

**Open Forum:
The Chemical Weapons Convention – recent experience and
future prospects
9 April 2008**

1. The Open Forum took place at the OPCW Headquarters on the occasion of the Second Special Session of the Conference of States Parties to review the operation of the Chemical Weapons Convention (7 – 18 April 2008). It had been organised by non-governmental organisations that are interested in the Chemical Weapons Convention. This record is a summary of the presentations and of the questions and answers. It has been coordinated with the presenters and the Chairman of the Forum. The detailed presentation made by the presenter can be accessed through the OPCW website. It is important to note, however, that publication of this record does not imply any endorsement of its contents or reflect the position of the OPCW on the presentations made and on the matters discussed at the Open Forum.

Opening address: OPCW Director-General Rogelio Pfirter

2. During his opening statement, the Director-General highlighted that the Chemical Weapons Convention's success was attributable not only to its broad international support from States Parties, but also to stakeholders beyond governments that had played a fundamental role in ensuring that the Convention operated in an environment conducive to all the objectives of the Convention. The Director-General stressed the major contribution of the chemical industry to the negotiations in Geneva, and to the implementation of the Chemical Weapons Convention since Entry into Force. In this regard, the current industry verification regime was a product of the Convention, of the Technical Secretariat's dedication to excellence, but also of the chemical industry's support, understanding, and constructive engagement. Many of the same things could also be said for academic and non-governmental communities, who were and continue to be dedicated to ensuring that the Convention remained faithful to its objectives and able to identify challenges at an early stage. The goal of all participants at this Forum was the same: a commitment to peace and security and to the improvement of the human condition. The Director-General expressed his gratitude for the work of academia, non-governmental organisations, and of the chemical industry, and recommitted the OPCW to a continued interaction with each.

Keynote speaker: Ambassador Lyn Parker

3. Ambassador Lyn Parker, Chairperson of the Open-Ended Working Group for the preparation of the Second Review Conference, then took the floor to give a brief overview of the Working Group's activities to date. Over thirty formal meetings were held to date, as well as a number of informal meetings which concluded the groundwork for the Review Conference. The full range of issues had been discussed in the Working Group, providing a broad background to enable the Review Conference to set a direction for the future. The structure of the conference report had been discussed since the end of summer 2007, and dialogue had become more and more substantial since then. Using the analogy of a mountaineering expedition,

Ambassador Parker explained that the Working Group had established a fully equipped 'base camp' and that the task of the Review Conference itself would be to conclude the task. Throughout the preparatory process, great importance had been attached to looking for input from various stakeholders; in this regard, meetings had been held with both the chemical industry (June 2007) and with non-governmental organisations (November 2007). On a more informal basis, many delegations had also been involved with a number of relevant meetings organised in conjunction with the OPCW's tenth anniversary celebrations. Ambassador Parker therefore assigned importance to the Open Forum which gave non-governmental organisations the chance to address States Parties directly and express their views on the Review Conference, and expressed his delight at the large turnout from delegations.

Panel 1: Creating a more secure world through the Chemical Weapons Convention

4. **Universality: Daniel Feakes** mentioned that there are three primary reasons why universality matters. First, it strengthens the norm against chemical weapons by demonstrating its acceptance in different political, cultural, religious, economic and legal settings; second, it contributes to the Chemical Weapons Convention becoming accepted as a part of international criminal law; and thirdly, he stated that the absence of even small states from the Chemical Weapons Convention could undermine the treaty by providing safe havens or transshipment point for non-state actors and smuggling networks. He assessed 12 remaining holdout states, which have unique reasons for remaining outside of the Chemical Weapons Convention. The main obstacles for Angola, Bahamas, Dominican Republic, and Guinea-Bissau are logistical and resource constraints rather than political issues. Moreover, these states have other priorities such as HIV/AIDS, desertification, drought, poverty, debt, etc. For Iraq, which is a special case, the only remaining step appears to be deposit of an accession instrument in New York with the United Nations. Lebanon, Myanmar, and Somalia share varying degrees of serious internal political tensions that have delayed membership to the Convention. The Middle East faces most serious obstacles, however, and is a region that most needs the Chemical Weapons Convention. The linkage between chemical weapons and nuclear weapons appears to be one of the main obstacles in the region, therefore, decoupling the two types of weapons is necessary. Daniel Feakes suggested North Korea accede to the Convention as a possessor state, given the example of Libya.
5. **Chemical weapons destruction: Paul Walker** presented statistics regarding the possessor State Parties' chemical weapons stockpiles, the status of their destruction and demilitarisation costs. He suggested that emphasis must be placed on the importance of States Parties to fully fund and implement their ongoing chemical weapons destruction programs. He further recommended recognizing public concerns regarding public health and environmental protection and political complexities in implementing demilitarization efforts. Lastly, he stated the importance of improving US-Russian relations and moving beyond recent G-8 Global Partnership differences.
6. Pakistan thanked the speaker for his presentation on chemical weapon destruction, and inquired whether the failure of one possessor State Party to destroy its chemical weapons by its final deadline would impact on the commitment of other possessor States Parties to destroy their chemical weapons within their respective deadlines.

7. Paul Walker stated that the United States could have met its final deadline of 2012 had it moved forward with its planned accelerated programme for destruction in 2003. After September 11, 2001, the US became concerned about the vulnerability of its chemical weapons stockpiles, some of which were inadequately protected, and an accelerated schedule for the destruction of these stockpiles was proposed. However the invasion of Iraq, in 2003, halted the development of the accelerated programme and destruction progress between 2003 and 2005 was very slow, pushing the completion date back by four or five years at least. Last year, the US Congress issued legislation setting the date for completing destruction by 2017, and currently a Pentagon report analysing the schedule and financial implications of this date is awaited. It was likely that the US would complete 90% destruction by its extended deadline but that due to the delays at two destruction sites, the last 10% would require additional years. There would be no impact on other possessor States' commitment because it remained clear that the US was fully committed to destroying and abolishing its chemical weapons stockpile. The biggest challenge for the US was in balancing funding priorities and the competition with the costs of war in Iraq. Another pertinent issue was whether the Russian Federation would meet its extended deadline in 2012, and the answer to this question would only become clear in the years to come as construction moves forward.
8. **Industry verification: Neil Harvey** mentioned the possibility of chemical industry's products being misused or transformed into chemical weapons. He introduced Responsible Care, a program for the chemical industry to continually improve environmental, health and safety performance, independent of legal requirements. He emphasised the globalised scale of chemical industry and the trend to have a degree of standardisation. He argued that the Chemical Weapons Convention has to be dynamically applied by industry and national authorities if it is to retain its status as the most successful multilateral peace treaty ever. He projected that, concerning recent investment taking place in Asia and the Middle East, within the next 7 years, consumer market demographics will shift to Asia, especially China. He urged establishing another layer of chemical management control to cope with this changing global environment.
9. **National implementation: Angela Woodward** focused on three issues: 1) comprehensive implementation of the Chemical Weapons Convention, including the General Purpose Criterion; 2) national implementation as process; and 3) the need to include all relevant stakeholders to ensure effective national implementation. An issue of concern, she raised, was how States Parties are implementing the comprehensive prohibition on chemical weapons contained in Article II.1 (a), the so-called General Purpose Criterion. She stated that States Parties could usefully share their approaches to fully implement the General Purpose Criterion with each other, with national and international stakeholders and also with the Technical Secretariat. She also warned that adopting national implementing laws is not an end-point in itself, and that implementation must be an ongoing process to meet the requirements of Article VI and VII. Therefore, stakeholders from the public, private and civil sectors play an important role in ensuring full and effective implementation of the Convention.
10. **Assistance and protection: Jiří Matoušek** explained the contents of Article X stressing its technological face, encompassing delivery of equipment and know-how

in detection and monitoring, physical protection, decontamination and treatment of intoxications. He substantiated reasons of including Art. X. into the Convention, and elucidated its role in implementing it. He also argued, how assistance and protection helps against wartime non-chemical weapon threats (i.e. protection against other kinds of weapons of mass destruction, and releases of industrial chemicals, contagious agents and radionuclides due to conventional strikes against infrastructures of modern civilised societies) as well as against peacetime chemical and non-chemical threats as a result of accidental releases of toxic chemicals, infectious and radiological materials from industrial and social infrastructures, including consequences of CBRN-terrorism. He characterised acting according to Art. X. as a matter of international solidarity of States Parties with higher developed CBRN-protection to less developed States Parties. Activity of the Czech Republic under Art. X. was presented as a case example of a developed State Party. The competence of this country in providing assistance stems from long traditions in Research and Development and production of the whole complex of protection means in several generations. Examples of current means for detection, physical protection, decontamination and medical treatments were shown. The activities encompass offers and deliveries of equipment, special trainings of OPCW inspectors, and yearly advanced training courses in civil defense against chemical weapons and like.

Panel 2: Peaceful chemistry

11. **Outreach and codes of conduct: Alastair Hay** introduced the mission of International Union of Pure and Applied Chemistry and explained the themes of international conferences it held, concerning impact of science and technology on the Chemical Weapons Convention. Main topics included proposals to the OPCW on possible workshops. He stated that major challenges for the OPCW could be a perception on its ownership, concerns of negative impact on public image of chemistry, varying knowledge of chemistry teachers, little attention to ethical issues, and the remoteness of the Chemical Weapons Convention structure to educational system. He concluded with the importance of science education in this context.
12. **Economic and technological development: Abdouraman Bary** explained Article XI, which lays down the foundations for international cooperation in the field of peaceful applications of chemistry. Therefore, the OPCW international cooperation programmes, designed and conducted by the Technical Secretariat, constitute the core element of the Organization's policy in this matter. The aim of the presentation was to review these programmes in the light of the experience of a beneficiary State Party and its institutions, namely Burkina Faso. He argued that in order to optimise the efficiency of certain programs, specific conditions that the country faces, such as economic and technological constraints, must be taken into account. He further introduced challenges and difficulties that Burkina Faso met, while implementing those programs.
13. The representative from European Chemical Industry Council (CEFIC) thanked the briefer for his presentation and commented on Article XI and the role of industry. He stated that the OPCW and States Parties can undertake many activities regarding Article XI, however, he was of the opinion that real capacity-building has to be done

by companies. He added that the OPCW and States Parties could create an environment for better capacity-building by companies.

14. Ralf Trapp agreed that the OPCW is not an organisation that by itself can help chemical industry move to developing countries. However, it can help creating a regulatory environment that facilitates investment in developing countries for setting up chemical companies. He commented that industries have often complained about the burden of regulations. However, regulations are clearly linked to and a part of the national implementation process that can create conditions that facilitate investment and innovation.

Panel 3: The impact of science and technology on the Chemical Weapons Convention verification regime

15. **Law Enforcement: Mark Wheelis** had three recommendations for the law enforcement aspects of the Chemical Weapons Convention, concerning toxic chemical agents. First, he recommended that the Review Conference should consider initiating a mechanism to determine what features would be needed to characterize a toxic chemical, and the conditions of its use, in order for it to be appropriate for law enforcement, and legal under international law; and what specific chemicals, if any, meet these requirements. Secondly, he suggested that the Review Conference consider developing a mechanism by which States Parties are required to declare all toxic chemicals held for law enforcement purposes. The third recommendation was that, until such time as a declaration measure for all chemicals held for law enforcement is developed, States Parties make use of the consultation, cooperation and fact-finding measures in Article IX to clarify state practice with regard to such chemicals and to enhance transparency and confidence.
16. **Other chemical production facilities (OCPFs) inspections: Robert Mathews'** presentation consisted of historical background on the negotiation of OCPFs in Geneva, experiences so far in OCPF inspections, evolution of chemical industry and suggestions for the future. Despite significant number of inspections conducted at OCPF sites since 2000, there remain difficulties such as random selection processes and the evolution of chemical industry. He mentioned several recommendations to cope with challenges ahead: organisation of an OCPF workshop for OPCW delegates, adjustment to the Declaration Format to include more information on "main activities", greater allocation of resources to OCPF inspections, improvement in OCPF selection methodology and training of inspection teams on advanced production technologies. He also suggested employing sampling and analysis for OCPF inspections after more experience has been obtained with sampling and analysis during Schedule 2 inspections, and further down the track, considering whether the OCPF regime could be improved using the simplified amendment procedure in Article XV.
17. A representative from the US delegation asked Mathews how we could narrow down the list of possible OCPF facilities to identify only relevant facilities. Mathews responded that the OCPF regime already exempts plant sites that exclusively produce explosives and hydrocarbons, and suggested that plant sites that exclusively produce other types of chemicals in dedicated plant sites (e.g. urea fertiliser) and were not

capable of producing any chemicals relevant to the CWC could also be considered for exemption, through the Article XV simplified amendment provisions – however that any such a proposal would obviously require careful study.

18. An inspector commented on Robert Mathews' presentation. She stated that there was a presentation for inspectors last year and other efforts made by inspectors to keep up with new developments regarding OCPF inspections and the changing nature of relevant technology.
19. There were other comments on the importance of scientific education and the need to differentiate the mandate of the IAEA and the OPCW in that respect.
20. Ralf Trapp thanked all presenters. He emphasised that there were useful exchanges among multiple stakeholders, which could help enhance the implementation of the Chemical Weapons Convention. He looked forward to the continuation of similar discussions in the future. The Open forum concluded at 6pm.

2008 CHEMICAL WEAPONS CONVENTION OPEN FORUM

Ieper Room, 9 April 2008

2:00 p.m. to 5:30 p.m.

Chairperson: Dr. Ralf Trapp

Programme:

2:00 – 2:15 OPENING ADDRESS: OPCW Director-General, Rogelio Pfrirter

2:15 – 2:25 KEYNOTE SPEAKER: Ambassador Lyn Parker (United Kingdom of Great Britain and Northern Ireland) Chairperson of the Open-ended Working Group for the preparation of the Second Review Conference

2:25 – 3:40 Panel 1: Creating a more secure world through the Chemical Weapons Convention

- 2:25 – 2:40: Universality (Daniel Feakes, HSP)
- 2:40 – 2:55: Chemical weapons destruction (Paul Walker, Global Green)
- 2:55 – 3:10: Industry verification (Neil Harvey, ICCA)
- 3:10 – 3:25: National implementation (Angela Woodward, VERTIC)
- 3:25 – 3:40: Assistance and protection (Jiří Matoušek, INES)
- 3:40 – 3:50: Open Discussion

3:50 – 4:05 Break

4:05 – 4:45 Panel 2: Peaceful chemistry

- 4:05 – 4:20: Outreach and codes of conduct (Alastair Hay, IUPAC)
- 4:20 – 4:35: Economic and technological development (Abdouraman Bary, Burkina Faso)
- 4:35 – 4:45: Open Discussion

4:45 – 5:30 Panel 3: The impact of science and technology on the CWC verification regime

- 4:45 – 5:00: Law Enforcement (Mark Wheelis, CACNP)
- 5:00 – 5:15: Other chemical production facilities inspections (Robert Mathews, Australia)
- 5:15 – 5:30: Open Discussion
