

-Check Against Delivery-



ORGANISATION FOR THE PROHIBITION
OF CHEMICAL WEAPONS

ADDRESS BY

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Distinguished guests,
Ladies and gentlemen,

I consider it a privilege to speak to you today regarding the Chemical Weapons Convention at a time when renewed hopes about disarmament are accompanied by many challenges.

For us at the OPCW, the challenge that we face arises not from any failings but success. With the steady progress that has been made towards defined goals, we are now required to take the long view and to chart a course that allows consolidation of our gains and makes the Convention responsive to the demands of a dynamic future. In the coming years we will be preoccupied with task of galvanising both governments and international public opinion to build upon the achievements in outlawing chemical arms. The goal is to ensure that the Convention remains a living document in the service of international peace and security.

Academic discourse is vital to policy making. The Chemical Weapons Convention – and along with it the OPCW – stand to benefit from a revitalised, informed and sustained academic discussion. In our contemporary world with its ever changing security environment, such exchanges, in my view, are an essential input to official processes of policy formulation and implementation. The Monterey Institute of International Studies with its longstanding history, rich academic tradition and its outstanding expertise in disarmament and non-proliferation is ideally suited for such a partnership and I look forward to building cooperative relations between the Institute and the OPCW.

Speaking last week at a Workshop organised by the International Union of Pure and Applied Chemistry, in Switzerland, I mentioned that in 2015, it will be 100 years since the first massive use of chemical weapons in World War I.

Centenaries hold meaning because of their power to recall potent memories. The prospect of use of chemical weapons somehow seems disconnected to contemporary experience. But this was not the case during most of the hundred years that we will soon mark. Chemical weapons are in fact the category of weapons of mass destruction most often used. They have been used in a global conflict, in regional wars and indeed as weapons of terror. The strong commitment to ban chemical weapons was born of a tragic historical experience. That the threat now seems to have receded is largely due to the near universal norm that exists in the form of the Chemical Weapons Convention.

Valuable and unique in its own right, the Convention also exhibits the foundational qualities for multi-lateral disarmament and non-proliferation. It demonstrates how a complete ban on an entire category of weapons of mass destruction can be implemented in practise. Verification provides the basis of confidence in the effectiveness of the treaty. At the same time, assistance and protection against chemical weapons and international cooperation for peaceful uses of chemistry address the expectations of our diverse membership whose collective political support for the Convention remains essential.

The CWC does not contain theoretical ambitions. The fifteen years of implementation of the Convention by the OPCW testify to the fact that the Convention works. Built initially from scratch, the verification regime

is now firmly established to serve current needs and fully adaptable to future requirements.

The Convention has become a cornerstone of the global disarmament and non-proliferation edifice. Its membership has expanded, at a rate unparalleled in disarmament, to 188 States Parties.

Verification of destruction of declared chemical weapons has thus far been the most resource demanding undertaking. 71 percent of these chemical weapons have already been destroyed. It will not be long before the remainder is also eliminated. The Russian Federation and the United States of America as the two largest possessor States are making steady progress towards the complete destruction of their respective stockpiles. While they will miss the final deadline in coming April, the 16th Session of the OPCW Conference of States Parties has taken a decision that will enable both countries to fulfil their obligations while providing more transparency and increased reporting requirements. The decision is reflective of the positive spirit of multilateral cooperation that characterises our work.

Eventually, OPCW verification will focus more on the objective of preventing the re-emergence of chemical weapons. On the side of industry verification, the Organisation will continue its work to ensure that production and consumption of scheduled chemicals and the operations of other chemical production facilities, as defined by the Convention, remain dedicated for peaceful purposes. Monitoring of trade in scheduled chemicals will also remain a vital complement to on site verification.

The Convention on the whole represents a clear advance on the Geneva Protocol of 1925. While prohibiting the use of chemical and biological weapons, the Geneva Protocol did not prohibit their production, development and stockpiling. The right of retaliation affirmed by many signatories rendered weak the prohibition against use.

The CWC removed this serious weakness in the legal norms established by the Geneva Protocol by prohibiting the use of chemical weapons unconditionally. But the Convention is not premised on declaratory commitments alone; and here again its verification tool box is instructive.

It is generally accepted that the use of chemical weapons will constitute the most flagrant breach of the Convention. To redress and remedy a situation caused by the use of chemical weapons, States Parties have at their disposal three options that respond to different scenarios.

As a means to deter and if necessary uncover incidents of non-compliance, the Convention allows the conduct of a 'challenge inspection' at any facility or location in the territory or in any place under the jurisdiction or control of any other State Party. The sole purpose of a challenge inspection is to clarify or resolve questions concerning possible non-compliance. In other words, the challenge inspection request must be confined to the scope of the CWC.

Provisions on challenge inspections are contained in Article IX of the Convention. And one of the situations in which a challenge inspection can be called is to investigate incidents involving the suspected use of chemical weapons. In other words, if one State Party has reasonable grounds to believe that another might have used chemical weapons; it can call for an Investigation of Alleged Use (IAU) in the form of a

“Challenge Inspection”. The provisions on challenge inspections have often been regarded as politically sensitive. After all an allegation of this nature would be a serious matter requiring a high burden of proof. The policy making organs of the OPCW especially the Executive Council will have a critical role to play in these situations. To begin with, the Executive Council is empowered to block such an inspection provided it can do so within 12 hours of the receipt of notification and with a $\frac{3}{4}$ majority of all its members. The grounds to reject such a request can be a determination that the request is frivolous or not within the scope of the Convention.

Following the on-site investigation, the Council is similarly empowered to consider the report of the inspection team to address any concerns as to whether or not non-compliance has occurred; whether the request was within the scope of the Convention; and, whether the right to request a challenge inspection had been abused.

Another important Article of the Convention, Article X, also foresees the possibility of an IAU. Under this Article each State Party has the right to request assistance and protection if it considers that chemical weapons have been used against it or if it faces such an imminent threat.

Assistance and Protection is one of the key objectives of the Convention . By joining this treaty, States Parties renounce chemical weapons completely and unconditionally. In return, each State Party has the right to request the OPCW or other Member States to receive assistance and protection against the use, or threat of use, of chemical weapons. Assistance may include provision of defensive equipment such as chemical agent detectors, protective clothing, decontamination

equipment, medical help and equipment including antidotes, and advice on defensive measures. All States Parties have a duty to provide assistance through the OPCW by choosing one or more of three options: to contribute financially to the Voluntary Fund for Assistance; to conclude an agreement with the OPCW specifying the kind of assistance they would be able to deliver on request, or simply to declare the kind of assistance which they would be able to provide in response to an appeal by the OPCW. While this sets the framework and the modalities to operationalise the right to assistance, a crucial intermediate step involves the establishment of facts. For this purpose, Article X requires the Director-General to initiate an investigation to “provide foundation for further action”. The investigation thus serves the twin purpose of establishing the violation of the Convention as well as to assist in the decision to provide supplementary assistance to the affected State Party. Throughout the process, the involvement of the Executive Council remains hands-on.

The third scenario involves the alleged use of chemical weapons by a State that is not a Party to the CWC or in a territory not controlled by a State not Party. In this case, an IAU can be requested by the United Nations Secretary-General. The Convention envisages close cooperation between the OPCW and the United Nations and, if so requested, the OPCW can be called upon to put its resources at the disposal of the Secretary-General.

Ladies and Gentlemen,

While happily none of the scenarios that I have mentioned has so far been invoked, the OPCW Secretariat needs at all times to be prepared to fulfil the responsibilities assigned to it by the Convention.

For this purpose, we conduct simulations, practise challenge inspections and field exercises covering the various scenarios. The purpose is to test our capabilities and to keep our selves in readiness.

The most recent of these was a practice challenge inspection conducted towards the end of 2011. The exercise involved a fictitious request from Australia, playing the role of the “Requesting State Party”, to carry out a challenge inspection in the Kingdom of Thailand, which had accepted to co-organise the exercise and to play the role of the “Inspected State Party”. This exercise triggered activities at headquarters, involved the deployment of the inspection team to the “inspected state party”, the conduct of field activities, and development of the preliminary inspection report. We are currently analysing the evaluation of the exercise with a view to maintaining a high level of preparedness for operations under Article IX. We have also commenced preparations for a similar capacity-building field exercise in Serbia at the end of 2012 which will focus on the IAU mechanism.

A major field exercise called “ASSISTEX 3” was held in Tunisia, in October 2010. This activity was meant to strengthen our preparedness to deliver assistance and protection in an emergency situation. This was the first such exercise conducted outside of Europe. It combined a mock investigation of alleged use of chemical weapons with an assistance and protection exercise. ASSISTEX 3 enabled us to test the scope of our cooperation and coordination with other organisations in the framework

of multi-agency emergency response, including our partners from the United Nations, stakeholders from the region and local emergency management authorities and response units.

As regards our cooperation with the United Nations in the context of investigations in non-Parties, we already have a cooperation agreement with the United Nations and are currently working on a supplementary arrangement that would outline the practical modalities for OPCW-UN cooperation for an IAU.

During the rapid developments in the past year, the international community was on several occasions concerned about the potential use of chemical weapons by the former regime in Libya.

The Libyan interim government at the time was concerned itself and had conveyed to me a request for possible assistance. I immediately addressed communications to our States Parties to ascertain the nature and extent of what they could provide. The response was generally positive. I also raised the subject with the Secretary-General of the United Nations because for us to be able to deliver assistance to Libya required a partial lifting of the embargo which the Security Council had placed on Libya at the time.

Fortunately events in Libya turned for the better and OPCW inspectors were able to ascertain in November last year that the stockpile of chemical weapons that Libya had initially declared remained intact. Of great concern was the new Libyan governments notification to the Conference of States Parties, in November, of the discovery of additional quantities of mustard agent and chemical weapons munitions that had not

been included in the initial declaration. OPCW inspectors verified these new weapons in January this year.

This is the first time that OPCW has been faced with a situation where an original declaration has been shown to be incomplete, concerning Chemical Weapons that should otherwise have been duly declared. The General Obligations of the Convention stipulate that “Each State party to this Convention undertakes never under any circumstances: to develop, produce, otherwise acquire, stockpile or retain chemical weapons...” .

The OPCW regime relies entirely on the declarations and actions taken by our States Parties. When a question arises regarding compliance with the Convention, States Parties should first, wherever possible, try to clarify and resolve concerns that arise as a result of doubts or ambiguities. The Convention even gives timelines within which questions should be answered (no later than 10 days after a request). In any case each State Party has the right to request a challenge inspection of any facility or location for the sole purpose of clarifying any question concerning possible non compliance. Although I, as Director General, will coordinate the sending of an inspection team to conduct an inspection, it is only States Parties who have the right to call for challenge inspection. While we have never been asked to do it, the presence of this mechanism and the Technical Secretariat’s preparedness fosters confidence amongst States Parties.

Our experience in Libya vividly illustrates that handling chemical weapons issues in a conflict situation can never be an easy or predictable exercise. Let me say a little more on this. On the political side for example it generates uncertainties about reliable interlocutors. Once those

difficulties are overcome the Organisation has to deal with difficult logistical decisions that are compounded by security concerns.

We have conducted two missions to Libya in November and January. Both were undertaken in rather difficult circumstances. Our preparations in dealing with contingencies as well as coordination procedures were tested to the full and found workable. We will continue to conduct lessons learned exercise to further improve our response in situations like this. The missions would not have been possible without the support of the United Nations Department for Safety and Security (UNDSS), the Government of Germany, who provided us with military aircraft, and of course the co-operation of the Libyan authorities. For both missions we flew in and out of Al Jufra airfield, which was the closest airfield to the relevant site. We needed special permission from the Libyan authorities to do this as our designated point of entry is Tripoli.

The lack of a stable security situation in the region required the team to deploy each day from Malta to Al Jufra airfield. These conditions meant that the German aircraft returned to Malta after deploying the team, returning again in the evening to pick them up. The team faced considerable hazards due to lack of secure accommodation, and a large number of abandoned weapons and munitions on the route between the airfield and the site to be inspected. UNDSS provided armoured vehicles and drivers and OPCW sourced personal protection equipment for the team.

The missions succeeded in verifying the newly declared items. The team appropriately tagged and sealed the remaining items for final verification during future destruction operations. Until then the Libyan authorities

will have the responsibility to secure them. During the inspection activities within the bunker, the high level of sulfur mustard vapour concentration required the team to conduct the majority of its verification activities wearing self contained breathing apparatus and gas tight suits.

The case of Libya underscores once again the importance of keeping the Chemical Weapons Convention strong. The experience with Libya clearly emphasises not only the need for fully streamlined internal procedures but also the need for greater co-ordination with other agencies and organisations. While the Organisation undergoes some adaptation necessitated by the changing nature of its work, its core competences need to be kept in place. The Organisation needs to retain and develop further its capacity to respond swiftly and effectively to the various unforeseen situations that can occur.

Ladies and Gentlemen,

Allow me to conclude by recalling Thomas Hobbes who said that, “out of our conceptions of the past, we make a future”. We need to remain conscious of a disturbing past involving repeated uses of chemical weapons. But we must not cease the endeavour to build a better future. We must guard against complacency. The dangers as we knew them historically may seem diminished. But they may yet re-emerge in other forms. The lack of universality of the Convention in certain parts of the world remains a matter of concern. The threat of chemical weapons use there cannot be underestimated.

On the other hand, science and technology are also advancing rapidly and in the process show capacity for producing new and novel chemicals. The structure of the chemical industry is transforming with the ability to produce new chemicals with new methods and techniques. Effective national implementation of the Convention requires sustained efforts to ensure that the prohibitions of the Convention agreed by States Parties will apply to all their citizens uniformly across the globe.

These are some issues that require close attention and resolve in both the near and the long term. We need to strongly renew our commitment to the goals of the Convention in a manner that keeps the future in sight. In this endeavour both governments and civil society are expected to play their part. It is my sincere hope that you will play yours.

Thank you