

The Green House, 244–254 Cambridge Heath Road
London E2 9DA, United Kingdom

Telephone +44 203 559 6146 **Fax** +44 203 559 6147

E-mail vertic@vertic.org **Website** www.vertic.org

Statement by VERTIC to the Fifth Review Conference of the States Parties to the Chemical Weapons Convention

The Hague, The Netherlands
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Chairperson, Director-General, Excellencies, Distinguished Delegates,

This past review cycle has seen the emergence of new and varied challenges to the Chemical Weapons Convention and to the wider international security environment. We call upon States Parties to continue to work together to strengthen and support the Convention in order to secure a world free from chemical weapons, and to acknowledge the crucial role of national implementation in upholding the Convention.

National implementation is a requirement under Article VII of the CWC. States Parties must adopt the necessary measures, including appropriate penal legislation, to fulfil their obligations under the Convention.

Of the 193 States Parties, 122 reported to the OPCW that they have comprehensive national legislation covering all initial measures as of July 2022. Thirty-six States Parties reported having only partial legislative implementing measures in place, and thirty-five have not reported on the adoption of any implementing legislation. There is therefore still considerable work to be done towards achieving full national implementation, amongst these seventy-one States Parties that have not yet adopted the minimum legislative measures.

It is notable that similar statistics were reported in 2018 ahead of the Fourth Review Conference, demonstrating ongoing challenges in relation to legislative implementation of the Convention. Addressing these challenges should be a priority throughout the next review cycle, as gaps in national legislative frameworks can weaken the effective operation of the Convention as a whole.

States Parties who have already adopted implementing legislation must also ensure that their laws and regulations keep pace with new developments and decisions taken since the last Review Conference, notably the changes to the Convention's Annex on Chemicals, agreed upon at the Twenty-Fourth Session of the Conference of States Parties in 2019 and which entered into force on 7 June 2020.

It is evident that national implementation is a continuous process that requires sustained effort and attention. We note the success of assistance tools and programmes for implementation of the CWC, in particular the crucial work done by the OPCW in this area. We also note the complementary role that civil society plays in supporting the activities of the OPCW due to its technical expertise. We encourage States Parties to continue to engage with members of the civil society community to further national implementation of the Convention.

VERTIC's National Implementation Measures (NIM) Programme has been engaging with states on national implementation of their commitments under the Chemical Weapons Convention, among other international instruments, for over fifteen years. We have done so by providing tailored assistance to interested states for adherence to and implementation of these treaties, resolutions and other commitments, in the forms of awareness-raising, legal analysis and legislative drafting activities. Through these engagements, we have developed a unique understanding of states' approaches to implementing the Convention and related instruments.

The NIM Programme has developed a number of tools and publications which are freely available for use by interested states. In 2021, under a project funded by the Norwegian Ministry of Foreign Affairs, we revised and published our legislation survey templates for both the CWC and BWC. The CWC template identifies 163 distinct national implementation measures needed to fulfil Article VII of the CWC, as well as relevant chemical weapons-related requirements under UN Security Council Resolution 1540 and other relevant treaties. We published the template so that state officials can use it to assess their legislative frameworks.

In 2022, VERTIC published a report and webpage on misconceptions about chemical and biological weapons and related legal frameworks, as part of a project funded by the UK Foreign, Commonwealth and Development Office. The misconceptions addressed in the report were identified by VERTIC staff through our extensive and longstanding interactions with states on these treaties, and from other sources. Misconceptions relating to these treaties can undermine states' engagement with them and subsequent national implementation measures. The report provides factual information that disproves these misconceptions, to help maintain trust in these treaty regimes.

VERTIC will speak further on these initiatives and our experience of supporting states with national implementation of the CWC during our side-event on Tuesday, 16th May. We also look forward to continuing this conversation with interested States and organisations on the margins of this Conference.

We request that this statement be made part of the official Fifth Review Conference proceedings. Thank you, Chair.