



## NOTE BY THE TECHNICAL SECRETARIAT

### THE CONTRIBUTION OF THE OPCW TO CHEMICAL SAFETY AND CHEMICAL SECURITY

#### Introduction

1. The full and effective implementation of the Chemical Weapons Convention (hereinafter “the Convention”), as a joint effort between the States Parties and the Technical Secretariat (hereinafter “the Secretariat”), represents in itself a significant contribution to the peaceful and safe use of toxic chemicals, and thus a contribution to chemical safety and chemical security. Articles VI, VII, X, and XI of the Convention together provide the rationale for considering the current and future contribution of the Organisation for the Prohibition of Chemical Weapons (OPCW) to chemical safety and chemical security. At the same time, as indicated by the policy-making organs, the OPCW is being called upon by the States Parties to augment its contribution in this area.
2. The Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter “the Third Review Conference”) recalled that “chemical safety and security, while being two distinct processes, are the prime responsibilities of States Parties”. It also “encouraged the promotion of a safety and security culture regarding chemical facilities and of transportation of toxic chemicals” and “noted that capacity-building activities in these fields are one of the elements of the decision on components of an agreed framework for the full implementation of Article XI adopted by the Conference at its Sixteenth Session (C-16/DEC.10)” (paragraph 9.126 of RC-3/3\*, dated 19 April 2013).
3. The Third Review Conference also “noted the initiatives taken by States Parties and the Secretariat to promote activities in the areas of chemical safety and security” and “encouraged the States Parties and the Secretariat to promote the OPCW’s role as a platform for voluntary consultation and cooperation among States Parties in the areas of chemical safety and security, including through the exchanges of information and best practices, and to support national capacity building, upon request” (paragraph 9.127 and subparagraph 9.131(k) of RC-3/3\*, respectively).
4. By its decision on the implementation of Article XI, recalled by the Third Review Conference, the Conference of the States Parties (hereinafter “the Conference”) decided that a number of concrete measures should be actively implemented by States Parties and the Secretariat, including:



- (a) conducting, “based on input from National Authorities and relevant stakeholders, a needs assessment on tools and guidance that would be helpful for promoting chemical safety and security”;
  - (b) assisting, “in cooperation with other relevant organisations, National Authorities to develop chemical safety and security education and training programmes as well as outreach activities in the field on integrated chemical management;” and
  - (c) organising workshops and training courses, involving:
    - (i) border control and customs personnel, to promote the exchange of best practices for managing risks associated with the transfer of chemicals; and
    - (ii) relevant governmental institutions, National Authorities, chemical industry and academic representatives, to promote the exchange of best practices, including on the improvement of chemical plant safety and safe transportation of toxic chemicals” (subparagraphs 2(a)(i) and (iii), respectively, of C-16/DEC.10, dated 1 December 2011).
5. In addition, the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention “reaffirmed concerns expressed at the First Review Conference that chemical facilities may become subject to attacks or other incidents that could lead to the release or theft of toxic chemicals ... and encouraged States Parties to exchange experiences and discuss related issues” (paragraph 9.94 of RC-2/4, dated 18 April 2008). It also “invited States Parties to consult and cooperate both bilaterally and regionally on ways to prevent terrorists from acquiring and/or using chemical weapons” (paragraph 9.137 of RC-2/4).

**What is meant by “chemical safety” and “chemical security”?**

6. In the context of the Convention, chemical safety and chemical security can be understood to refer to measures taken at government, regional, local, or individual plant site level to ensure that chemistry is practised in a safe and secure manner:
- (a) “Chemical safety” refers to measures to prevent non-deliberate releases of toxic chemicals into the environment and to mitigate the impact if such events occur. Chemical safety comprises disciplines such as occupational safety, public safety, process safety, environmental safety, consumer safety, and transport safety. Many of these are dealt with by other international conventions and by several other international bodies and lead agencies. Generally speaking, the legal and regulatory framework for chemical safety is well established.
  - (b) “Chemical security” refers to measures to prevent deliberate releases of toxic chemicals and to mitigate the impact if such events occur. In a wider context, it also includes policies to prevent attempts to acquire toxic chemicals or chemical weapons precursors. In general terms, the relevant regulatory framework is under development or discussion at both the international and national levels.

7. Chemical safety and chemical security can be said to comprise three spheres of activity, namely prevention, monitoring/detection/corrective action, and emergency response.<sup>1</sup>

### **Relevant activities conducted under Articles VI, VII, X, and XI**

8. Various activities have to date been carried out by the Secretariat in the context of the fulfilment of its mandate, particularly in areas relating to the implementation of Articles VI (activities not prohibited under the Convention), VII (national implementation measures), X (assistance and protection against chemical weapons), and XI (economic and technological development) of the Convention, several of which are of relevance and represent important contributions to chemical safety and chemical security. Such activities are briefly recalled in the following paragraphs. Some of these activities cut across the different articles of the Convention and OPCW programmes.

#### Article VI

9. The implementation of the Convention's provisions relating to Article VI (activities not prohibited under the Convention) enhances chemical security by:
- (a) providing a legal framework for States Parties' authorities to ensure control of chemical substances and the chemical industry within their territory by establishing a mechanism for declarations, monitoring the transfers of scheduled chemicals and participating in on-site inspections, thereby creating confidence within the national and the international communities; and
  - (b) increasing the awareness of customs authorities of controlled chemicals and supporting the development of skills to identify such chemicals.
10. Furthermore, the Secretariat:
- (a) cross-checks States Parties' declarations of aggregate national transfer declarations, highlights any discrepancies to the individual declaring States, and conducts training for customs officials, particularly in regions with rapidly growing chemical industries. In cases where an individual State requested the Secretariat to assist in identifying declarable activity, analysis was conducted and guidance given for future monitoring of new relevant activities;
  - (b) has conducted technical-assistance visits at the request of the States Parties concerned, which have contributed to greater awareness of safety- and security-related issues; and
  - (c) reports annually on verification activities in the "Verification Implementation Report" and the "Summary of Verification Activities", which represent a means for States Parties to gain an overview of the implementation of the verification regime in each declaring State Party.

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The safety and security of chemical weapon stockpiles is a national responsibility, in accordance with paragraph 7 of Part IV(A) of the Annex on Implementation and Verification to the Convention, and is not covered by this paper.

#### Article VII

11. Under Article VII, the main focus of the Secretariat's activities is on assisting States Parties in the adoption of comprehensive national legislative and administrative measures to ensure that all aspects of the Convention are fully and effectively implemented. In the same way as for case of Article VI, national customs authorities are among the key stakeholders in activities carried out by the Secretariat in relation to implementation support. Customs authorities play an extremely important role in contributing to chemical safety and chemical security by monitoring trade in chemicals and preventing illicit transfers.
12. The Secretariat has been conducting tailor-made courses on the technical aspects of the transfers regime of the Convention for customs authorities around the world that are involved in the implementation of the Convention. The courses are aimed at enhancing the knowledge of the participating customs officials and sensitising them to the provisions of the Convention, particularly the transfer requirements, while also providing them with appropriate information and tools to undertake the detection, monitoring, and risk assessment of traded chemicals. These courses, organised at regional and subregional level, have contributed significantly to the promotion of chemical safety and chemical security in States Parties. The courses also help to create networks among the customs officials, which further facilitate the sharing of experiences and best practices followed by customs authorities around the globe.

#### Article X

13. Under Article X (assistance and protection), the Secretariat has conducted tailor-made national and regional courses in emergency response to create the necessary capacity to respond to a chemical attack or chemical accident in Member States. This capacity forms the foundation of a State Party's ability to respond to incidents where there has been a failure of chemical safety or security.
14. Expert advice provided by the OPCW under Article X assists Member States in the development of a coordinated chemical-emergency response system that can mitigate the effects of various types of incident involving the release of toxic chemicals. Since 1997, the Secretariat has, with the support of several States Parties, trained more than 3,000 nationals from Member States, thereby creating a pool of expertise that can support the national preparedness to respond to chemical incidents.

#### Article XI

15. Under Article XI of the Convention, the Industry-Outreach Programme was commenced in 2009 on the basis of a request and initiative of one State Party during a regional workshop focusing mainly on chemical safety. Subsequently, a number of activities have been organised under this programme, supported mainly through voluntary contributions by States Parties, both by providing financial resources and in-kind contributions. A course for African States Parties on chemical safety and chemical security was initiated in 2011. Additional workshops and seminars were also organised for other States Parties. In addition to in-kind support, substantial financial voluntary contributions have been provided by some States Parties and the European Union for the Industry-Outreach Programme.

16. The above-mentioned workshops and seminars were held based on requests made by Member States and the subject areas addressed during these events were tailored to the specific experience and expectations of the target audience.
17. The platform provided by these workshops and seminars brought together a large number of professionals in the field to exchange the latest practices and learn from each other. The exchanges were voluntary and covered a variety of different practices in terms of relevant regulatory and implementation frameworks, and identified possible ways forward in improving and enhancing a safety and security culture and environment in the chemical industry.
18. Experiences gained during such events, including feedback received from participants, informed the Decision on the Components of an Agreed Framework for the Full Implementation of Article XI” (C-16/DEC.10).
19. The National Authorities and representatives from the chemical industry of the Member States that participated in these initiatives recognised the need for continuous and more substantive efforts with regard to promoting chemical safety. Efforts have also been made by the Secretariat and some States Parties to develop a chemical-safety and chemical-security rating system that could be adopted by small and medium-sized enterprises. Best practices from leading companies as well as lessons learned from investigations relating to compliance with chemical-safety and chemical-security standards carried out by government agencies were shared with the participants, for whom new areas of learning were thus opened up in the field of chemical-safety management.

#### **Potential additional activities**

20. On the basis of the Convention and the above-mentioned recommendations and decisions stemming from the policy-making organs (see paragraphs 1 to 5 above), particularly from C-16/DEC.10, States Parties have mandated the Secretariat to provide technical assistance related to chemical safety and chemical security, with a view to strengthening capabilities and building awareness about the prevention of the misuse of toxic chemicals.
21. The contribution of the OPCW to chemical safety and chemical security must be concrete and targeted to meet the needs of the States Parties, and should use the same overall approach for both chemical safety and chemical security. Relevant activities should be based on continuous engagement with the States Parties and relevant chemical-industry stakeholders, with a view to understanding the challenges that they face, as well as to obtaining feedback on their needs and requirements. There is also a need to continuously consider what to promote and with whom to work.
22. Since there is a multitude of international instruments and lead agencies in chemical safety, the OPCW can act as a key complementary partner in that area. In chemical security, the OPCW is well placed to be one of the lead international organisations. In any case, the focus could be on identifying best practices, catalysing international partnerships, and promoting national capabilities by providing advice in cooperation with international players.

23. The Secretariat intends to continue the activities described in paragraphs 10 to 19, depending on resources available. Potential additional activities, in cooperation between the Secretariat and Member States in the field of chemical safety and chemical security, could include:

- (a) In line with C-16/DEC.10, the Secretariat encourages States Parties to carry out needs assessments in the fields of chemical safety and chemical security. The Secretariat can support such assessments, upon request, also in partnership with experts from States Parties, international organisations, and the chemical industry, and will continue to collate and disseminate information on good practices in chemical safety and chemical security for the benefit of States Parties.

#### Article VI

- (b) Since it can be argued that global security could be further enhanced if all facilities declarable under Article VI were to be declared by States Parties, and if transfer discrepancies were resolved, the Secretariat reiterates its readiness to assist States Parties.

#### Article X

- (c) While it is normally the responsibility of the States Parties to consider the risk of chemical incidents, the Secretariat could support States Parties in this endeavour through capacity-building projects aimed at identifying risks and mitigating measures, as well as response mechanisms, in the case of incidents or emergencies. This could be done, for example, through the development of emergency action plans for industrial areas.
- (d) Various practical tools could potentially be developed in consultation with States Parties, such as information packs in support of local emergency-response plans. These information packs should contain the outlines for best practices and exercises that would allow different local services to cooperate and exercise jointly for a variety of chemical-security threats. This would help to ensure compatibility and response to any form of a chemical-security threat. National Authorities would also play a key role in the dissemination of such tools.

#### Article XI

- (e) In order to deliver activities under the Industry-Outreach Programme, institutional links could be strengthened with international, regional, and national bodies that are active in promoting chemicals management in the chemical industry. These could include multilateral agencies, industry associations, academic and research institutions, and the development and consolidation of different practices to be made available on e-platforms for the chemical industry and other stakeholders. The Secretariat will continue to consider requests for joint hosting and co-funding of activities under this programme. These events will be organised in response to requests, offers, or needs of the respective Member States.

- (f) Furthermore, upon request by the States concerned, the Secretariat could, drawing on its technical expertise, advise States Parties on practical aspects related to the strengthening of security at chemical facilities. In addition, with the Secretariat as a “matchmaker”, States Parties’ needs could be matched to resources provided by other relevant entities known to the Secretariat: this could be particularly useful for small- and medium-sized facilities.

#### Cooperation with the chemical industry

- (g) Since the entry into force of the Convention, the OPCW and the chemical industry have been partners in implementing the verification regime as well as in ensuring that chemicals are not used for prohibited purposes. Based on the recommendations from the Third Review Conference,<sup>2</sup> the Secretariat has started to reinvigorate the partnership between the OPCW and the chemical industry. Chemical safety and chemical security are key areas in this respect, a fact that is also recognised by the industry. For example, the OPCW could complement industry initiatives to promote capacity building and to address relevant issues, taking care to avoid duplication of efforts. The Secretariat should explore practical collaborative initiatives with the chemical industry.

#### **Conclusions**

24. The OPCW has a role to play in chemical safety and chemical security, inter alia on the basis of the decision on the implementation of Article XI (C-16/DEC.10), recommendations from the Review Conferences, as well as requests from individual States Parties. This was corroborated by experts in a meeting organised by the Secretariat on 7 and 8 June 2012.<sup>3</sup>
25. Bearing in mind the need to prevent the re-emergence of chemical weapons and the misuse of toxic chemicals, it is important to augment the work of the OPCW in relation to chemical safety and chemical security, in cooperation with the States Parties. The role of the OPCW could be especially prominent in the field of chemical security.
26. In this context, given the broad focus of OPCW activities and their impact on chemical safety and chemical security, the emphasis should be threefold: firstly, facilitating the identification of good practices and making these available to States Parties, particularly by promoting the OPCW as a platform for consultation and cooperation among States Parties; secondly, catalysing international partnerships; and thirdly, providing advice to States Parties (at their request), including in the area of needs assessment, ideally together with other relevant international and regional entities.
27. In this context, the Secretariat’s contribution to chemical safety and chemical security will continue to be focused and integrated with other relevant entities, and will be subject to robust results-based management and independent evaluation.

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<sup>2</sup> See paragraph 9.16 and subparagraphs 9.79(e), 9.95(h), 9.118(k), 9.131(l) and 9.155(n) of RC-3/3\*.

<sup>3</sup> The informal summary of that meeting has been made available to delegations on the OPCW external server ([http://data.opcw.org/Conference/External/Informal/2012/Informal2012en.NSF/WebView/7B8E4D732F006A6CC1257A360053F7E0/\\$File/CSS\\_summary\\_0905\\_final\\_16.30\\_rev.pdf](http://data.opcw.org/Conference/External/Informal/2012/Informal2012en.NSF/WebView/7B8E4D732F006A6CC1257A360053F7E0/$File/CSS_summary_0905_final_16.30_rev.pdf)).