the work of the SAB with the scientific community also continued. Two pieces of SAB advice, co-authored by all members, on medical care and treatment of injuries from nerve agents were published in peer-reviewed journals in 2019, alongside other peer-reviewed publications, including papers on investigative science and technology and on the role of green and sustainable chemistry in disarmament.⁶⁶

⁶¹ OPCW Scientific Advisory Board (SAB), ‘Report of the Scientific Advisory Board at its Twenty-Eighth Session, 10–14 June 2019’, SAB-28/1, 14 June 2019, para. 1.3(a).

⁶² OPCW Executive Council, ‘Response to the report of the Twenty-Eighth Session of the Scientific Advisory Board, 10–14 June 2019’, Note by the Director-General, EC-92/DG.12, 9 Sep. 2019, para 10(a).

⁶³ OPCW SAB, ‘Summary of the Third Meeting of the Scientific Advisory Board Temporary Working Group on Investigative Science and Technology’, SAB-28/WP.3, 4 June 2019, paras 8.1–8.18.

⁶⁴ For a summary and other details of the Convention on the 1972 Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Biological Weapons Convention, BWC), see annex A, section I, in this volume.

⁶⁵ See Biological Weapons Convention, 2019 BWC Meeting of Experts, ‘Provisional agenda for the 2019 Meeting of Experts on review of developments in the field of science and technology related to the Convention’, BWC/MSP/2019/MX.2/1, 21 May 2019, agenda items 6 and 7; and OPCW, ‘Statement by the OPCW at the 2019 Meeting of States Parties to the Biological and Toxins Weapons Convention’, 4 Dec. 2019.

⁶⁶ See Timperley, C. et al., ‘Advice on assistance and protection provided by the Scientific Advisory Board of the Organisation for the Prohibition of Chemical Weapons: Part 1. On medical care and treatment of injuries from nerve agents’, *Toxicology*, vol. 415 (Mar. 2019); Timperley, C. et al., ‘Advice on assistance and protection by the Scientific Advisory Board of the Organisation for the Prohibition of Chemical Weapons: Part 2. On preventing and treating health effects from acute, prolonged, and repeated nerve agent exposure, and the identification of medical countermeasures able to reduce or eliminate the longer term health effects of nerve agents’, *Toxicology*, vol. 413 (Feb. 2019); Borrett, V. et al., ‘Investigative science and technology supporting the Organization for the Prohibition of Chemical Weapons (OPCW)’, *Australian Journal of Forensic Sciences*, vol. 51, no. 6 (2019); and Forman, J. and

The terms of office for six SAB members ended in 2019, including that of the chair of the SAB, Dr Cheng Tang, and chair of the TWG on Investigative Science and Technology, Dr Veronica Borrett. In addition, at the end of 2019 the OPCW's Science Policy Adviser, Jonathan Forman, left as required by the OPCW tenure policy. New SAB members began their terms on 1 January 2020, with a new Science Policy Adviser joining later in 2020.

The Advisory Board on Education and Outreach

During 2019, the Advisory Board on Education and Outreach (ABEO) convened twice—from 26 to 28 February and from 20 to 22 August—and welcomed eight new members from Argentina, Australia, Guatemala, India, Japan, Kazakhstan, Malaysia and Pakistan. At its session in August, ABEO members elected Dr Jo Husbands and Dr Adriana Bernacchi as chair and vice-chair, respectively, for 2020.

To facilitate its work, the ABEO established four intersessional working groups to undertake several projects, including an exploration of using the history of CW use as a possible educational tool and preparation of new education and outreach (E&O) material.⁶⁷ During the Eighth Session of the ABEO, the director-general expressed his support for its initiative on e-learning, noting 'the Organisation's need to strengthen its E&O capacity online' and that 'an enhanced e-learning offering will increase the ability to engage with a broader spectrum of audiences, particularly younger generations, to better prepare key stakeholders for the more traditional training formats the Secretariat offers'.⁶⁸

To that end, the development of online courses and a MOOC (massive open online course) are e-learning priorities for the ABEO during 2020 and 2021.⁶⁹

OPCW–The Hague Award

On 20 November 2019 the OPCW–The Hague Award Committee announced its decision to honour Dr Robert Mikulak, Dr Tang and the International Union of Pure and Applied Chemistry as the joint recipients of the 2019 OPCW–The Hague Award. On 25 November, the first day of the 24th Session of the CSP, each award recipient received a medal, a certificate of recognition and a share of the €90,000 prize.

Timperley, C., 'Is there a role for green and sustainable chemistry in chemical disarmament and nonproliferation?' *Current Opinion in Green and Sustainable Chemistry*, vol. 15 (Feb. 2019).

⁶⁷ OPCW Advisory Board on Education and Outreach (ABEO), 'Report of the Seventh Session of the Advisory Board on Education and Outreach', ABEO-7/1, 28 Feb. 2019, para. 8.6.

⁶⁸ OPCW ABEO, 'Report of the Eighth Session of the Advisory Board on Education and Outreach', ABEO-8/1, 22 Aug. 2019, para. 3.2.

⁶⁹ OPCW ABEO (note 68), annex 2.

Central nervous system acting chemicals

There have been ongoing discussions within the OPCW, dating back to the First Review Conference in 2003, about the possible use for law enforcement purposes of aerosolized opioids (such as fentanyl or homologues) or other chemicals that act on the central nervous system (CNS), some of which have been previously but inaccurately referred to as ‘incapacitants’. The SAB has also considered scientific aspects of CNS-acting chemicals in a comprehensive manner.⁷⁰

During the 24th Session of the CSP, the general debate included numerous statements supporting Australian, Swiss and US efforts to prepare a draft decision that would result in a statement declaring that aerosolized use of CNS-acting chemicals was inconsistent with law enforcement purposes as a ‘purpose not prohibited’ under the CWC.⁷¹ There was also a well-attended side-event co-hosted by Australia, Switzerland and the USA on this issue.

Activities in cooperation with other international agencies

The OPCW continued its partnership with other international organizations in areas of common interest and benefit, including by serving as a vice-chair of the UN Working Group on Emerging Threats and Critical Infrastructure Protection, along with the United Nations Office for Disarmament Affairs (UNODA) and the United Nations Interregional Crime and Justice Research Institute. The United Nations Office for the Coordination of Humanitarian Affairs, the World Health Organization, INTERPOL and the Biological Weapons Convention Implementation Support Unit jointly developed a proposal for the next phase of a project to enhance inter-agency interoperability and public communications in the event of a chemical or biological attack. The proposal is pending acceptance by the UN Office of Counter-Terrorism.⁷² On 16 October the Technical Secretariat and the Polish Ministry of Foreign Affairs co-organized a presentation entitled ‘Addressing the challenge posed by chemical terrorism: OPCW capacity building for states parties’ in the margins of the UN General Assembly First Committee. The presentation highlighted the successful outcomes of the Critical Incident Preparedness for Hospitals (HOSPREP) programme in Bangladesh which had been held in July.⁷³

⁷⁰ OPCW SAB, ‘Central nervous system acting chemicals—considerations from the OPCW Scientific Advisory Board’, Conference of States Parties (CSP-22), 28 Nov. 2017.

⁷¹ See Guthrie, R., ‘Conclusion of the general debate and the Schedule amendment decision(s)’, CBW Events—CWC Reports, CSP-24 Report no. 4, 28 Nov. 2019, p. 2.

⁷² OPCW CSP, C-24/DG.21 (note 2), para. 76.

⁷³ OPCW, ‘OPCW programmes for addressing chemical terrorism showcased at UN General Assembly side-event’, Press release, 21 Oct. 2019.

The United Nations agenda for disarmament and chemical weapons

Action 9 of the UN agenda for disarmament concerns restoring respect for the global norm against chemical weapons.⁷⁴ The objectives of this action are to provide the UN Security Council ‘with food for thought on how it can fulfill its responsibilities’ and to undertake ‘a lessons-learned process on the OPCW–United Nations Joint Investigative Mechanism’.⁷⁵ Over the course of 2019, the UNODA web page for Action 9 listed Canada and France as ‘champions’ of this item, and the European Union, Sweden and Finland as ‘supporters’.⁷⁶ The live implementation plan on this page showed, at the time of writing, that the first two activities—funding and scoping the issues to be examined by the lessons-learned process, and recruiting a new staff member to carry out the substantive and administrative tasks related to implementing the lessons-learned process—had been ‘completed’. The third activity—convening four workshops to take place in 2019—was, at the time of writing, ‘in progress’; while the final activity (a report) was ‘not yet initiated’.⁷⁷

Related and relevant areas proposed in the UN agenda for disarmament include encouraging responsible innovation of science and technology (Action 28), supported by India, and societal engagement (Action 39), including identifying applicable models for access and engagement (step 1).⁷⁸ On the latter issue, the agenda notes: ‘Disarmament initiatives have been most successful when they involve effective partnerships between Governments, the expert community and civil society.’⁷⁹

⁷⁴ United Nations Office for Disarmament Affairs (UNODA), *Securing Our Common Future: An Agenda for Disarmament* (UNODA: New York, 2018), p. 25.

⁷⁵ UNODA, ‘Ensuring respect for norms against chemical and biological weapons’, Objectives.

⁷⁶ UNODA (note 75), Change Log.

⁷⁷ UNODA (note 75), ‘Steps and activities’ and Change Log.

⁷⁸ UNODA, ‘Encouraging responsible innovation and application of new technologies’; and UNODA, ‘Enhancing participation by civil society and engagement by the private sector’, Action 39 and ‘Steps and activities’.

⁷⁹ UNODA, *Securing Our Common Future* (note 74), p. xi.