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## ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS BACKGROUND GUIDE 2018

Written by: Silvia Bedessi, Director; Tyler Goudal, Director;  
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# NATIONAL MODEL UNITED NATIONS



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Dear Delegates,

Welcome to the 2018 National Model United Nations New York Conference (NMUN•NY)! We are pleased to welcome you to the Organisation for the Prohibition of Chemical Weapons (OPCW). This year's staff are: Directors Silvia Bedessi (Conference A) and Tyler Goudal (Conference B), and Assistant Directors Citlali Mora Catlett (Conference A) and Kiki Tamis (Conference B). Silvia studied Political Science at the University of Florence and is currently pursuing a Master's in Economics and Management of Arts and Cultural Activities. Tyler is completing his B.A. (Hons) in International Security and Conflict from Simon Fraser University. Citlali received her B.A. and her M.A. in Political Science at Ludwig-Maximilians-University Munich. She is working for a company dedicated to providing education, advisory, and research regarding blockchain and decentralized applications. Kiki has studied International and European Law, but is currently studying to become a primary school teacher.

The topics under discussion for the Organisation for the Prohibition of Chemical Weapons are:

1. The Complete Eradication of Chemical Weapons
2. Providing Protection and Assistance to Victims of Chemical Weapons
3. The Role of the OPCW in Counter-Terrorism Efforts

OPCW is the implementing body of the Chemical Weapons Convention, which entered into force in 1997. Furthermore, OPCW acts as a forum for discussion and cooperation between States Parties to discuss scientific and technological developments as it relates to the CWC. The primary purpose of the Organisation is to destroy all remaining stockpiles of chemical weapons, outlaw the development, production, and use of chemical weapons, and monitor the chemical industry to prevent new weapons from reemerging. It will be critical for delegates to understand the unique mandate of OPCW, and the Organisation's relationship with the United Nations, in order to promote the non-use, and destruction of, chemical weapons.

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to explore your Member State's policies in depth and use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation for the Conference, each delegation will submit a [Position Paper](#) by 11:59 p.m. (Eastern) on 1 March 2018 in accordance with the guidelines in the [NMUN Position Paper Guide](#).

Two resources, to download from the [NMUN website](#), that serve as essential instruments in preparing for the Conference and as a reference during committee sessions are the:

1. [NMUN Delegate Preparation Guide](#) - explains each step in the delegate process, from pre-Conference research to the committee debate and resolution drafting processes. Please take note of the information on plagiarism, and the prohibition on pre-written working papers and resolutions. Delegates should not start discussion on the topics with other members of their committee until the first committee session.
2. [NMUN Rules of Procedure](#) - include the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure.

In addition, please review the mandatory [NMUN Conduct Expectations](#) on the NMUN website. They include the Conference dress code and other expectations of all attendees. We want to emphasize that any instances of sexual harassment or discrimination based on race, gender, sexual orientation, national origin, religion, age, or disability will not be tolerated.

If you have any questions concerning your preparation for the committee or the Conference itself, please contact the Under-Secretaries-General for the Peace & Security Department, Tsesa Monaghan (Conference A) and Jess Mace (Conference B), at [usg.ps@nmun.org](mailto:usg.ps@nmun.org).

We wish you all the best in your preparations and look forward to seeing you at the Conference!

## Conference A

Silvia Bedessi, Director

Citlali Mora Catlett, Assistant Director

## Conference B

Tyler Goudal, Director

Kiki Tamis, Assistant Director



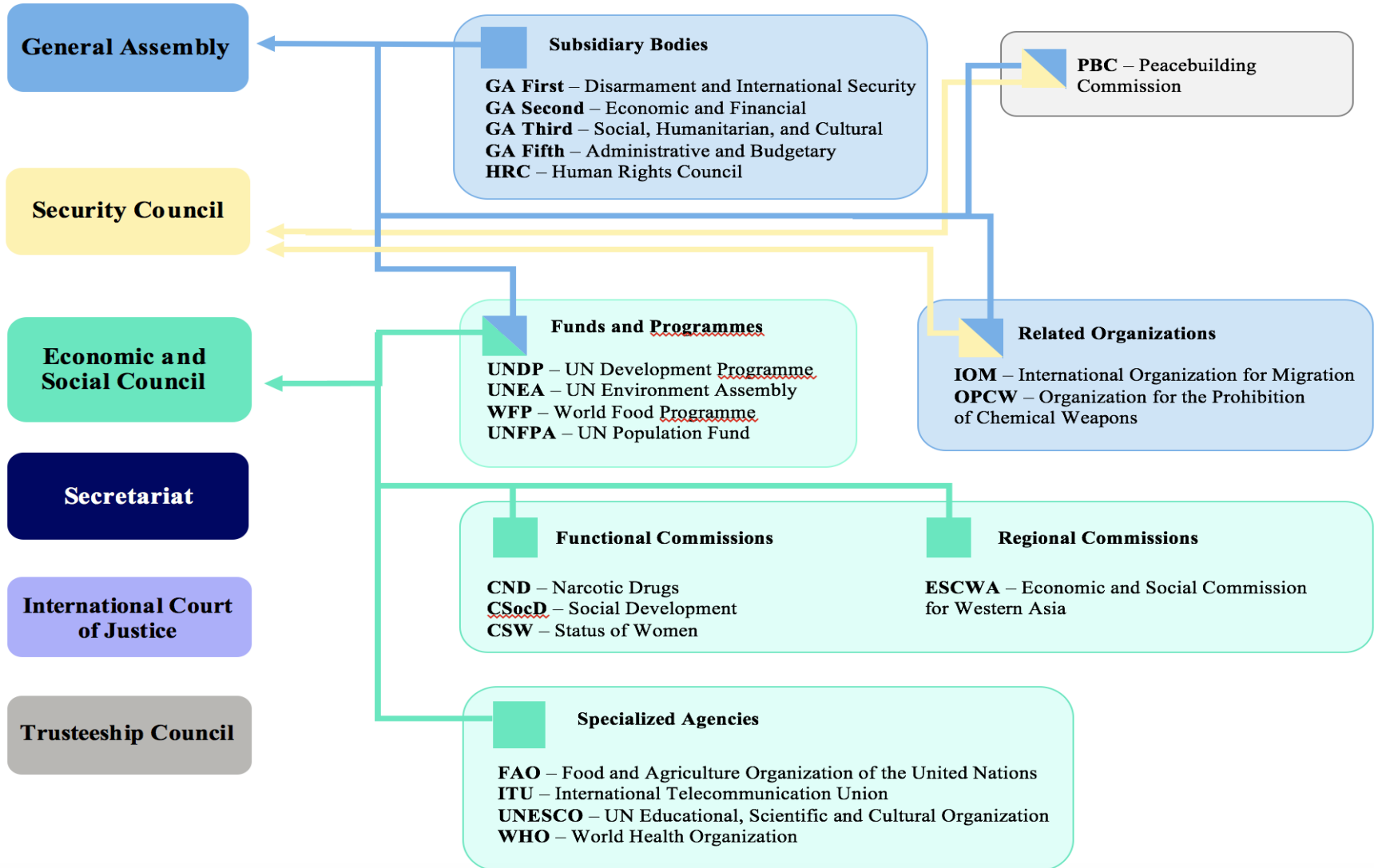
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## United Nations System at NMUN•NY

This diagram illustrates the UN system simulated at NMUN•NY and demonstrates the reportage and relationships between entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee's position, purpose, and powers within the UN system.





## Abbreviations

<b>ABEO</b>	Advisory Board on Education and Outreach
<b>CBRN</b>	Chemical, biological, radiological, and nuclear
<b>CICG</b>	Chemical Industry Coordination Group
<b>CSO</b>	Civil Society Organization
<b>CWC</b>	<i>Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction</i>
<b>CWPF</b>	Chemical weapons production facilities
<b>DPRK</b>	Democratic People's Republic of Korea
<b>EU</b>	European Union
<b>HRW</b>	Human Rights Watch
<b>IAEA</b>	International Atomic Energy Agency
<b>ICC</b>	International Criminal Court
<b>ICCA</b>	International Council of Chemical Association
<b>INTERPOL</b>	International Criminal Police Organization
<b>ISIL</b>	Islamic State in Iraq and the Levant
<b>JIM</b>	Joint Investigative Mechanism
<b>MSF</b>	Médecins Sans Frontières
<b>NGO</b>	Non-governmental organization
<b>OPCW</b>	Organisation for the Prohibition of Chemical Weapons
<b>RCA</b>	Riot control agent
<b>SDG</b>	Sustainable Development Goal
<b>UN</b>	United Nations
<b>UN CTITF</b>	United Nations Counter-Terrorism Implementation Task Force
<b>UNODA</b>	United Nations Office for Disarmament Affairs
<b>WMD</b>	Weapons of mass destruction

## Committee Overview

“Every science holds the potential for great progress, but also great destruction. One needs only reflect on the brutality unleashed by chemical weapons to confront this difficult truth.”<sup>1</sup>

### Introduction

World War I marked the first time modern chemical weapons were used as a tool of war.<sup>2</sup> Specifically, the use of chlorine, mustard, and phosgene gases led to approximately 90,000 deaths and over one million casualties.<sup>3</sup> After witnessing the mass atrocities that occurred as a result of chemical weapons, the *Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare* was developed in 1925.<sup>4</sup> Although it was a significant step in the international legal framework to combat chemical weapons, the Protocol had substantial shortcomings.<sup>5</sup> The Protocol did not include a prohibition on the development, production, or stockpiling of chemical weapons, and did not contain a clause banning States parties to the Protocol from using prohibited weapons against non-member states.<sup>6</sup> The use of chemical weapons throughout World War II, combined with the increased production and stockpiling of chemical weapons during the Cold War, created the demand for a more robust framework to strengthen the prohibition of chemical weapons.<sup>7</sup>

The **Organisation for the Prohibition of Chemical Weapons (OPCW)** is a related organization of the United Nations.

The *Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction*, also known as the *Chemical Weapons Convention (CWC)* was adopted in 1992 after 12 years of negotiations.<sup>8</sup> Article VIII established the *Organisation for the Prohibition of Chemical Weapons (OPCW)* as the implementing body of the Convention.<sup>9</sup> All States parties to the CWC are members of OPCW.<sup>10</sup> Article I of the Convention states that these Member States pledge “... never under any circumstance: (a) To develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly chemical weapons to anyone; (b) To use chemical weapons; (c) To engage in any military preparations in use of chemical weapons; (d) To assist, encourage or introduce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.”<sup>11</sup> It also calls for all States parties to destroy any chemical weapons, and chemical weapon production facilities, the State party owns or possess.<sup>12</sup> In turn, Article II of the CWC defines chemical weapons as:

“(a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under this convention, as long as the types and quantities are consistent with such purposes; (b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a), which would be released as a result of the employment of such munitions and devices; (c) Any equipment specifically designed

<sup>1</sup> OPCW, *Speech by Acting Director-General of OPCW at the 17th Asian Chemicals Congress on 27 July 2017, in Melbourne*, 2017, p. 1.

<sup>2</sup> OPCW, *Brief History of Chemical Weapons Use*.

<sup>3</sup> Ibid.

<sup>4</sup> UNODA, *Chemical Weapons*, 2017.

<sup>5</sup> Ibid.

<sup>6</sup> *Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare*, 1925; UNODA, *Chemical Weapons*, 2017.

<sup>7</sup> OPCW, *Brief History of Chemical Weapons Use*; UNODA, *Chemical Weapons*, 2017.

<sup>8</sup> UNODA, *Chemical Weapons*, 2017.

<sup>9</sup> OPCW, *Genesis and Historical Development*; UN CD, *Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction*, 1992, p. 20.

<sup>10</sup> OPCW, *Genesis and Historical Development*.

<sup>11</sup> Ibid.; UN CD, *Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction*, 1992, p. 2.

<sup>12</sup> Ibid.

for use directly in connection with the employment of munitions and devices specified in subparagraph (b).<sup>13</sup>

More specifically, a toxic chemical is defined as “any chemical which through its chemical action of life processes can cause death, temporary incapacitation or permanent harm to humans or animals.”<sup>14</sup> The near universal acceptance of the CWC demonstrates the importance of OPCW in holding States parties accountable to the non-use and destruction of chemical weapons.<sup>15</sup> United Nations (UN) General Assembly resolution 55/283 of 24 September 2001 on the “Cooperation between the United Nations and the Organisation for the Prohibition of Chemical Weapons,” details the relationship between the UN and OPCW, specifically outlining reporting methods, transparency, and equal representation between the two entities.<sup>16</sup> 29 April 2017 marked the 20<sup>th</sup> anniversary of the entry into force of the CWC, which through the robust mandate of OPCW and its relationship with the UN, has resulted in approximately 95% of declared stockpiles of chemical weapons being destroyed, and a Nobel Peace Prize awarded to OPCW in 2013 for its efforts to eliminate chemical weapons.<sup>17</sup>

### ***Governance, Structure, and Membership***

Currently, OPCW is composed of 192 Member States, which represents approximately 98% of the world’s population, and 98% of the worldwide chemical industry.<sup>18</sup> The current membership of OPCW includes all UN Security Council Permanent Members, Member States from all five UN regional groups, and all states with a large chemical industry.<sup>19</sup> Israel has signed, but not ratified, the CWC.<sup>20</sup> Egypt, the Democratic People’s Republic of Korea (DPRK), and South Sudan are the only three Member States who have never signed nor ratified the CWC.<sup>21</sup> DPRK possesses chemical weapons, and there are allegations that Egypt and South Sudan also possess chemical weapons.<sup>22</sup> In the case of South Sudan, the allegations have not been confirmed because caches of chemical weapons may have been transported across borders during the creation of the state.<sup>23</sup>

The headquarters of OPCW are located in The Hague, Netherlands.<sup>24</sup> OPCW is divided into three organs: the Conference of the States parties; Executive Council; and Technical Secretariat.<sup>25</sup> The OPCW also has four subsidiary bodies that report to either the Executive Council or the Technical Secretariat: the Advisory Board on Administrative & Financial Matters; the Scientific Advisory Board; the Confidentiality Commission; and the Advisory Board on Education & Outreach.<sup>26</sup> All three organs and subsidiary bodies are financed by contributions from States parties in alignment with the UN scale of assessments, which takes into consideration the differences in membership between the UN and OPCW.<sup>27</sup> If a Member State fails to make their financial contributions, voting privileges within OPCW may be rescinded in accordance with Article VIII, Paragraph 8 of the CWC.<sup>28</sup> However,

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<sup>13</sup> UN CD, *Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction*, 1992, p. 3.

<sup>14</sup> Ibid.

<sup>15</sup> OPCW, *About OPCW*.

<sup>16</sup> UN General Assembly, *Cooperation between the United Nations and the Organisation for the Prohibition of Chemical Weapons (A/RES/55/283)*, 2001.

<sup>17</sup> OPCW, *OPCW at 20*, 2017.

<sup>18</sup> OPCW, *OPCW Member States*.

<sup>19</sup> OPCW, *Becoming a Member State*.

<sup>20</sup> OPCW, *Note by the Technical Secretariat: Status of Participation in the Chemical Weapons Convention as at 17 October 2015 (S/1315/2015)*, 2015, p. 6.

<sup>21</sup> Ibid.

<sup>22</sup> Arms Control Association, *Chemical and Biological Weapons Status at a Glance*, 2017.

<sup>23</sup> Ibid.

<sup>24</sup> UN CD, *Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction*, 1992, p. 20.

<sup>25</sup> NTI, *Organisation for the Prohibition of Chemical Weapons*, 2017.

<sup>26</sup> OPCW, *The Structure of the OPCW*, 2016, p. 4.

<sup>27</sup> UN CD, *Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction*, 1992, p. 20; NTI, *Organisation for the Prohibition of Chemical Weapons*, 2017.

<sup>28</sup> UN CD, *Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction*, 1992, p. 20.

the Conference of States parties may permit a Member State to vote if the failure to pay is outside the control of the Member State.<sup>29</sup>

### *Conference of the States Parties*

The Conference of States parties is the primary organ of OPCW responsible for implementing the CWC, and meets annually in The Hague.<sup>30</sup> The Conference oversees all other organs and subsidiary bodies, adopts the annual budget and determines the adjusted scale of contributions, elects the members of the Executive Council and the Director-General, and reviews all developments that could impact the implementation of the CWC.<sup>31</sup> All Member States receive one vote in the Conference.<sup>32</sup> Procedural decisions require a simple majority, but decisions on substantive matters are aimed to be achieved by consensus.<sup>33</sup> UN General Assembly resolution 55/283 indicates that the Conference will share its findings and recommendations with the UN, and can recommend punitive measures to the UN Security Council if a Member State seriously violates obligations defined under Article I of the CWC.<sup>34</sup>

### *Executive Council and Technical Secretariat*

The mandate of the Executive Council is to promote the effective implantation of, and compliance with, the CWC.<sup>35</sup> Powers and functions of the Council include drafting the annual budget and the annual report for the Conference, and approving agreements between States parties and the OPCW for implementation and verification activities.<sup>36</sup> Most importantly, the Executive Council oversees disputes of non-compliance by ordering States parties to remedy a situation within a given time period, or the situation will be referred to the Conference for recommended action.<sup>37</sup> The Executive Council consists of 41 Member States elected by the Conference of the States parties to a two-year term that normally holds sessions three times per year.<sup>38</sup> All subsidiary bodies, except the Advisory Board on Education & Outreach, are overseen by the Executive Secretariat.<sup>39</sup> The Director-General of OPCW, currently Ambassador Ahmet Üzümcü of Turkey, serves a four-year term and oversees all coordination between the Conference and the Council and the Technical Secretariat.<sup>40</sup>

The Technical Secretariat oversees the daily administration of the implementation of the CWC.<sup>41</sup> Specifically, it is charged with any duties assigned by the Conference or the Council, which include day-to-day communications between OPCW and Member States, public relations, drafting budgets and reports, and negotiating verification agreements with Member States (which are then approved by the Executive Council), and conducting on-site inspections of chemical weapon storage and destruction facilities.<sup>42</sup> The Technical Secretariat is divided into seven offices and five divisions, and employs approximately 500 people from over 80 Member States.<sup>43</sup> Approximately 60% of the Technical Secretariat staff is in the Verification Division, which carries out on-site inspections.<sup>44</sup> In 2016 OPCW completed 64 chemical weapons-related inspections and 305 inspections under Article VI of the CWC.<sup>45</sup>

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<sup>29</sup> Ibid.

<sup>30</sup> NTI, *Organisation for the Prohibition of Chemical Weapons*, 2017.

<sup>31</sup> OPCW, *The Structure of the OPCW*, 2016, p. 1.

<sup>32</sup> OPCW, *Rules of Procedure of the Conference of the States Parties*.

<sup>33</sup> Ibid.

<sup>34</sup> UN General Assembly, *Cooperation between the United Nations and the Organisation for the Prohibition of Chemical Weapons (A/RES/55/283)*, 2001, p. 3; OPCW, *The Structure of the OPCW*, 2016, p. 1.

<sup>35</sup> OPCW, *The Structure of the OPCW*, 2016, p. 2.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> OPCW, *Membership and Functions*.

<sup>40</sup> OPCW, *Duties of the Director-General*.

<sup>41</sup> OPCW, *The Structure of the OPCW*, 2016, p. 2.

<sup>42</sup> Ibid., p. 3.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> OPCW, *Draft Report of the OPCW on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction in 2016*, 2017, p. 3.



### ***Mandate, Functions, and Powers***

The mandate of OPCW is to implement the CWC through verification and compliance mechanisms, and act as an area for discussion and cooperation between members to discuss scientific and technological developments as they relate to the CWC.<sup>46</sup> In order to fulfill its mandate and achieve the goal of a world free of chemical weapons, OPCW has two guiding principles: the multilateral character of the CWC and the equal application of the CWC to all States parties.<sup>47</sup> These principles ensure a credible and transparent implantation and verification regime.<sup>48</sup> The primary purpose of OPCW is to destroy all remaining stockpiles of chemical weapons, and to outlaw the development, production, and use of chemical weapons.<sup>49</sup> OPCW has the ability to take action against a State party in the case of non-compliance, and report on the process of the implementation of the CWC to the UN, States parties, civil society organizations, and the international community as a whole.<sup>50</sup> Furthermore, OPCW has a responsibility to inform the UN of any situations that pose a threat to international peace and security.<sup>51</sup> OPCW can provide States parties with assistance to protect themselves from chemical weapons; facilitate, approve, and verify agreements between States parties and OPCW; inspect chemical weapon production, storage, and destruction facilities; and resolve complaints of non-compliance.<sup>52</sup> Furthermore, OPCW encourages international cooperation with regards to the peaceful uses of science and technology while attempting to achieve universal membership through capacity-building activities of non-Member States.<sup>53</sup>

### ***Recent Sessions and Current Priorities***

The 85<sup>th</sup> session of the Executive Council took place 11-14 July 2017.<sup>54</sup> The Council discussed a wide range of topics, including how to address the elimination of the Syrian chemical weapons regime, and had briefings by the Technical Secretariat relating to protecting victims of chemical weapons attacks and scientific and technological developments, and verification-related issues.<sup>55</sup> Twelve percent of inspections in 2016 were related to the fact-finding mission for the Syrian chemical weapons program, and interviews and tests were conducted regarding allegations of the use of chemical weapons.<sup>56</sup> The fact-finding mission is ongoing, and the Executive Council reported that the Syrian Arab Republic is on schedule with its destruction of chemical weapons.<sup>57</sup> Four decisions were adopted at this session, ranging on issues from media and public relations to inspection agreements with the Member States of Serbia and Romania.<sup>58</sup> The Council also discussed the role of science and technology in implementing the CWC, noting that the discourse between scientists and policymakers needs to be bridged through greater collaboration and cooperation in order to strengthen the CWC.<sup>59</sup> The 20<sup>th</sup> anniversary of the CWC's entry into force provides an opportunity for the OPCW to raise awareness about chemical weapons while promoting universality and the elimination of chemical weapons.<sup>60</sup> This is being accomplished through a robust social media campaign, and hundreds of events hosted around the world by States parties to raise awareness about the CWC.<sup>61</sup> During the 20<sup>th</sup> anniversary ceremony, Director-General Üzümcü paid tribute to the victims of chemical weapons

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<sup>46</sup> UN CD, *Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction*, 1992, p. 20.

<sup>47</sup> OPCW, *OPCW Mission Statement*.

<sup>48</sup> Ibid.

<sup>49</sup> OPCW, *About OPCW*.

<sup>50</sup> OPCW, *The Structure of the OPCW*, 2016.

<sup>51</sup> UN General Assembly, *Cooperation between the United Nations and the Organisation for the Prohibition of Chemical Weapons (A/RES/55/283)*, 2001, p. 3; OPCW, *The Structure of the OPCW*, 2016.

<sup>52</sup> UN CD, *Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction*, 1992.

<sup>53</sup> OPCW, *OPCW Mission Statement*.

<sup>54</sup> OPCW, *Draft Report of the OPCW on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction in 2016*, 2017.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid., pp. 3, 7, 14.

<sup>57</sup> Ibid., p. 14; NTI, *Organisation for the Prohibition of Chemical Weapons*, 2017.

<sup>58</sup> OPCW, *Document from the Eighty-Fifth Session of the Executive Council*.

<sup>59</sup> OPCW, *Draft Report of the OPCW on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction in 2016*, 2017, p. 33.

<sup>60</sup> OPCW, *OPCW at 20*, 2017.

<sup>61</sup> Ibid.

and discussed the importance of universality and the chemical weapons disarmament regime.<sup>62</sup> The event was attended by 450 representatives of OPCW Member States, chemical weapons victims, members of the chemical and civil society industry, and leaders of various international organizations.<sup>63</sup>

The 22<sup>nd</sup> session of the Conference of States parties is scheduled to take place from 27 November to 1 December 2017.<sup>64</sup> The 86<sup>th</sup> session of the Executive Council is scheduled to take place 10-13 October 2017.<sup>65</sup> The provisional agenda for these sessions outlines common themes of universality and seeks to engage the chemical industry and scientific community, while also addressing all annual administrative responsibilities of the Conference.<sup>66</sup> The 22<sup>nd</sup> session of the Conference of States parties will also adopt a report regarding the progress made in relation to the implementation of the CWC in 2016.<sup>67</sup> This report includes updates on verification activities from the three organs of OPCW, progress towards universality, and the impact of science and technology towards the eradication of chemical weapons.<sup>68</sup> The report also gives an update on the fact-finding mission towards the use of chemical weapons in the Syrian Arab Republic, which indicates that the mission conducted several interviews and took biological samples under the invitation from the Syrian Arab Republic.<sup>69</sup> The 22<sup>nd</sup> session of the Conference of States parties will also discuss strengthening cooperation between African states and OPCW.<sup>70</sup> Objectives of this discussion are to ensure that all African states have national legislation that aligns with the CWC and protects them from possible chemical weapons attacks, fosters peaceful uses of the chemical weapons industry, and more.<sup>71</sup>

### **Conclusion**

OPCW is the implementing body of the CWC that has the overall goal of achieving a world free of chemical weapons.<sup>72</sup> Over the past 20 years, OPCW has achieved the elimination of approximately 95% of the world's declared chemical weapons stockpiles, and now protects approximately 98% of the world's population.<sup>73</sup> However, continuing developments in science and technology pose new challenges that OPCW will have to address in order to achieve a world free of chemical weapons.<sup>74</sup> As the primary objective of OPCW is to destroy existing stockpiles of chemical weapons, it has been suggested that the OPCW should shift its priorities to ensuring previously eradicated chemical weapons are not reproduced.<sup>75</sup> With allegations of the use of chemical weapons in the Syrian Arab Republic, Egypt, and South Sudan, as well as DPRK having a large arsenal of chemical weapons, there is a growing security threat of the re-emergence of the use of chemical weapons.<sup>76</sup> Therefore, OPCW must be able to adapt to contemporary security threats, which remains a challenge for many international institutions.<sup>77</sup>

## **Annotated Bibliography**

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<sup>62</sup> OPCW, *OPCW Marks its 20th Anniversary with Solemn Commemorative Ceremony*.

<sup>63</sup> Ibid.

<sup>64</sup> OPCW, *Note by the Director-General: Provisional Agenda for the Twenty-Second Session of the Conference of States Parties (C-22/I)*, 2017.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> OPCW, *Draft Report of the OPCW on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction in 2016*, 2017.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid., p. 14.

<sup>70</sup> OPCW, *Note by the Director-General: Programme to Strengthen Cooperation with African on the Chemical Weapons Convention*, 2017.

<sup>71</sup> Ibid.

<sup>72</sup> OPCW, *OPCW Mission Statement*.

<sup>73</sup> OPCW, *OPCW at 20*, 2017.

<sup>74</sup> OPCW, *Report of the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (RC-3/3\*)*, 2013.

<sup>75</sup> Kelle, *The Third Review Conference of the Chemical Weapons Convention and beyond: key themes and the prospects of incremental change*, 2013.

<sup>76</sup> Arms Control Association, *Chemical and Biological Weapons Status at a Glance*, 2017.

<sup>77</sup> Kelle, *The Third Review Conference of the Chemical Weapons Convention and beyond: key themes and the prospects of incremental change*, 2013.

Nuclear Threat Initiative. (2017). *Organisation for the Prohibition of Chemical Weapons* [Website]. Retrieved 22 July 2017 from: <http://www.nti.org/learn/treaties-and-regimes/organization-for-the-prohibition-of-chemical-weapons/>

*This website provides technical details and descriptions about OPCW, including its annual budget and rotating membership to the Executive Council and Technical Secretariat. It provides concise descriptions of the three major organs, and yearly developments of the organization, dating back to its inception. Written from the perspective of a non-governmental organization, this website is an example of the collaboration necessary between States party to the CWC, other international and non-governmental organizations, and OPCW for the effective implementation of the CWC.*

Organisation for the Prohibition for Chemical Weapons. (n.d.). *About OPCW* [Website]. Retrieved 19 July 2017 from: <https://www.opcw.org/about-opcw/>

*This website is the necessary starting point for all research surrounding the mandate, powers, structure, and membership of OPCW. It provides a concise overview of the Organisation and its priorities for delegates to begin research on the agenda topics. This website also provides links to the relationship between OPCW and the UN, so delegates cannot only understand OPCW's structure, but also the importance of cooperation between other international organizations.*

Organisation for the Prohibition for Chemical Weapons. (2016). *The Structure of the OPCW*. Retrieved 22 July 2017 from: [https://www.opcw.org/fileadmin/OPCW/Fact\\_Sheets/English/Fact\\_Sheet\\_3\\_-\\_OPCW\\_Structure.pdf](https://www.opcw.org/fileadmin/OPCW/Fact_Sheets/English/Fact_Sheet_3_-_OPCW_Structure.pdf)

*This fact sheet is part of the media campaign of the 20<sup>th</sup> anniversary of the Chemical Weapons Convention. It provides a succinct overview of the structure of the Organisation for the Prohibition of Chemical Weapons. It outlines the mandate of the OPCW as a whole, and the different functions and powers of the three primary organs. It also describes the functions of the subsidiary bodies, and how their work relates to the mandate of the OPCW.*

Organisation for the Prohibition of Chemical Weapons, Conference of the States Parties. (2017). *Draft Report of the OPCW on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction in 2016*. Retrieved 22 July 2017 from: [https://www.opcw.org/fileadmin/OPCW/EC/85/en/ec8517\\_c22crp01\\_e\\_.pdf](https://www.opcw.org/fileadmin/OPCW/EC/85/en/ec8517_c22crp01_e_.pdf)

*This draft report is a progress report for OPCW implantation of the CWC in 2016. It discusses different verification activities, forms of international cooperation, and internal policy-making decisions. This document provides delegates not only with an up-to-date account of OPCW activities, but also contextual examples of the mandate, powers, and functions of the OPCW.*

United Nations, Conference on Disarmament. (1992). *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (A/47/27)*. Retrieved 19 July 2017 from: [http://www.opcw.org/fileadmin/OPCW/CWC/CWC\\_en.pdf](http://www.opcw.org/fileadmin/OPCW/CWC/CWC_en.pdf)

*The Chemical Weapons Convention is a primary source document that delegates can refer to throughout their research. The Convention provides important definitions, obligations of Member States as States parties, the mandate, structure, and powers of the Organisation for the Prohibition of Chemical Weapons, and information on how the Convention can be implemented. This text also provides guidelines of the different schedules of chemical weapons so delegates are aware that different types of chemical weapons banned and destroyed in different implementation and verification activities.*

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## I. The Complete Eradication of Chemical Weapons

### *Introduction*

The year 2017 marks the 20<sup>th</sup> anniversary of the entry into force of the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction*, commonly known as the Chemical Weapons Convention (CWC).<sup>78</sup> The Organisation for the Prohibition of Chemical Weapons (OPCW), working to implement the CWC, has achieved many successes so far in the eradication of chemical weapons; almost the totality of countries in the world, hosting 98% of the global population, are parties to the CWC.<sup>79</sup> Moreover, 95% of declared chemical weapons, which are chemical weapons that OPCW States parties have officially declared to own, are no longer in existence.<sup>80</sup> OPCW's aim is to achieve the complete eradication of chemical weapons, which are defined by the CWC as "toxic chemicals and their precursors, except where intended for purposes not prohibited under this Convention" and "munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals."<sup>81</sup> The CWC specifies that the words "toxic chemicals" refer to any chemical item, however produced, that can result in the death and short or long-term harm of persons or animals.<sup>82</sup> Moreover, "eradication" means not only eliminating chemical weapons, but also their production facilities and their transfer.<sup>83</sup> As per the CWC, chemical weapons production facilities (CWPF) are locations where chemicals over a set amount are used to create chemical weapons.<sup>84</sup> It is important to note that many chemicals are considered "dual-use," meaning they can potentially be used for peaceful applications as well as to produce chemical weapons.<sup>85</sup> The CWC only allows uses of chemistry for peaceful purposes, such as industrial, agricultural, and medical purposes.<sup>86</sup>

Despite the successes achieved so far by OPCW, many challenges to the complete eradication of chemical weapons remain.<sup>87</sup> Although States parties are required to declare any weapons they possess and their type, quantity, and location, in order to set up a plan for their destruction, there have been instances where undeclared chemical agents were found in countries that had already adhered to the CWC, raising questions about the effectiveness of the CWC.<sup>88</sup> Further, some states are not party to the CWC and do not have the obligation of declaring and eliminating its stockpiles.<sup>89</sup> Finally, OPCW also recognizes the importance of strengthening its strategy to face emerging challenges posed by non-state actors, such as terrorists, and scientific and technological developments.<sup>90</sup>

### *International and Regional Framework*

International legal efforts to counter the use of chemical weapons date back to 1925, when the League of Nations promoted the Conference for the Supervision of the International Trade in Arms and Ammunition and Implements of War, which approved the *Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare*, also known as the Geneva Protocol.<sup>91</sup> However, a limit to this legal

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<sup>78</sup> OPCW, *OPCW at 20*, 2017.

<sup>79</sup> OPCW, *OPCW at 20*, 2017; OPCW, *OPCW Mission Statement*.

<sup>80</sup> *Ibid.*

<sup>81</sup> UN CD, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, 1992, art. 2.

<sup>82</sup> *Ibid.*

<sup>83</sup> Bleek et al., *Elimination of Weapons of Mass Destruction: Lessons from the Last Quarter-Century*, 2016.

<sup>84</sup> OPCW, *Eliminating Chemical Weapons and Chemical Weapons Production Facilities*, 2016.

<sup>85</sup> OPCW, *Monitoring Chemicals with Possible Chemical Weapons Applications*, 2016.

<sup>86</sup> UN CD, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, 1992, art. 2.

<sup>87</sup> OPCW, *The Chemical Weapons Convention 1997-2017: Progress, Challenges and Reinforcing the Global Norm against Chemical Weapons*, 2017.

<sup>88</sup> Shane, *Weren't Syria's Chemical Weapons Destroyed? It's Complicated*, 2017.

<sup>89</sup> UN CD, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, 1992, part IV.

<sup>90</sup> OPCW, *Special Event Commemorating the 20th Anniversary of the Entry into Force of the Chemical Weapons Convention (CWC)*, 2017.

<sup>91</sup> *Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare*, 1925.

instrument was that some Member States continued using chemical weapons against countries that had not acceded to the Protocol.<sup>92</sup> In the 1960s, the United Nations (UN) General Assembly adopted various resolutions to promote adherence to the Protocol and end the use of such weapons, such as resolution 2603 A (XXIV) in 1969, which recognized the use of both chemical and biological weapons to be against international law.<sup>93</sup> Negotiations regarding different types of weapons of mass destruction (WMD) proceeded at different paces; while the *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, or Biological Weapons Convention, entered into force in 1971, the CWC did not enter into force until 1997.<sup>94</sup> Under the CWC, ratifying states pledge to not develop, acquire, use, or transfer chemical weapons, and to destroy already existing chemical weapons and their production facilities.<sup>95</sup> The CWC mandates OPCW to carry out and implement its provisions, with the cooperation of and between States parties.<sup>96</sup> Moreover, signatories are required to create a National Authority, which is the main point of contact between the state and OPCW, and facilitates inspections, issues declarations, and coordinates national implementation of the CWC.<sup>97</sup>

The UN Security Council has also adopted relevant resolutions on the topic, such as resolution 1540 of 2004.<sup>98</sup> This resolution required states to adopt adequate national legislation and to improve border controls to prevent non-state actors from acquiring and using WMD, including chemical weapons.<sup>99</sup> This resolution also established a committee of the Security Council, known as the 1540 Committee, to monitor the effective implementation of its provisions.<sup>100</sup>

### ***Role of the International System***

OPCW is the primary international organization working to eliminate chemical weapons.<sup>101</sup> To achieve their eradication, OPCW focuses on four main pillars: universality; verification of chemical weapons destruction; protection and assistance against chemical weapons; and cooperation for the use of chemistry for peaceful purposes.<sup>102</sup> Regarding the destruction of chemical weapons, OPCW is in charge of establishing deadlines and allowing extensions, as well as monitoring the whole process.<sup>103</sup> OPCW also helps States parties shape their national legislation to implement the CWC and promotes capacity-building programs.<sup>104</sup> The Organisation relies on its bodies to carry out these activities, including the Technical Secretariat, which is in charge of promoting disarmament through the verification process and deploying inspection teams.<sup>105</sup> Among OPCW's subsidiary bodies, the Advisory Board on Education and Outreach (ABEO) organizes meetings and workshops to raise awareness on the responsible use of chemistry and on relevant regulations, while the Scientific Advisory Board counsels on responsible scientific and technological advancements, as well as effective verification processes.<sup>106</sup> All these bodies also work to support national authorities to promote the principles of the CWC among civil society, and to share best practices with the aim of eradicating chemical weapons.<sup>107</sup>

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<sup>92</sup> OPCW, *Chemical Weapons Convention – Genesis and Historical Development*.

<sup>93</sup> *Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare*, 1925; UN General Assembly, *Question of Chemical and Bacteriological (Biological) Weapons (A/RES/2603(XXIV))*, 1969.

<sup>94</sup> OPCW, *Chemical Weapons Convention – Genesis and Historical Development*; UN General Assembly, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (A/RES/2826 (XXVI))*, 1971.

<sup>95</sup> UN CD, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, 1992, art. 1.

<sup>96</sup> *Ibid.*, art. 7-8.

<sup>97</sup> OPCW, *National Authorities*.

<sup>98</sup> UN Security Council, *Non-proliferation of Weapons of Mass Destruction (S/RES/1540 (2004))*, 2004.

<sup>99</sup> *Ibid.*

<sup>100</sup> *Ibid.*

<sup>101</sup> OPCW, *OPCW Mission Statement*.

<sup>102</sup> *Ibid.*

<sup>103</sup> OPCW, *Destruction of Chemical Weapons*.

<sup>104</sup> OPCW, *National Implementation*.

<sup>105</sup> OPCW, *The Technical Secretariat*.

<sup>106</sup> OPCW, *Establishment of an Advisory Board on Education and Outreach (C-20/DEC.9)*, 2015; OPCW, *Scientific Advisory Board*.

<sup>107</sup> OPCW, *Report of the Third Session of the Advisory Board on Education and Outreach*, 2017.

In 2000, OPCW and the UN signed a Relationship Agreement, which envisages a close cooperation between the two organizations to achieve common goals and to prevent duplication of programs.<sup>108</sup> Within the UN system, different actors work to eliminate the threat of chemical weapons.<sup>109</sup> Among these, the UN Office for Disarmament Affairs (UNODA) promotes and coordinates disarmament efforts regarding WMDs, gathers relevant data and information on disarmament, and promotes cooperation with regional and national stakeholders.<sup>110</sup> OPCW and UNODA are part of the Counter-Terrorism Implementation Task Force, which created a Working Group on Preventing and Responding to WMD Terrorist Attacks, of which OPCW was appointed co-chair; the International Atomic Energy Agency, working to prevent nuclear weapons proliferation and to promote the peaceful use of nuclear energy, was nominated chair.<sup>111</sup> Furthermore, the UN Interregional Crime and Justice Research Institute created the Chemical, Biological, Radiological, and Nuclear Risk Mitigation and Security Governance Programme to respond to both criminal uses and accidents, and to coordinate with other organizations, such as OPCW and the World Health Organization, to share know-how on responding to chemical risks, and promote chemical security.<sup>112</sup>

On 5 December 2016 the General Assembly adopted resolution 71/59 to invite Member States to reaffirm and promote the 1925 Geneva Protocol, and resolution 71/69, which condemned the use of chemical weapons in the Syrian Arab Republic and called for the full implementation of the CWC.<sup>113</sup> Furthermore, with resolution 71/250 in 2017 on the “Cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons,” the General Assembly acknowledged the newly created Open-ended Working Group on the Future Priorities of the OPCW, established by OPCW’s Executive Council, as a way to share ideas on the Organisation’s strategies.<sup>114</sup> The Security Council has also debated the issue; its resolution 2235 of 2015 condemned the use of chemical weapons in Syria and pledged to identify the actors responsible, creating an OPCW-UN Joint Investigative Mechanism to achieve this goal.<sup>115</sup> Moreover, Security Council resolution 2325 of 2016 reiterated the relevance of the 1540 Committee and promoted strengthened regional and international cooperation in eradicating chemical weapons, with a particular focus on combating terrorism.<sup>116</sup>

At the regional level, in 2004 the African Union issued the *Solemn Declaration on a Common African Defence and Security Policy*, recognizing the use of WMDs as a common threat and promoting the peaceful resolution of conflicts.<sup>117</sup> Moreover, the OPCW and the African Union, with the 2006 *Memorandum of Understanding on Cooperation between the Technical Secretariat and the Commission of the African Union*, renewed shared efforts to put into practice CWC provisions and raise awareness about chemical weapons among Member States.<sup>118</sup> Similarly, the European Union (EU) issued a report on “EU Support to the Full and Universal Implementation of UN Security Council Resolution 1540 (2004)” in 2016, which highlighted the EU’s continued efforts to hinder the transfer of WMDs.<sup>119</sup> The EU controls its chemical exports in accordance with Council Regulation (EC) 428/2009, which provides rules and guidelines for dealing with dual-use items.<sup>120</sup> The EU also supports the work of OPCW; it funded the Organisation’s recent activities in Syria, such as the Fact-Finding Mission sent to the country to investigate the

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<sup>108</sup> OPCW, *Relationship Agreement between the United Nations and the OPCW*, 2000.

<sup>109</sup> UNODA, *About Us*.

<sup>110</sup> *Ibid.*

<sup>111</sup> UN CTITF, *Preventing and Responding to WMD Terrorist Attacks*; IAEA, *Basics of IAEA Safeguards*, 2017.

<sup>112</sup> UNICRI, *CBRN Risk Mitigation and Security Governance Programme*.

<sup>113</sup> UN General Assembly, *Measures to Uphold the Authority of the 1925 Geneva Protocol (A/RES/71/59)*, 2016; UN General Assembly, *Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (A/RES/71/69)*, 2016.

<sup>114</sup> UN General Assembly, *Cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons (A/RES/71/250)*, 2016.

<sup>115</sup> UN Security Council, *Middle East (Syria) (S/RES/2235 (2015))*, 2015.

<sup>116</sup> UN Security Council, *Non-proliferation of Weapons of Mass Destruction (S/RES/2325 (2016))*, 2016.

<sup>117</sup> African Union, *Solemn Declaration on a Common African Defence and Security Policy*, 2004.

<sup>118</sup> OPCW, *Memorandum of Understanding on Cooperation between the Technical Secretariat and the Commission of the African Union (S/547/2006)*, 2006.

<sup>119</sup> European Union, *Report by the European Union on EU Support to the Full and Universal Implementation of UN Security Council Resolution 1540 (2004)*, 2016.

<sup>120</sup> Council of the European Union, *Council Regulation (EC) No 428/2009 of 5 May 2009 Setting Up a Community Regime for the Control of Exports, Transfer, Brokering and Transit of Dual-Use Items*, 2009.



use of chemical weapons.<sup>121</sup> Moreover, in April 2017, OPCW's Director-General, Ahmet Üzümcü, gave a speech to the Inter-American Committee Against Terrorism of the Organization of American States, where he highlighted the importance of strengthened efforts to uphold the principles of CWC and of resolution 1540.<sup>122</sup> Regarding the transfer of chemicals, in 2016, the OPCW also signed a Memorandum of Understanding with the World Customs Organisation, which facilitates international trade while ensuring security, to improve border control and share information to combat the illicit trade of chemical items.<sup>123</sup>

### ***Implementation of the Chemical Weapons Convention***

OPCW works to ensure universality of the CWC, which means the universal ratification of the Convention, as well as national implementation of the CWC and destruction of chemical weapons.<sup>124</sup> With the ratification of the CWC by the Syrian Arab Republic and Somalia in 2013, and by Myanmar and Angola in 2015, the OPCW has succeeded in having almost every country in the world agree to adhere to the Convention.<sup>125</sup> However, there are a few exceptions: Egypt, the Democratic People's Republic of Korea, and South Sudan are not signatories, and Israel has signed the Convention but not ratified it yet.<sup>126</sup> These countries are therefore able to carry out chemical weapons development programs that pose a danger to the efforts of non-proliferation and to international peace and security.<sup>127</sup> Achieving universality is fundamental because global adherence to the CWC would increase countries' transparency and international chemical security, as all countries would fall under the same obligations to declare and destroy chemical weapons.<sup>128</sup>

To guarantee true effectiveness of the CWC, universality alone is not sufficient; national implementation of the CWC is paramount.<sup>129</sup> National implementation legislation must provide provisions regarding industrial activities, identification and prosecution of CWC violations, and chemical safety and security.<sup>130</sup> So far, 108 States parties have undertaken measures to conform their legislation to the CWC, and some African countries recently participated in a Stakeholders Forum on the Adoption of National Implementing Legislation, where they discussed the implementation of the CWC with OPCW and the UN.<sup>131</sup> However, to achieve the complete eradication of chemical weapons, all countries must take concrete measures to include the provisions of the CWC in their national legal systems.<sup>132</sup> This can be made possible by cooperation between governments, national authorities, and legal experts.<sup>133</sup>

OPCW provides support to countries through its Legislative Assistance Support Tool, an online platform that gathers data regarding chemical weapons.<sup>134</sup> It includes a Legislation Database that provides a list of laws and regulations adopted by different countries, which can serve as good examples of implemented measures for national authorities working to transfer the principles of the CWC into national legal systems.<sup>135</sup> OPCW also provided States parties with a National Legislation Implementation Kit for guidance on how to adapt national laws to the provisions of the CWC.<sup>136</sup> Moreover, OPCW has created a Forum for Customs Authorities to allow a more efficient exchange

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<sup>121</sup> European Union External Action, *Organisation for the Prohibition of Chemical Weapons (OPCW) Special Missions in Syria*, 2016.

<sup>122</sup> OPCW, *Supporting the Aims of Resolution 1540 through the Chemical Weapons Convention*, 2017.

<sup>123</sup> OPCW, *Memorandum of Understanding on Cooperation between the Organisation for the Prohibition of Chemical Weapons and the World Customs Organization*, 2016.

<sup>124</sup> OPCW, *OPCW Mission Statement*.

<sup>125</sup> OPCW, *Status of Participation in the Chemical Weapons Convention as at 17 October 2015*, 2015.

<sup>126</sup> *Ibid.*

<sup>127</sup> Blunt & Mercer, *How Britain Should Respond to Chemical Weapons Attacks in Syria*, 2017, p. 3.

<sup>128</sup> OPCW, *Universal Adherence to the Convention*.

<sup>129</sup> OPCW, *National Implementation*.

<sup>130</sup> OPCW, *Needs and Best Practices on Chemical Safety and Security Management*, 2016, p. 3; OPCW, *National Implementation of the Chemical Weapons Convention: Latest Facts and Figures*.

<sup>131</sup> OPCW, *National Implementation of the Chemical Weapons Convention: Latest Facts and Figures*.

<sup>132</sup> OPCW, *Implementing Legislation*.

<sup>133</sup> OPCW, *National Implementation*.

<sup>134</sup> OPCW, *Legislative Assistance Support Tool: What is it?*.

<sup>135</sup> *Ibid.*

<sup>136</sup> OPCW, *National Legislation: Implementation Kit for the Chemical Weapons Convention*, 2012.

of know-how through training courses for officials on chemical trade, as the transfer of dual-use chemicals is one of the main challenges to CWC implementation and transfer regimes are not yet harmonized.<sup>137</sup>

Another important aspect of the implementation of the CWC is the destruction of chemical weapons, of which the majority of declared stockpiles have already been destroyed.<sup>138</sup> The CWC envisages a destruction procedure that begins with a state's declaration of the chemical weapons and production facilities it owns, followed by a destruction plan and yearly reports to the OPCW.<sup>139</sup> CWPFs can either be destroyed or converted for peaceful uses in the first 90 days after the entry into force of the CWC.<sup>140</sup> Moreover, the OPCW inspects sites formerly used for chemical weapons production to verify they are not used for illicit purposes anymore.<sup>141</sup> However, some countries, such as the United States of America, the Russian Federation, and Libya, did not complete destruction by the set deadline of 2012, though the USA and Russia are expected to do so by 2023 and 2020 respectively.<sup>142</sup> The delays have had multiple causes, from budget reduction to technical issues; to destroy chemical weapons, countries must build neutralization facilities, test them, and make them able to destroy different types of chemicals.<sup>143</sup>

A further challenge to the full eradication of chemical weapons is that States parties may violate the CWC and not fully declare their chemical weapons stockpiles.<sup>144</sup> Without these declarations, OPCW cannot accurately account for chemical weapons stockpiles.<sup>145</sup> This has already happened, as some countries that declared some stockpiles were later found in possession of undeclared dangerous chemicals.<sup>146</sup> For example, during the war in Libya in 2011, previously undisclosed chemical weapons were found in the country, raising concerns about the potential uncontrollable use or transfer of such chemicals.<sup>147</sup> Further, numerous instances of chemical attacks by both state and non-state actors have also been reported in the Syrian Arab Republic, leading to questions of whether the state withheld some dangerous chemicals after acceding to the CWC.<sup>148</sup>

### ***Combating the Re-Emergence of Chemical Weapons***

Alongside the threat posed by undeclared chemical weapons, OPCW is increasingly focusing on preventing the production and re-emergence of chemical weapons in countries where all declared stocks were destroyed.<sup>149</sup> This requires OPCW to be able to respond to emerging challenges, including the risk of the use of chemical weapons in unstable or collapsing states, where the weakening of a central authority can result in easier access to dangerous chemicals and their use as weapons by national forces or terrorist groups.<sup>150</sup> For example, the Islamic State was reported to have used chemicals such as chlorine and sulfur mustard to carry out more than 50 chemical attacks in Syria and Iraq in the past few years, often with mortar shells filled with chemical agents.<sup>151</sup> To address this threat, OPCW cooperates with the UN through the Working Group on Preventing and Responding to WMD Terrorist Attacks to provide an efficient response mechanism.<sup>152</sup>

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<sup>137</sup> OPCW, *Welcome to the OPCW Forum for Customs Authorities*.

<sup>138</sup> OPCW, *Destruction of Chemical Weapons*.

<sup>139</sup> OPCW, *Eliminating Chemical Weapons and Chemical Weapons Production Facilities*, 2016; OPCW, *Report of the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention*, 2013, p. 11.

<sup>140</sup> OPCW, *Eliminating Chemical Weapons and Chemical Weapons Production Facilities*, 2016.

<sup>141</sup> OPCW, *Destruction of Chemical Weapons*; OPCW, *The Verification Process*.

<sup>142</sup> OPCW, *Report of the Twenty-First Session of the Conference of the States Parties*, 2016.

<sup>143</sup> Lewis, *US Struggles Show Hazards of Chemical Weapons Destruction*, *The Guardian*, 2013.

<sup>144</sup> Blunt & Mercer, *How Britain Should Respond to Chemical Weapons Attacks in Syria*, 2017, p. 3.

<sup>145</sup> *Ibid.*

<sup>146</sup> *Ibid*; Meier, *The Danger of Chemical Weapons in Syria*, 2016; OPCW, *OPCW Inspectors Verify Newly Declared Chemical Weapons Materials in Libya*, 2012.

<sup>147</sup> Hersman, *Strategic Challenges to WMD Elimination*, 2016.

<sup>148</sup> Human Rights Watch, *Death by Chemicals*, 2017; Shane, *Weren't Syria's Chemical Weapons Destroyed? It's Complicated*, 2017.

<sup>149</sup> OPCW, *Report of the OPCW on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction in 2015*, 2016.

<sup>150</sup> Hersman, *Strategic Challenges to WMD Elimination*, 2016; Stares, *Preventing Chemical Weapons Use in Syria*, 2012; OPCW, *Preventing the Re-Emergence of Chemical Weapons: Lessons for Non-Proliferation*, 2016.

<sup>151</sup> Schmitt, *ISIS Used Chemical Arms at Least 52 Times in Syria and Iraq, Report Says*, *The New York Times*, 2016.

<sup>152</sup> UN Counter-Terrorism Implementation Task Force, *Preventing and Responding to WMD Terrorist Attacks*.

One of the biggest challenges in the eradication of chemical weapons is the fact that chemicals are often dual-use, and therefore subject to legal trade and use.<sup>153</sup> Consequently, it is important to prevent these items from being diverted from their original peaceful purpose to be used to produce new chemical weapons.<sup>154</sup> Paired with the responsible use of chemistry by industry and scientists, export control is a way to respond to this threat without limiting legitimate international trade of chemicals.<sup>155</sup> The existing international trade system is based on export licenses that are issued by the exporting state before specific types of chemicals can be traded.<sup>156</sup> The system is also based on a proliferation risk assessment of traded chemicals by national authorities, which consider the type of agent, whether it is traded in large quantities, and its destination.<sup>157</sup> In the EU, dual-use items are subject to an export control mechanism based on different types of licenses, which range from pre-authorizations of unquantified transfers to certain destinations, to individual licenses for single transactions.<sup>158</sup> In some countries, potentially high-risk shipments are immediately reported and an export license may be required by the national authorities; however, the identification of chemicals that could be used to produce chemical weapons is not easy, and it is difficult to monitor every transfer given the quantity of chemical items traded.<sup>159</sup> National authorities must have all the possible information regarding the chemical agents traded and the end use of the chemicals so that a realistic risk assessment can be made.<sup>160</sup>

As dual-use chemical items could be transformed into agents used as weapons, it is important to control and monitor the use of a wide spectrum of chemicals, not only those included in trade control lists, and to stay up-to-date on the most recent developments in science and technology.<sup>161</sup> For example, fentanyl is becoming widespread in drug trafficking and has been tested as a chemical weapon before, so more information should be gathered on its potential threat.<sup>162</sup> Moreover, industrial and fertilizer production facilities may have been used as a source of sulfur and chlorine by terrorist groups.<sup>163</sup> Cooperation with the chemical industry is therefore paramount to promote chemical safety and security, as well as the responsible development of chemistry.<sup>164</sup> For this goal, two important bodies are the OPCW-ICCA Joint Steering Committee and the Chemical Industry Coordination Group (CICG); the former was created in 2015 to coordinate the work of OPCW with that of the International Council of Chemical Associations (ICCA) to promote common projects.<sup>165</sup> The CICG discusses different topics, from verification issues to education and outreach, and submits reports to the OPCW-ICCA Joint Steering Committee.<sup>166</sup> The OPCW launched programs to reach a vast range of chemical industry representatives, but the ABEO has indicated more efforts are needed to involve more industry sectors.<sup>167</sup>

#### *Case Study: The Use of Chemical Weapons in the Syrian Arab Republic and OPCW's Response*

A chemical weapons attack took place in Damascus in 2013, killing hundreds of people.<sup>168</sup> The international community agreed that the Syrian Arab Republic had to eliminate all of its chemical stockpiles, as reiterated in both an OPCW Executive Council decision and a Security Council resolution.<sup>169</sup> In September 2013, Syria acceded to the CWC, and in October 2013, the OPCW-UN Joint Mission in Syria started its work to monitor and carry out the

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<sup>153</sup> Anthony, *Exports of Dual-Use Chemicals to Syria: An Assessment of European Union Export Controls*, 2014.

<sup>154</sup> OPCW, *Preventing the Re-Emergence of Chemical Weapons: Lessons for Non-Proliferation*, 2016.

<sup>155</sup> Anthony, *Exports of Dual-Use Chemicals to Syria: An Assessment of European Union Export Controls*, 2014, p. 2.

<sup>156</sup> *Ibid.*, p. 9.

<sup>157</sup> *Ibid.*

<sup>158</sup> *Ibid.*, p. 5.

<sup>159</sup> Anthony, *Exports of Dual-Use Chemicals to Syria: An Assessment of European Union Export Controls*, 2014.

<sup>160</sup> *Ibid.*

<sup>161</sup> *Ibid.*

<sup>162</sup> OPCW, *Report of the Third Session of the Advisory Board on Education and Outreach*, 2017; Sims, Carfentanil: Drug So Deadly it is a Chemical Weapon Available for Sale on Internet, *Independent*, 2016.

<sup>163</sup> Strack, *The Evolution of the Islamic State's Chemical Weapons Efforts*, 2017.

<sup>164</sup> OPCW, *Engaging the Chemical Industry Associations*, 2016.

<sup>165</sup> OPCW, *Engaging the Chemical Industry Association*, 2015.

<sup>166</sup> *Ibid.*

<sup>167</sup> OPCW, *Engaging the Chemical Industry Associations*, 2016.

<sup>168</sup> Human Rights Watch, *Death by Chemicals*, 2017.

<sup>169</sup> *Framework for Elimination of Syrian Chemical Weapons*, CNN, 2013; OPCW, *Destruction of Syrian Chemical Weapons*, 2013; UN Security Council, *Middle East (S/RES/2118(2013))*, 2013.

destruction plan, successfully transferring chemical weapons out of the country and eliminating them.<sup>170</sup> Despite these positive steps, since 2014, the non-governmental organization Human Rights Watch has reported multiple chemical attacks in Syria, which were investigated and confirmed by the OPCW Fact-Finding Mission in Syria.<sup>171</sup> To ascertain responsibility for the chemical attacks, the OPCW-UN Joint Investigative Mechanism was established in 2015.<sup>172</sup> The continued use of chemical weapons by any actors highlights the fact that OPCW's work needs to take into consideration a wider range of challenges and strategies, which cannot be limited to the traditional chemical weapons verification and destruction mechanism.<sup>173</sup>

In identifying the source of these chemical weapons, experts have noted that it is possible that not all harmful chemicals owned by Syria were declared in 2013-2014, or that chemical weapons were produced from dual-use chemical agents after the destruction of the previously declared weapons.<sup>174</sup> Chemicals that may have been used to produce chemical weapons in Syria had also been traded from European countries.<sup>175</sup> This was possible because their stated end use was peaceful, although they were dual-use items.<sup>176</sup> Some of them, such as monoethylene glycol, were not on the EU control list, and therefore no special license was required for export.<sup>177</sup> Reports also state that Syria used front companies active in other countries to buy such chemicals for import into the country.<sup>178</sup> Given this complex situation, OPCW has acknowledged the importance of having a more flexible approach to the verification process and of keeping up with technology developments.<sup>179</sup>

### **Conclusion**

OPCW has achieved many successes in eliminating chemical weapons around the world, but both old and new challenges remain, which require even greater efforts by the Organisation and the whole international community.<sup>180</sup> Universality of the CWC and the complete destruction of all chemical weapons have not yet been achieved.<sup>181</sup> Moreover, even after the declared elimination of chemical weapons in certain countries, chemical weapons attacks have occurred repeatedly over the past few years in different scenarios.<sup>182</sup> Non-state actors could potentially gain access to dangerous chemicals and use them in an attack.<sup>183</sup> Some of the main challenges are trade control, the partnership with governments and chemical industries, and national implementation of the CWC.<sup>184</sup>

### **Further Research**

As delegates proceed with their research, they should consider the following questions: How can OPCW continue promoting the universality of the CWC? What are the best strategies to face the new and emerging challenges related to chemical weapons? What can be done to address the potential threat of undeclared chemical weapons? How can the international community efficiently identify and respond to threats related to the re-emergence of chemical weapons? How can countries promote the trade of chemicals for peaceful purposes, while effectively controlling borders and transfers to combat chemical weapons proliferation? How can cooperation with the chemical industry help prevent chemical weapons proliferation and promote peace?

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<sup>170</sup> UN Secretary-General, *Joint Statement from the Organisation for the Prohibition of Chemical Weapons (OPCW) and the United Nations (UN)*, 2013; OPCW-UN Joint Mission, *Mandate and Timelines*, 2017.

<sup>171</sup> Human Rights Watch, *Death by Chemicals*, 2017.

<sup>172</sup> OPCW, *Report of the OPCW on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction in 2015*, 2016.

<sup>173</sup> Hersman, *Strategic Challenges to WMD Elimination*, 2016.

<sup>174</sup> Shane, *Weren't Syria's Chemical Weapons Destroyed? It's Complicated*, 2017.

<sup>175</sup> Anthony, *Exports of Dual-Use Chemicals to Syria: An Assessment of European Union Export Controls*, 2014, pp. 9-12.

<sup>176</sup> *Ibid.*

<sup>177</sup> Anthony, *Exports of Dual-Use Chemicals to Syria: An Assessment of European Union Export Controls*, 2014.

<sup>178</sup> *Ibid.*, p. 4.

<sup>179</sup> OPCW, *Chemical Disarmament: The Syria Mission and Beyond*, 2015.

<sup>180</sup> OPCW, *The Chemical Weapons Convention 1997-2017: Progress, Challenges and Reinforcing the Global Norm against Chemical Weapons*, 2017.

<sup>181</sup> OPCW, *Report of the Twenty-First Session of the Conference of the States Parties*, 2016.

<sup>182</sup> Hersman, *Strategic Challenges to WMD Elimination*, 2016.

<sup>183</sup> Schmitt, *ISIS Used Chemical Arms at Least 52 Times in Syria and Iraq, Report Says*, *The New York Times*, 2016.

<sup>184</sup> Anthony, *Exports of Dual-Use Chemicals to Syria: An Assessment of European Union Export Controls*, 2014.



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Anthony, I. (2014). Exports of Dual-Use Chemicals to Syria: An Assessment of European Union Export Controls. *EU Non-Proliferation Consortium: Non-Proliferation Papers*, No. 35. Retrieved 18 July 2017 from: <https://www.nonproliferation.eu/web/documents/nonproliferationpapers/export-of-dual-use-chemicals-to-syria-an-assessment-53.pdf>

*This source is a paper published by the EU Non-Proliferation Consortium, which gathers a group of think tanks. It can be a useful tool for delegates wishing to gain a deeper understanding of how international transfers of chemicals have been carried out in the past. It explains how the European Union export control system works regarding dual-use chemicals, focusing on past transfers to Syria by European countries. The document also highlights some of the main future challenges and provides recommendations on the topic. The paper will be relevant for delegates' research as it provides an overview of the existing dual-use export control mechanisms, and it represents a good basis to provide additional solutions to gaps in the system.*

Bleek, P., et al. (2016). Elimination of Weapons of Mass Destruction: Lessons from the Last Quarter-Century. *The Nonproliferation Review*, 23 (1-2): 15-23. Retrieved 20 July 2017 from:

<http://www.tandfonline.com/doi/full/10.1080/10736700.2016.1213493?scroll=top&needAccess=true>

*This journal article published in the Nonproliferation Review provides an overview of lessons learned from the past regarding the destruction of nuclear, biological, and chemical weapons. It includes relevant definitions, before setting out to discuss still existing challenges, such as poor institutionalization and the fragmentation of actors involved. The document outlines a checklist that relevant authorities should consider when having to undertake a WMD elimination plan. The source will be beneficial for delegates as it highlights some of the current gaps and suggests some solutions for the future.*

Hersman, R. (2016). Strategic Challenges to WMD Elimination. *The Nonproliferation Review*, 23 (1-2): 31-47.

Retrieved 14 July 2017 from: <http://tandfonline.com/doi/full/10.1080/10736700.2016.1190506>

*This journal article starts with a detailed description of the situation regarding WMD since the early 1990s, highlighting some of the changing challenges that have emerged in the past years regarding weapons, chemical weapons in particular. Taking Libya and Syria as examples, it shows the main critical situations at the international level and explains what has been done so far to limit proliferation. The document also identifies some issues that the OPCW and the international community should address to successfully eliminate WMDs in the future. Delegates will benefit from this source, as it provides an interesting point of view on current and future challenges.*

Human Rights Watch. (2017). *Death by Chemicals*. Retrieved 18 July 2017 from:

<https://www.hrw.org/report/2017/05/01/death-chemicals/syrian-governments-widespread-and-systematic-use-chemical-weapons>

*The report compiled by Human Rights Watch, an international human rights non-governmental organization, provides an overview of the most recent chemical attacks in Syria. It includes useful information on each event, specifying the date, location, delivery mechanism used, and result of every attack, as well as the type of chemical involved. This source can be beneficial for delegates, as it provides them with a detailed account of the situation and provides a basis to continue investigating the current challenges to the eradication of chemical weapons.*

Organisation for the Prohibition of Chemical Weapons. (2012). *National Legislation: Implementation Kit for the Chemical Weapons Convention*. Retrieved 21 August 2017 from:

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*This document was issued in 2012 by the Technical Secretariat of the OPCW to provide guidelines to States parties on how to implement national legislation on the topic of chemical weapons. It provides relevant definitions, such as those of "chemical weapons" and "precursor," and outlines the main duties of national authorities and the main prohibitions regarding chemical weapons. The Implementation Kit also suggests how national laws can be shaped to transfer the provisions of the CWC regarding chemicals into the national legal system.*

Organisation for the Prohibition of Chemical Weapons. (2016). *Eliminating Chemical Weapons and Chemical Weapons Production Facilities*. Retrieved 14 July 2017 from:

[https://www.opcw.org/fileadmin/OPCW/Fact\\_Sheets/English/Fact\\_Sheet\\_6\\_-\\_destruction.pdf](https://www.opcw.org/fileadmin/OPCW/Fact_Sheets/English/Fact_Sheet_6_-_destruction.pdf)

*OPCW published this fact sheet to share data and information on its chemical weapons destruction process. The document explains the main steps a state must undertake when destroying its stocks: declarations, destruction plans, and yearly reports. It also addresses the issue of chemical weapons production facilities, which need to be either destroyed or converted and used for peaceful purposes. The source will be useful to delegates who wish to find information on this specific aspect of OPCW's work on the field.*

Organisation for the Prohibition of Chemical Weapons. (2016). *Engaging the Chemical Industry Associations: Note by the Director-General (C-21/DG.15)*. Retrieved 15 July 2017 from:

[https://www.opcw.org/fileadmin/OPCW/CSP/C-21/en/c21dg15\\_e\\_.pdf](https://www.opcw.org/fileadmin/OPCW/CSP/C-21/en/c21dg15_e_.pdf)

*This source is a note of the Director-General of the OPCW, with an overview of the most recent activities of the Organisation regarding its work with the chemical industry. The document underlines some of the latest efforts by the OPCW to improve cooperation with the chemical industry, including the establishment of the OPCW-ICCA Joint Steering Committee. It discusses OPCW's strategy, focusing on education and outreach activities, chemical safety and security, and verification mechanisms. The source will benefit delegates as it gives an insight into the OPCW's relationship with the chemical industry, one of the most important partners of OPCW in the eradication of chemical weapons and in the fight against chemical terrorism.*

Organisation for the Prohibition of Chemical Weapons. (2016). *Monitoring Chemicals with Possible Chemical Weapons Applications*. Retrieved 14 July 2017 from:

[https://www.opcw.org/fileadmin/OPCW/Fact\\_Sheets/English/Fact\\_Sheet\\_7\\_-\\_Schedule\\_of\\_chemicals.pdf](https://www.opcw.org/fileadmin/OPCW/Fact_Sheets/English/Fact_Sheet_7_-_Schedule_of_chemicals.pdf)

*This Fact Sheet was issued by OPCW in 2016 and provides relevant information on the regime pertaining to dual-use chemicals. It outlines the existing system based on the CWC and consisting of three schedules to classify chemical items. The document is useful to gain a deeper understanding of how OPCW deals with the different types of agents and of the role of the chemical industry. Delegates will find this source beneficial as they continue their research on the work of the Organisation in controlling dual-use chemicals.*

Organisation for the Prohibition of Chemical Weapons. (2016). *Report of the Twenty-First Session of the Conference of the States Parties*. Retrieved 17 July 2017 from: [https://www.opcw.org/fileadmin/OPCW/CSP/C-21/en/c2105\\_e\\_.pdf](https://www.opcw.org/fileadmin/OPCW/CSP/C-21/en/c2105_e_.pdf)

*This yearly report provides an overview of what has been discussed during the Session of the Conference of the Parties in November and December 2016. Updates on the universality of CWC and its implementation were among the main items on the agenda of the Conference. States parties also discussed the OPCW Programme for Africa, as well as the role of industry and scientists in the promotion of the elimination of chemical weapons. The document is important for delegates because it shows what the main priorities of OPCW currently are and how eradication fits into its broader goals.*

Organisation for the Prohibition of Chemical Weapons. (2017). *Report of the Third Session of the Advisory Board on Education and Outreach*. Retrieved 14 July 2017 from: [https://www.opcw.org/fileadmin/OPCW/ABEO/abeo-3-01\\_e\\_.pdf](https://www.opcw.org/fileadmin/OPCW/ABEO/abeo-3-01_e_.pdf)

*This document is the most recent report of the Advisory Board on Education and Outreach, a subsidiary body of OPCW established in 2015. The source provides an insight into the work of the Organisation in general, and the Board in particular, focusing on future challenges, such as improving youth outreach, supporting national authorities, and promoting awareness and training on the topic. The report also identifies potential stakeholders and partners for OPCW action, thus giving readers relevant information on cooperation in the field of chemical weapons eradication and the prevention of their re-emergence.*

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## II. Providing Protection and Assistance to Victims of Chemical Weapons

*“For over a century, chemicals have been used as weapons to kill and injure en masse. This cruel and universally condemned form of warfare has taken millions of lives. Victims that survive such attacks suffer painful lifelong disabilities and disfigurement.”*<sup>185</sup>

### *Introduction*

Chemicals, such as noxious fumes or poison arrows, have been used as weapons for thousands of years.<sup>186</sup> However, modern chemical warfare began during WWI with the use of chlorine gas on 22 April 1915 in Belgium.<sup>187</sup> During the war, the use of chemical weapons, including other gases like mustard gas, caused over one million casualties.<sup>188</sup> Ever since, chemical weapon attacks, as well as the victims they claim, have been a topic of international concern.<sup>189</sup> For this reason, multiple frameworks have been developed on the non-use of, and destruction of, chemical weapons.<sup>190</sup> The Organisation for the Prohibition of Chemical Weapons (OPCW) is the implementing body of the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction* (1992), otherwise known as the Chemical Weapons Convention (CWC), which is the primary international framework addressing chemical weapons.<sup>191</sup> The CWC defines protection and assistance in the context of aiding victims of chemical weapons attacks.<sup>192</sup> Article X, paragraph 1 defines assistance as “the coordination and delivery to State Parties of protection against chemical weapons.”<sup>193</sup> Article X, paragraph 8 further notes that “each State party has the right to request and, [...] to receive assistance and protection against the use or treat of use of chemical weapons if it considers that: (a) Chemical weapons have been used against it; (b) Riot control agents have been used against it as a method of warfare; or (c) It is threatened by actions or activities of any State that are prohibited for States Parties by Article I.”<sup>194</sup> Article X, therefore, provides the legal framework on the topic of protection and assistance for victims of chemical weapons, as it outlines when States parties can request assistance, and what kind of assistance may be requested.<sup>195</sup> Furthermore, Article X also outlines that all States parties should have a national action plan, which acts as a preventative and effective response mechanism in case of a chemical weapons attack.<sup>196</sup>

Providing protection and assistance to victims of chemical weapons attacks has proven to be difficult due to a lack of resources, including access to the area where victims are located, the financial cost of assistance, lack of education and training for response personnel, and the manpower needed to respond in the event of an emergency.<sup>197</sup> These difficulties led OPCW to establish a support network solely for this purpose.<sup>198</sup> In recent cases of chemical weapons attacks, such as those in Syria in April 2017, it became clear that multiple aspects remained problematic in providing aid.<sup>199</sup> These aspects include victims being in hard-to-reach areas and armed groups refusing to cooperate with any organization trying to provide assistance.<sup>200</sup> However, the lack of resources in affected areas is not the only problematic factor in providing protection and assistance to victims; a reluctance to implement international

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<sup>185</sup> OPCW, Day of Remembrance.

<sup>186</sup> OPCW, *Brief History of Chemical Weapons Use*.

<sup>187</sup> *Ibid.*

<sup>188</sup> *Ibid.*

<sup>189</sup> UN CD, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction*, 1992.

<sup>190</sup> *Ibid.*

<sup>191</sup> *Ibid.*

<sup>192</sup> *Ibid.*, art. X.

<sup>193</sup> *Ibid.*

<sup>194</sup> *Ibid.*

<sup>195</sup> *Ibid.*; Defense Technical Information Center, *Assistance and Protection Under Article X of the CWC*, 2001.

<sup>196</sup> UN CD, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction*, 1992, art. X, par. 4.

<sup>197</sup> OPCW, *Decision C-16/DEC.13, The Establishment of the International Support Network for Victims of Chemical Weapons and the Establishment of a Voluntary Trust Fund for this Purpose*, 2013.

<sup>198</sup> *Ibid.*

<sup>199</sup> Human Rights Watch, *Death by Chemicals: The Syrian Government’s Widespread and Systematic Use of Chemical Weapons*.

<sup>200</sup> *Ibid.*

frameworks and effective National Action Plans also cause delayed responses following an attack.<sup>201</sup> Given the threat posed by chemical weapons it remains important that all Member States have the capability to help their citizens in time of need.<sup>202</sup> Moreover, determining which type of chemical weapon is used in an attack is also necessary to have an effective response, as many chemical weapons have different symptoms.<sup>203</sup>

Chemical agents are divided into five main categories: nerve agents, blister agents, choking agents, blood agents, and riot control agents (RCAs).<sup>204</sup> Victims can be exposed to such chemical agents by means of skin or eye contact, inhalation, or even ingestion.<sup>205</sup> Chemical weapons can reach a high number of persons in a very short period of time.<sup>206</sup> By interfering with the nervous system, nerve agents can cause nausea, weakness, and in higher concentrations, loss of muscle control, and even death if not quickly treated.<sup>207</sup> Blister agents cause the blistering of the skin, resulting in burns, blisters (to the skin or the lungs in case of inhalation), lesions, vomiting, fever, and even death if exposed to large amounts of the agent.<sup>208</sup> Choking agents, and blood agents, can both cause shortness of breath, irritation of the nose, and headache, dizziness, nausea or death.<sup>209</sup> Blood agents also cause headaches, dizziness, and giddiness when exposed to low levels of the agent, but can be lethal by causing vomiting, unconsciousness, and respiratory failure followed by suffocation and death.<sup>210</sup> States parties are allowed to use specific types of RCAs for law enforcement purposes, but use of RCAs as a method of warfare is strictly forbidden.<sup>211</sup> The effects of chemical weapons are not restricted to the immediate effects a victim may feel when exposed; in many cases, exposure to chemical weapons results in permanent damage, such as blindness, burns, lung failure, paralysis, coma, and other incapacitating injuries.<sup>212</sup>

### ***International and Regional Framework***

Victims of chemical weapons attacks experience a breach of their human rights, such as their rights to life, liberty, and personal security as stated in the *Universal Declaration of Human Rights* (1948).<sup>213</sup> While this Declaration does not specifically mention chemical weapons, it has an overarching goal of protecting all humans.<sup>214</sup> The *Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare* of 1925 (Geneva Protocol) condemns the use of any and all sorts of chemical weapon.<sup>215</sup> The international community built on the aspirations of Geneva Protocol with the CWC.<sup>216</sup> More specifically, Article X mentions when States parties can request help, and what kind of assistance they can request.<sup>217</sup> However, there is no specific mention within the CWC of assistance to victims during an attack.<sup>218</sup>

The *Rome Statute of the International Criminal Court* of 1998 established the first tribunal to prosecute the use of chemical weapons as a means of genocide, crimes against humanity, and war crimes, including the use of those weapons against civilians.<sup>219</sup> The International Criminal Court (ICC) has the ability to investigate the use of

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<sup>201</sup> OPCW, *Assistance and Protection Against Attack with Chemical Weapons*, 2016.

<sup>202</sup> *Ibid.*

<sup>203</sup> OPCW, *Protection Against Chemical Weapons*.

<sup>204</sup> Shea, *Chemical Weapons: A Summary Report of Characteristics and Effects*, 2013, p. 1.

<sup>205</sup> *Ibid.*, pp. 1-7; Defense Technical Information Center, *Assistance and Protection Under Article X of the CWC*, 2001.

<sup>206</sup> Shea, *Chemical Weapons: A Summary Report of Characteristics and Effects*, 2013, pp. 1-7.

<sup>207</sup> *Ibid.*, p. 3.

<sup>208</sup> *Ibid.*, p. 5.

<sup>209</sup> *Ibid.*, pp. 6-7.

<sup>210</sup> OPCW, *Types of Chemical Agents*.

<sup>211</sup> OPCW, *Riot Control Agents*.

<sup>212</sup> OPCW, *Types of Chemical Agents*.

<sup>213</sup> UN General Assembly, *Universal Declaration of Human Rights (A/RES/217A (III))*, 1948.

<sup>214</sup> *Ibid.*

<sup>215</sup> *Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare*, 1925.

<sup>216</sup> UN Conference on Disarmament, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction*, 1992, art. X.

<sup>217</sup> *Ibid.*

<sup>218</sup> *Ibid.*

<sup>219</sup> Burroughs, *Treaty Regimes and International Law*, 2007, p. 17.

chemical weapons as a method of warfare.<sup>220</sup> Even though the ICC does not provide any physical protection to victims when the crime is perpetrated, it can provide victims with a sense of closure or accountability for those who committed the attacks.<sup>221</sup> In December 2013, the OPCW adopted a decision on the topic of “The Establishment of the International Support Network for Victims of Chemical Weapons and the Establishment of a Voluntary Trust Fund for this Purpose.”<sup>222</sup> This decision creates a fund, composed solely of voluntary contributions, to be used by States parties and relevant non-governmental organizations (NGOs) in providing aid to victims of chemical weapons attacks.<sup>223</sup> Furthermore, this decision also recommends States parties exchange methods and information on providing protection and assistance so as to render aid more effective.<sup>224</sup>

### ***Role of the International System***

There are many international bodies involved in this issue: OPCW provides assistance and protection to States parties upon request, which includes detection aid, protective equipment, and medical aid.<sup>225</sup> All States parties are required to facilitate and take part in the exchange of information on applicable methods against chemical weapons.<sup>226</sup> OPCW established an annual Day of Remembrance for victims of chemical weapons as 29 April each year, the day the CWC entered into force, which provides a sense of recognition to victims and those who have to deal with the aftermath of chemical weapons attacks.<sup>227</sup> OPCW also published the *Practical Guide for Medical Management of Chemical Warfare Casualties* in 2016, which acts as a guide for first responders in the case of a chemical weapons attack.<sup>228</sup> Moreover, OPCW has trained personnel who remain on stand-by should the need arise for immediate assistance.<sup>229</sup> Following Article X of the CWC, States parties can request financial, technical or logistical assistance from the OPCW, which maintains a database for those requests, which is only accessible to States parties.<sup>230</sup> The Technical Secretariat gathers the information that States parties have sent them with regards to their national protection plans in a database, which is updated annually.<sup>231</sup> The Technical Secretariat has also established another database, accessible to all requesting States parties, which contains information about various means of protection.<sup>232</sup>

OPCW works collaboratively with the United Nations (UN) on many issues related to chemical weapons; this relationship is informed by a framework established by the General Assembly in 2001.<sup>233</sup> The UN-OPCW Joint Investigative Mechanism (JIM) is the result of cooperation between the OPCW and the UN Security Council.<sup>234</sup> Together, the JIM works to identify any presence or use of chemical weapons, be it by individuals, governments, or other entities.<sup>235</sup> The JIM was established by Security Council resolution 2235 of 7 August 2015, and was renewed

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<sup>220</sup> UN Diplomatic Conference of Plenipotentiaries on the Establishment of an ICC, *Rome Statute of the International Criminal Court*, 1998.

<sup>221</sup> *Ibid.*

<sup>222</sup> OPCW, *The International Support Network for Victims of Chemical Weapons*; OPCW, *The Establishment of the International Support Network for Victims of Chemical Weapons and the establishment of a voluntary trust fund for this purpose (C-16/DEC.13)*, 2013.

<sup>223</sup> OPCW, *The Establishment of the International Support Network for Victims of Chemical Weapons and the establishment of a voluntary trust fund for this purpose (C-16/DEC.13)*, 2013, pp. 2-3.

<sup>224</sup> *Ibid.*, p. 3; UN General Assembly, *Cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons (A/RES/55/283)*, 2001.

<sup>225</sup> UN Conference on Disarmament, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction*, 1992.

<sup>226</sup> *Ibid.*

<sup>227</sup> OPCW, *Day of Remembrance*.

<sup>228</sup> OPCW, *Practical Guide for Medical Management of Chemical Warfare Casualties*, 2016.

<sup>229</sup> OPCW, *Assistance & Protection against Chemical Weapons*.

<sup>230</sup> UN Conference on Disarmament, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction*, 1992, Art. X; OPCW, *The Role of the Secretariat*.

<sup>231</sup> UN Conference on Disarmament, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction*, 1992.

<sup>232</sup> *Ibid.*

<sup>233</sup> UN General Assembly, *Cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons (A/RES/55/283)*, 2001.

<sup>234</sup> UN DPI, *Secretary-General Appoint Edmont Mulet of Guatemala Head of Security Council Joint Investigative Mechanism on Chemical Weapons Use in Syria*, 2017.

<sup>235</sup> *Ibid.*

for one year on 17 November 2016.<sup>236</sup> The JIM does not provide physical assistance and protection, however; its mandate is to provide information for States parties, as well as NGOs, which is necessary for those actors to identify what type of assistance and protection is necessary.<sup>237</sup> The UN Office for Disarmament Affairs works with JIM to ensure JIM's work is implemented in the field, ultimately enabling response and support to the victims of chemical weapons.<sup>238</sup>

Several NGOs are involved in the protection and assistance to victims of chemical weapons.<sup>239</sup> These include, among others, Human Rights Watch (HRW), Médecins Sans Frontières (MSF), Amnesty International, and Christian Aid.<sup>240</sup> They provide information to the public and assist victims of chemical weapons by offering medical assistance, financial assistance, or basic needs, such as temporary housing outside of the contaminated area, clothing, and food or water in cases of supply contamination.<sup>241</sup> NGOs often face difficulties in providing aid, as States parties and/or armed groups limit their access to particular regions.<sup>242</sup> HRW, for example, is an NGO that petitions States parties for action and response during chemical weapons attacks, and also offers resources to victims, which includes medical help, safe and uncontaminated housing for people in affected areas, food and water, and psychological aid.<sup>243</sup> HRW has requested that OPCW increase pressure on States parties to provide support for victims, as well as to hold accountable those who are responsible for chemical weapons attacks.<sup>244</sup> Other NGOs, such as MSF, also provide medical assistance in affected areas.<sup>245</sup> MSF has reiterated the political will of the OPCW, which was emphasized by a Nobel Prize in 2013, and frequently voices its concern regarding areas of Syria that remain under siege and are therefore inaccessible to aid organizations.<sup>246</sup>

### ***Challenges in Providing Assistance and Protection to Victims of Chemical Weapons***

Resources, such as skills and strategy training, funding, and access to the areas where victims of chemical weapons attacks are located, are often lacking in locations where there are political transitions or times of civilian and political unrest.<sup>247</sup> OPCW attempts to address this issue by providing training and education on chemical weapons attacks.<sup>248</sup> OPCW has established a number of capacity-building programs, building on cooperation between States parties.<sup>249</sup> Capacity building has been defined by the UN Conference on Environment and Development as a tool which “encompasses the country’s human, scientific, technological, organizational, institutional and resource capabilities... to enhance the ability of a Member State to evaluate and address crucial policy choices and modes of implementation among development options, based on an understanding of environment potentials and limits and of needs perceived by the people of the country concerned.”<sup>250</sup> OPCW also organizes workshops and training programs.<sup>251</sup> These trainings and workshops are focused on the instruction of first responders, such as fire units, medical professionals, and law enforcement officers, on how to handle emergency situations after an attack with

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<sup>236</sup> UN DPI, *Security Council Unanimously Adopts Resolution 2235 (2015), Establishing Mechanism to Identify Perpetrators Using Chemical Weapons in Syria*, 2015; UN DPI, *Unanimously Adopting Resolution 2319 (2016), Security Council Extends Mandate of Mechanism to Identify Perpetrators Using Chemical Weapons in Syria*, 2016.

<sup>237</sup> *Ibid.*; OPCW, *Protection Against Chemical Weapons*.

<sup>238</sup> UNODA, *Chemical Weapons*.

<sup>239</sup> NGO Monitor, *NGOs on Syria and Chemical Weapons: A Display of Irrelevance*, 2013; Human Rights Watch, *Death by Chemicals: The Syrian Government’s Widespread and Systematic Use of Chemical Weapons*.

<sup>240</sup> *Ibid.*

<sup>241</sup> Human Rights Watch, *Death by Chemicals: The Syrian Government’s Widespread and Systematic Use of Chemical Weapons*, 2017.

<sup>242</sup> Human Rights Watch, *Syria: Urgent Need for Aleppo Aid Access*, 2016.

<sup>243</sup> Human Rights Watch, *Mounting Evidence Syrian Forces Were Behind Khan Seikhoun Attack*, 2017.

<sup>244</sup> *Ibid.*

<sup>245</sup> Médecins Sans Frontières, *Political will shown to work for chemical weapons access in Syria – same now needed urgently for humanitarian aid*, 2013.

<sup>246</sup> *Ibid.*

<sup>247</sup> Thakur & Haru, *The Chemical Weapons Convention: Implementation, Challenges, and Opportunities*, 2006, p. 30.

<sup>248</sup> OPCW, *Analytical Skills Development Course*.

<sup>249</sup> OPCW, *The Role of the Secretariat*.

<sup>250</sup> UN Conference on Environment and Development, *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, 1992*.

<sup>251</sup> OPCW, *The Role of the Secretariat*.

chemical weapons.<sup>252</sup> This would entail training on how to evacuate a large number of civilians, and how to respond to particular symptoms depending on what type of chemical weapons was used.<sup>253</sup>

Member States in conflict situations often face challenges in complying with their obligations under Article X of the CWC, especially in terms of upholding their national protection plan.<sup>254</sup> It is clear that framework that address providing protection and assistance to victims of chemical weapons attacks are not strong enough, and that a new, specific framework needs to be written to address many of these shortfalls.<sup>255</sup> OPCW is responsible for overseeing the implementation of the CWC, however, in times of crisis, OPCW's focus is often placed on investigating an attack that has already occurred rather than proactively preventing future attacks.<sup>256</sup> Recent attacks have occurred in States parties with weak governance systems, and therefore, OPCW needs to work closely with Member States in order for them to successfully establish, and uphold, their domestic policies in support of Article X.<sup>257</sup>

### ***Case Study: Syrian Arab Republic***

One of the most prominent areas of concern for OPCW at the moment is the situation in the Syrian Arab Republic.<sup>258</sup> On 21 August 2013, there was a confirmed use of chemical weapons in the agricultural belt of Ghouta, near Damascus, leading to over 3600 victims who had to receive emergency medical treatment for symptoms commonly seen with the use of nerve agents.<sup>259</sup> Over 1200 people died as a result of the attack.<sup>260</sup> There have been 12 chemical weapons attacks since December 2016, killing 162 civilians and injuring hundreds more.<sup>261</sup> An attack on 4 April 2017 in Kahn Sheikhou killed at least 92 people, including 30 children.<sup>262</sup> This was the largest attack since August 2013.<sup>263</sup> OPCW has stated that there is “incontrovertible” evidence that the attack on 4 April 2017 used a highly toxic nerve gas, either sarin or some chemical very similar.<sup>264</sup>

A significant number of NGOs are involved in the situation in Syria, including HRW, MSF, Amnesty International, and Christian Aid.<sup>265</sup> HRW has called for increased humanitarian assistance from the UN in order to provide victims access to safe drinking water, food and medical supplies needed following an attack.<sup>266</sup> HRW has also voiced its desire for increased support from UN Member States towards the International, Impartial, and Independent Mechanism of the UN General Assembly to investigate who is responsible for these crimes in Syria.<sup>267</sup> The rationale behind this measure is that there is a need to condemn these attacks, enhance the cooperation with the UN and OPCW, and provide HRW with the necessary information to provide protection and assistance in Syria.<sup>268</sup> Although there is significant cooperation between the UN, OPCW, and NGOs, the situation remains difficult for those affected

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<sup>252</sup> OPCW, *Analytical Skills Development Course*.

<sup>253</sup> *Ibid.*

<sup>254</sup> UN CD, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction*, 1992, art. X.

<sup>255</sup> OPCW, *Legislation Database*; OPCW, *Implementing Legislation*; OPCW, *National Implementation of the Chemical Weapons Convention*.

<sup>256</sup> OPCW, *Technical Secretariat of the Organization for the Prohibition of Chemical Weapons*.

<sup>257</sup> OPCW, *National Implementation of the Chemical Weapons Convention*.

<sup>258</sup> OPCW, *Syria and the OPCW*.

<sup>259</sup> *Syria Chemical Attack: What we know*, BBC News, 2013.

<sup>260</sup> *Ibid.*

<sup>261</sup> Human Rights Watch, *Death by Chemicals: The Syrian Government's Widespread and Systematic Use of Chemical Weapons*, 2017.

<sup>262</sup> *Ibid.*; *Syria chemical 'attack': What we know*, BBC News, 2017.

<sup>263</sup> *Ibid.*

<sup>264</sup> OPCW, *OPCW Director-General Shares Incontrovertible Laboratory Result Concluding Exposure to Sarin*, 2017; Arms Control Association, *Timeline of Syrian Chemical Weapons Activity, 2012-2017*, 2017.

<sup>265</sup> NGO Monitor, *NGOs on Syria and Chemical Weapons: A Display of Irrelevance*, 2013; Human Rights Watch, *Death by Chemicals, The Syrian Government's Widespread and Systematic Use of Chemical Weapons*.

<sup>266</sup> Human Rights Watch, *Syria: Urgent Need for Aleppo Aid Access*, 2016; Médecins Sans Frontières, *Political will shown to work for chemical weapons access in Syria – same now needed urgently for humanitarian aid*, 2013.

<sup>267</sup> Human Rights Watch, *Death by Chemicals: The Syrian Government's Widespread and Systematic Use of Chemical Weapons*, 2017.

<sup>268</sup> *Ibid.*



by these chemical agents for a number of reasons.<sup>269</sup> In particular, some areas in Syria, such as Aleppo, are very hard for aid organizations to reach due to the ongoing conflict.<sup>270</sup> Access to the area where victims are located is often impossible, and aid items may be diverted before they can reach their intended destination.<sup>271</sup> In February 2016 alone, 80,000 necessary, life-saving, medical products, such as emergency health kits, antibiotics and other medicines, were removed from convoys and denied access to the populations in need.<sup>272</sup> Ensuring the ability of OPCW, UN agencies, and NGOs to access victims of chemical weapons attacks is critical to mitigating the long-term impacts of exposure to these agents.<sup>273</sup>

### **Conclusion**

Chemical weapons have evolved since WWI, and the number of attacks has grown in recent years.<sup>274</sup> Victims continue to suffer the effects of chemical weapons attacks long after the attacks have occurred.<sup>275</sup> The failure of certain States parties to implement Article X of the CWC remains one of the core problems in providing protection and assistance to victims of chemical weapons.<sup>276</sup> Significant effort is being directed towards providing assistance and protection of victims of chemical weapons by the OPCW, other UN bodies, and NGOs, but their efforts need to be strengthened.<sup>277</sup> This situation can only be resolved by universal participation, increased recognition surrounding the issue, and by placing victims of chemical weapons higher on the agenda.<sup>278</sup> The lack of access to affected areas, not enough financial means and other resources, as well as an increasing number of active conflict situations, renders the situation even more dire.<sup>279</sup> OPCW can investigate these gaps, the lack of implementation of Article X, continue to pay attention to the specific needs of victims after an attack, and work together with UN bodies, States parties, and NGOs to address these issues in a more effective manner.<sup>280</sup>

### **Further Research**

There is a currently a lack of information on the provision of protection and assistance to victims of chemical weapons specifically. Delegates seek to address this lack of transparency in current national protection plans as well as attempt to address the following questions: Why are national protection plans only available to States parties' governments? Why is there so little information specifically tailored to victims of chemical weapons? Is there a way that OPCW could provide accessible information on the needs of victims and the national protection plans? Is there a way that NGOs can share their experiences in affected areas and their role of first responders? How can OPCW better meet the needs of victims? How can OPCW strengthen its relationships with NGOs to help them in providing protection and assistance? What can States parties can do individually or collectively to build upon existing implementation mechanisms?

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*This source provides a summarized timeline of all the chemical weapons attacks in Syria, as well as related events and news. It also provides information on what aid and services NGOs have provided to victims, and what they feel is still needed from the UN. This will deepen the delegates'*

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<sup>269</sup> Human Rights Watch, *Syria: Urgent Need for Aleppo Aid Access*, 2016.

<sup>270</sup> Ibid.; Médecins Sans Frontières, *Political will shown to work for chemical weapons access in Syria – same now needed urgently for humanitarian aid*, 2013.

<sup>271</sup> Human Rights Watch, *Syria, Events of 2016*, 2016.

<sup>272</sup> Ibid.

<sup>273</sup> Ibid.

<sup>274</sup> Human Rights Watch, *Death by Chemicals: The Syrian Government's Widespread and Systematic Use of Chemical Weapons*, 2017.

<sup>275</sup> Ibid.

<sup>276</sup> Thakur & Haru, *The Chemical Weapons Convention: Implementation, Challenges, and Opportunities*, 2006.

<sup>277</sup> Ibid.

<sup>278</sup> Ibid.

<sup>279</sup> Ibid.

<sup>280</sup> Ibid.

*knowledge about the situation in Syria, which will help them apply their knowledge to other situations with victims of chemical weapons in the world.*

Defense Technical Information Center. (2001). *Assistance and Protection Under Article X of the CWC*. Retrieved 18 July 2017 from: <http://www.dtic.mil/dtic/tr/fulltext/u2/p013387.pdf>

*This source, published by the Defense Technical Information Center, provides delegates with specific information on the provision of assistance and protection of victims under Article X of the CWC. Seeing as Article X, and its implementation, is key to providing protection and assistance to victims of chemical weapons attacks, this source key as it provides tailored information to the topic. This source also presents ideas on how to deal with future attacks with chemical weapons.*

Human Rights Watch. (2017, May 1). *Death by Chemicals: The Syrian Government's Widespread and Systematic Use of Chemical Weapons*. Retrieved 14 August 2017 from: <https://www.hrw.org/report/2017/05/01/death-chemicals/syrian-governments-widespread-and-systematic-use-chemical-weapons>

*This source offers in-depth information regarding the use of chemical weapons in and by Syria. Delegates can broaden their knowledge about the types of chemical attacks, and their effects on victims. They can read what HRW provides victims, and what its (and other NGOs') impediments are with this provision. This knowledge will be applicable within their own policies and can be compared to national protection plans and implementation issues of Article X, so that debate and discussion will deepen.*

Médecins Sans Frontières. (2013, October 15). *Political will shown to work for chemical weapons access in Syria – same now needed urgently for humanitarian aid*. Retrieved 22 October 2017 from: <http://www.msf.org/en/article/political-will-shown-work-chemical-weapons-access-syria-%E2%80%93-same-now-needed-urgently>

*NGOs play an important role in providing assistance and protection to victims, and they are also irreplaceable, as they provide less political agenda and perspective to a situation than States parties and international organizations. There are relationships between OPCW and NGOs, which rely on each other for information and political knowledge. This article by Médecins Sans Frontières provides delegates with information in regards to what is needed by the NGO to provide assistance and protection, what is lacking, and what it wishes to see from the UN and OPCW.*

Organisation for the Prohibition of Chemical Weapons. (n.d.). *Legislation Database* [Website]. Retrieved 27 August 2017 from: <https://www.opcw.org/our-work/national-implementation/implementing-legislation/legislation-database/>

*One of the reasons that protection and assistance is not always provided, or is provided incorrectly, is the lack of implementation of Article X of the CWC. This database provides all legislation on chemical weapons and the CWC that Member States have implemented. Therefore, it gives delegates an accessible source, with an overview so that they can deepen their knowledge on the difficulties regarding implementation and possible solutions for these difficulties.*

Organisation for the Prohibition of Chemical Weapons. (n.d.). *Types of Chemical Agents* [Website]. Retrieved 17 July 2017 from: <https://www.opcw.org/protection/types-of-chemical-agent/>

*This resource highlights the difference between chemical weapons, weapons of mass destruction, and nuclear weapons. With this difference being of such importance, delegates will be able to inform themselves about the different types of chemical agents, so they are prepared to discuss different measures against different types of chemical weapons. The various types of weapons and their differential effects could lead to a varied response in the event of an attack, and should be taken into consideration by delegates during their research.*

Organisation for the Prohibition of Chemical Weapons. (2016). *Assistance and Protection Against Attack with Chemical Weapons*. Retrieved 17 August 2017 from: [https://www.opcw.org/fileadmin/OPCW/Fact\\_Sheets/Fact\\_Sheet\\_8\\_-\\_assistance.pdf](https://www.opcw.org/fileadmin/OPCW/Fact_Sheets/Fact_Sheet_8_-_assistance.pdf)

*OPCW has published this resource to highlight important facts and figures about providing protection and assistance to victims of chemical weapons. It provides delegates with an insight into the rights and responsibilities of States parties, the role of the Technical Secretariat, and requests for assistance that OPCW has received from States parties. It also provides delegates*

*with ideas that the Organisation has about the current status of chemical weapons, their use and the aid given to victims, and current problems. This fact sheet also includes information on how OPCW wishes to address these shortcomings.*

Organisation for the Prohibition of Chemical Weapons. (2016). *Practical Guide for Medical Management of Chemical Warfare Casualties*. Retrieved 29 August 2017 from:

[https://www.opcw.org/fileadmin/OPCW/ICA/APB/Practical\\_Guide\\_for\\_Medical\\_Management\\_of\\_Chemical\\_Warfare\\_Casualties\\_-\\_web.pdf](https://www.opcw.org/fileadmin/OPCW/ICA/APB/Practical_Guide_for_Medical_Management_of_Chemical_Warfare_Casualties_-_web.pdf)

*This guide provides a comprehensive overview of information on how to provide medical aid in the case of a chemical weapons attack. It will provide delegates with an idea of what medical training could still be needed for responders, and what medical needs victims have. This document, combined with other research into medical care for victims, will deepen the debate and give delegates an insight into possible solutions for current needs in medical care and assistance.*

Thakur, R. & Haru, E. (2006). *The Chemical Weapons Convention: Implementation, Challenges, and Opportunities*. Hong Kong: United Nations University Press.

*The CWC is often considered one of the most complex treaties on the topic of arms control, and is discussed in depth in this source. This book presents delegates with an examination of different aspects of the treaty, including the challenges with the implementation of the CWC. Enclosed in this book, delegates will find an outline of what challenges OPCW faces in the future and suggestions for approaches they can use to strengthen the implementation of the CWC.*

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*The relationship between OPCW and the UN is important to understand, so that delegates have an idea of the organizations' respective mandates and how they provide aid. This resolution provides information from the UN General Assembly about specific cooperation measures. Therefore, this source will provide delegates with an insight of what Member States and the UN can expect from OPCW, and vice versa.*

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### III. The Role of the Organisation for the Prohibition of Chemical Weapons in Counter-Terrorism Efforts

“The use by non-state actors of chemical weapons is no longer a threat but a chilling reality.”<sup>281</sup>

#### *Introduction*

The international community has become increasingly concerned about the threat of chemical terrorism since the 1995 sarin attack in Tokyo, carried out by the religious cult Aum Shinrikyo, and, more recently, the use of chemical weapons in the Syrian conflict by the Islamic State in Iraq and the Levant (ISIL).<sup>282</sup> Chemical terrorism can be understood as an indiscriminate violent attack using chemical agents to evoke fear and panic, or cause injuries and/or deaths to accomplish a political, religious, or ideological goal.<sup>283</sup> Chemical terrorism is a possible and realistic threat for international peace and security due to the ready availability of chemical components and their low procurement costs in comparison to other weapons of mass destruction (WMD), as well as the relatively simple process of manufacturing and transporting chemical agents.<sup>284</sup> Further challenges include the existence of toxic industrial hazards and dual-use chemicals, terrorist safe havens, and chemical weapons stockpiles that have not yet been destroyed and/or declared.<sup>285</sup> Countering chemical terrorism is a twofold issue: it involves the prevention of chemical terrorism and the existence of an effective response mechanism to chemical terrorist attacks.<sup>286</sup>

As the Organisation for the Prohibition of Chemical Weapons (OPCW) Director-General, Ahmet Üzümcü, has pointed out, OPCW has a central role in countering chemical terrorism and contributing to international counter-terrorism efforts.<sup>287</sup> OPCW’s work in counter-terrorism is based on the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction* (1992), or Chemical Weapons Convention (CWC).<sup>288</sup> The CWC’s definition of chemical weapons includes toxic chemicals and their precursors, munitions and devices for such materials, and equipment to use chemical weapons.<sup>289</sup> The widespread successes in the area of demilitarization since the adoption of the CWC and the emergence of the international fight against terrorism have led to a change in OPCW’s focus from mainly disarmament to preventing the re-emergence and proliferation of chemical weapons, including hindering non-state actors such as terrorist organizations from acquiring them.<sup>290</sup> Therefore, OPCW has an important role in national, regional, and international counter-terrorism efforts, as well as in promoting the debate on chemical terrorism.<sup>291</sup>

#### *International and Regional Framework*

There have been several documents adopted regarding OPCW’s role in counter-terrorism efforts and chemical terrorism. The main legal framework for the Organisation’s activities is the CWC; although the document does not explicitly mention chemical terrorism, its provisions also apply to the use of chemical weapons by non-state actors.<sup>292</sup> For example, Article IV stipulates the responsibility of OPCW and the States parties to ensure security of

<sup>281</sup> UN DPI, *UN/ Non Proliferation*, 2017.

<sup>282</sup> Pletcher, *Tokyo Subway Attack of 1995*, 2012; Gladstone, *Syria Used Chlorine in Bombs Against Civilians, Report Says*, *New York Times*, 2016.

<sup>283</sup> Halperin Wernli & Ganor, *The Threat of Chemical Terrorism*, 2016.

<sup>284</sup> Raczova, *Forget Nuclear: Chemical Weapons Are the Real Weapons of Mass Destruction Threat*, 2017; Tucker, *The Future of Chemical Weapons*, 2009.

<sup>285</sup> *Ibid.*

<sup>286</sup> OPCW, *NATO Conference on WMD Arms Control, Disarmament, and Non-Proliferation: Keynote Speech by Director-General Ahmet Üzümcü*, 2016, p. 5.

<sup>287</sup> *Ibid.*, pp. 2-5; OPCW, *Director-General Addresses Challenge of Chemical Terrorism at NATO Conference in Slovenia*, 2016.

<sup>288</sup> OPCW, *The OPCW and the Global Struggle against Terrorism*.

<sup>289</sup> UN CD, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (A/47/27)*, 1992, art. I.

<sup>290</sup> OPCW, *The Chemical Weapons Ban: Facts and Figures*; OPCW, *The OPCW in 2025: Ensuring a World Free of Chemical Weapons (S/1252/2015)*, 2015, p. 3; OPCW, *NATO Conference on WMD Arms Control, Disarmament, and Non-Proliferation: Keynote Speech by Director-General Ahmet Üzümcü*, 2016, p. 2; OPCW, *Director-General Addresses Challenge of Chemical Terrorism at NATO Conference in Slovenia*, 2016.

<sup>291</sup> OPCW, *The OPCW in 2025: Ensuring a World Free of Chemical Weapons (S/1252/2015)*, 2015, p. 8.

<sup>292</sup> OPCW, *The OPCW and the Global Struggle against Terrorism*.

storage facilities, as well as to ensure security and safety during the destruction process of chemical weapons, which would prevent terrorists from acquiring chemical weapons.<sup>293</sup> In addition, Article VI requires States parties to ascertain the legitimate use of chemical materials, thus preventing terrorists and other non-state actors from acquiring chemical weapons under the guise of industrial or scientific purposes.<sup>294</sup> Legislative cooperation and capacity-building is included in Article VII of the CWC, and requires State parties to implement national legislative frameworks to prosecute actors violating the CWC.<sup>295</sup> Through various further articles of the CWC, the Organisation's mandate also includes activities regarding transport and storage security, response mechanisms, and assistance provision in the aftermath of a terrorist attack, as well as the promotion of effective national judicial prosecution of non-state actors violating the CWC.<sup>296</sup>

Furthermore, several United Nations (UN) General Assembly and Security Council documents refer to counter-terrorism, demilitarization, non-proliferation, and the use of chemical weapons. In the Global Counter-Terrorism Strategy, adopted by the UN General Assembly in 2006, Member States pledge to combat all types of terrorism and reaffirm the role of the International Atomic Energy Agency (IAEA) and the OPCW in capacity-building to prevent the acquisition of chemical and nuclear materials by terrorists, as well as to establish response mechanisms for such attacks.<sup>297</sup> The Security Council has adopted many resolutions and decisions regarding counter-terrorism and the non-proliferation of WMDs, including chemical weapons.<sup>298</sup> Among its most prominent resolutions is Security Council resolution 1540 of 2004, which established the 1540 Committee as a subsidiary body of the Security Council to monitor the implementation of the resolution.<sup>299</sup> Resolution 1540 called on all Member States to refrain from supporting non-state actors in acquiring or developing WMDs, as well as to continue promoting counter-terrorism measures and the full implementation of international treaties regarding the non-proliferation of WMDs.<sup>300</sup> Furthermore, resolution 1540 is of the utmost importance, because with it the non-proliferation of WMDs becomes mandatory for all Member States due to the scope and legally binding character of Security Council resolutions.<sup>301</sup> In contrast, the CWC and related treaties are only binding for states that have ratified them.<sup>302</sup> In its latest Programme of Work report, the 1540 Committee reiterated the importance of national efforts, assistance programs, and cooperation between international organizations, as well as the necessity to foster enforcement measures and initiatives relating to biological, chemical, and nuclear weapons.<sup>303</sup>

The European Union (EU) identified the proliferation of WMDs as one of the key threats to security in its European Security Strategy of 2003.<sup>304</sup> In 2009, the European Commission adopted a policy framework called the EU Chemical, Biological, Radiological, and Nuclear (CBRN) Action Plan.<sup>305</sup> The Action Plan envisages a multi-stakeholder approach to reduce the “threat and damage from CBRN incidents” by improving security and detection measures, information exchange, and first responder training.<sup>306</sup>

### ***Role of the International System***

A number of international and regional organizations work alongside OPCW in order to counter the threat of terrorism, each with their own specific focus. The main contribution of OPCW to global counter-terrorism measures

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<sup>293</sup> Ibid.

<sup>294</sup> Ibid.

<sup>295</sup> Ibid.

<sup>296</sup> Ibid.; UN CTITF, *Report of the Working Group on Preventing and Responding to Weapons of Mass Destruction Attacks: Interagency Coordination in the Event of a Terrorist Attack using Chemical or Biological Weapons or Materials*, 2011.

<sup>297</sup> UN General Assembly, *The United Nations Global Counter-Terrorism Strategy (A/RES/60/288)*, 2006, pp. 2-8.

<sup>298</sup> UN Security Council, *Non-proliferation of Weapons of Mass Destruction (S/RES/1540)*, 2004.

<sup>299</sup> Ibid.; UN Security Council, 1540 Committee, *General Information: United Nations Security Council Resolution 1540 (2004)*, 2017.

<sup>300</sup> Ibid.

<sup>301</sup> Heupel, *Implementing UN Security Council Resolution 1540: A Division of Labor Strategy*, 2007, p. 4.

<sup>302</sup> Ibid., p. 5.

<sup>303</sup> UN Security Council, *Letter dated 10 February 2017 from the Chair of the Security Council Committee Established pursuant to Resolution 1540 (2004) Addressed to the President of the Security Council (S/2017/126)*, 2017, p. 2.

<sup>304</sup> European Council, *A Secure Europe in a Better World: European Security Strategy*, 2003.

<sup>305</sup> European Commission, *Communication from the Commission to the European Parliament and the Council (COM(2009) 273)*, 2009.

<sup>306</sup> Ibid., p. 5.



is its expertise in the realm of chemical weapons; it is able to provide information, assistance, and capacity-building in the national implementation of the CWC in order to prevent non-state actors from acquiring and using chemical weapons, as well as effective responses to attacks by chemical weapons.<sup>307</sup> OPCW promotes projects such as the Chemical Safety and Security Management Programme to foster international cooperation in the chemical industry sector through training seminars on best practices, information-sharing, and capacity-building, with the aim of preventing chemical accidents and chemical terrorist attacks.<sup>308</sup> Moreover, the Technical Secretariat of the OPCW hosts regular courses to train first responders, emergency units, and other stakeholders.<sup>309</sup> In line with its mandate of providing assistance to victims of chemical weapons, the OPCW promotes response mechanisms in the case of chemical terrorism.<sup>310</sup> For example, the OPCW established a Rapid Response Assistance Team to provide support in the case of non-state actors utilizing chemical weapons, an Open-Ended Working Group on Terrorism, and a specialized working group on non-state actors.<sup>311</sup> The Working Group's main task is to evaluate OPCW's role in international counter-terrorism measures, and it has also encouraged experience-sharing concerning chemical terrorism.<sup>312</sup>

OPCW's cooperation and collaboration with the UN in the fight against terrorism, especially in the context of the Global Counter-Terrorism Strategy and the implementation of the CWC, is highly important and was acknowledged by the Secretary-General in his 2013 report on "Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction."<sup>313</sup> An example of the cooperation between OPCW and UN bodies is the UN Counter-Terrorism Implementation Task Force (CTITF) Working Group on Preventing and Responding to WMD Terrorist Attacks, which was established in 2005 and is co-chaired by the OPCW and the IAEA.<sup>314</sup> In 2006, it was formally endorsed by the Global Counter-Terrorism Strategy.<sup>315</sup> As part of the second pillar of the Global Counter-Terrorism Strategy, the CTITF Working Group is tasked with optimizing international response mechanisms for CBRN attacks.<sup>316</sup> In addition, the Working Group issued a report titled "Interagency Coordination in the Event of a Terrorist Attack Using Chemical or Biological Weapons or Materials," which outlines possible cooperation and coordination opportunities in regard to response mechanisms.<sup>317</sup> In 2011, OPCW hosted the CTITF workshop "International response and mitigation of a terrorist use of chemical, biological and toxin weapons or materials."<sup>318</sup>

Many other regional and international actors are active in the field of countering terrorism, including chemical terrorism. The Australia Group, an informal forum of 42 countries, focuses on export controls regarding biological and chemical materials, as well as on the problem of dual-use goods and on the non-proliferation of chemical and biological weapons.<sup>319</sup> The Group developed several guidelines on export control of sensitive chemical and biological materials.<sup>320</sup> Since 2003, the Proliferation Security Initiative has promoted multinational cooperation to prevent the proliferation of WMDs by actively countering black CBRN markets.<sup>321</sup> Furthermore, the International Criminal Police Organization (INTERPOL) has focused its prevention work on chemical, nuclear, radiological, and bio-terrorism, as a reaction to growing threat estimations.<sup>322</sup> INTERPOL promotes education and awareness programs through projects such as Litmus, which trains law enforcement officers to better investigate and prosecute

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<sup>307</sup> OPCW, *Possible Responses to Global Terrorist Threats*.

<sup>308</sup> OPCW, *Industry Outreach: Promoting Chemical Safety and Security*.

<sup>309</sup> OPCW, *The Chemical Weapons Ban: Facts and Figures*.

<sup>310</sup> UN CTITF, *Report of the Working Group on Preventing and Responding to Weapons of Mass Destruction Attacks: Interagency Coordination in the Event of a Terrorist Attack using Chemical or Biological Weapons or Materials*, 2011, p. 28.

<sup>311</sup> OPCW, *Note by the Technical Secretariat: Establishment of a Rapid Response Assistance Team (S/1381(2016))*, 2016.

<sup>312</sup> OPCW, *Meeting of the Open-Ended Working Group on Terrorism*, 2009.

<sup>313</sup> UN General Assembly, *Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction (A/68/164)*, 2013.

<sup>314</sup> UN CTITF, *Preventing and Responding to WMD Terrorist Attacks*, 2017; OPCW, *The United Nations Global Counter-Terrorism Strategy*, 2017.

<sup>315</sup> UN General Assembly, *The United Nations Global Counter-Terrorism Strategy (A/RES/60/288)*, 2006.

<sup>316</sup> UN CTITF, *Preventing and Responding to WMD Terrorist Attacks*, 2017.

<sup>317</sup> UN CTITF, *Report of the Working Group on Preventing and Responding to Weapons of Mass Destruction Attacks: Interagency Coordination in the Event of a Terrorist Attack using Chemical or Biological Weapons or Materials*, 2011.

<sup>318</sup> UN CTITF, *Preventing and Responding to WMD Terrorist Attacks*, 2017.

<sup>319</sup> Australia Group, *Australia Group Participants*, 2007.

<sup>320</sup> Australia Group, *Guidelines for Transfers of Sensitive Chemical or Biological Items*, 2015.

<sup>321</sup> Proliferation Security Initiative, *The Proliferation Security Initiative*.

<sup>322</sup> INTERPOL, *CBRNE*, 2017.

cases of illegal chemical agent use, and the Chemical Anti-smuggling Enforcement Project, which involves training activities to prevent the smuggling of materials used to produce chemical weapons.<sup>323</sup> Moreover, INTERPOL established a Chemical and Explosives Terrorism Prevention unit as part of its Chemical, Biological, Radiological, Nuclear, and Explosives Terrorism Prevention Programme.<sup>324</sup> Together with the EU, the UN Interregional Crime and Justice Research Institute launched the CBRN Risk Mitigation Centres of Excellence Initiative to assist with the development of CBRN policies and further strengthen CBRN security.<sup>325</sup> The EU also developed regulations on the export of dual-use materials to prevent terrorists from easily accessing chemical materials.<sup>326</sup>

### ***Preventing the Acquisition of Chemical Weapons by Terrorists***

The nature of international security and the chemical industry sector have significantly changed since the adoption of the CWC, resulting in new challenges in preventing and responding to chemical terrorism.<sup>327</sup> Three main developments have increased the possibility of chemical terrorism: globalization, scientific and technological advances, and growing interest of non-state actors in acquiring chemical weapons.<sup>328</sup> Globalization has led to rapid growth of the chemical industry in developing countries, increasing access to industrial chemicals; developments in science and technology have resulted in the availability of new chemicals that are often not covered by the CWC, of dual-use materials that can be misused, and of new unregulated means to acquire chemical materials, such as by purchasing them on the “dark web.”<sup>329</sup> Furthermore, even though almost all states have ratified the CWC, non-state actors, such as ISIL, have shown an interest in acquiring chemical weapons.<sup>330</sup> OPCW acknowledges that countering chemical terrorism requires both preventing terrorist acts from occurring and responding to attacks after they have taken place.<sup>331</sup>

Chemical safety and security are key aspects of preventing chemical terrorism.<sup>332</sup> Chemical safety refers to the safe management of chemical materials and “measures to prevent the non-deliberate release of chemical materials into the environment,” while chemical security refers to measures taken to hinder the deliberate, malicious misuse of chemical materials.<sup>333</sup> Chemical security encompasses legal and programmatic measures to prevent the illegal acquisition of chemicals, as well as precursors to chemical weapons.<sup>334</sup> Improving chemical security is fundamental to preventing chemical terrorism because it reduces the accessibility of chemical materials, thus preventing terrorists from acquiring them for use in attacks; it also protects chemical facilities against attacks.<sup>335</sup> This aspect of countering chemical terrorism has become especially important in recent years since chemical industry sectors have grown in many countries as a part of economic development.<sup>336</sup> Further, the industry involves global networks of supply and distribution chains, and changes and develops quickly due to technological and scientific advances, making it vulnerable to insecurity when safety procedures do not keep up with advances.<sup>337</sup>

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<sup>323</sup> INTERPOL, *Chemical and Explosives Terrorism: Project Litmus*, 2017; INTERPOL, *Chemical and Explosives Terrorism: Operation Chase*, 2017.

<sup>324</sup> INTERPOL, *INTERPOL Launches New Unit to Assist Member Countries Combat Chemical and Explosives Terrorism*, 2012.

<sup>325</sup> EU CBRN Risk Mitigation Centres of Excellence Initiative, *The EU CBRN Risk Mitigation Centres of Excellence Initiative*, 2015.

<sup>326</sup> European Commission, *Dual-use Export Controls*, 2017; EU CBRN Risk Mitigation Centres of Excellence, *The EU CBRN Risk Mitigation Centres of Excellence Initiative*, 2015.

<sup>327</sup> International Institute for Strategic Studies, *Progress and Challenges in Chemical Disarmament: EU Non-Proliferation and Disarmament Conference 2016 Special Session 9*, 2016.

<sup>328</sup> Oppenheimer, *The Threat of Chemical Weapons: Use by Non-State Actors*, 2008; Besheer, UN: Terrorists Using ‘Dark Web’ in Pursuit of WMDs, *VOA News*, 2017; International Institute for Strategic Studies, *Progress and Challenges in Chemical Disarmament: EU Non-Proliferation and Disarmament Conference 2016 Special Session 9*, 2016.

<sup>329</sup> *Ibid.*

<sup>330</sup> *Ibid.*

<sup>331</sup> OPCW, *NATO Conference on WMD Arms Control, Disarmament, and Non-Proliferation: Keynote Speech by Director-General Ahmet Üzümcü*, 2016, p. 5.

<sup>332</sup> OPCW, *Needs and Best Practices on Chemical Safety and Security Management*, 2016, p. 3.

<sup>333</sup> *Ibid.*

<sup>334</sup> *Ibid.*

<sup>335</sup> National Research Council, *Promoting Chemical Laboratory Safety and Security in Developing Countries*, 2010.

<sup>336</sup> *Ibid.*, p. 20; Smallwood et al., *Impact of Scientific Developments on the Chemical Weapons Convention*, 2013.

<sup>337</sup> National Research Council, *Promoting Chemical Laboratory Safety and Security in Developing Countries*, 2010.

In this context, dual-use chemicals have been a growing cause of concern about misuse by terrorists due to their accessibility and their hazardous potential.<sup>338</sup> Developing countries in particular can face additional challenges in promoting chemical security due to weak regulations and laws, lack of enforcement structures, and lack of expertise on safety and security in chemical laboratories, safe transportation of chemicals, and tracking systems.<sup>339</sup> Additionally, these measures and initiatives are costly and thus many chemical laboratories, especially in lower-income countries, face financial challenges to chemical security as well.<sup>340</sup> These challenges are also compounded in states experiencing conflict, unstable security situations, or weak governmental structures, increasing the risk that non-state actors will be able to obtain chemical weapons.<sup>341</sup> Thus, there is the need for a wide range of solutions, including capacity-building measures, training, awareness raising, the promotion of national legislation, and information-sharing.<sup>342</sup>

OPCW engages in many different initiatives to support states in enhancing chemical security.<sup>343</sup> Since 2009, OPCW's Technical Secretariat has launched events and training exercises with over 1,400 participants from 130 different states to update knowledge, strategies, and practices regarding production site security, as well as chemical safety and security.<sup>344</sup> In 2012, OPCW and Poland organized an International Meeting on Chemical Safety and Security, which included discussion on CBRN terrorism, the connection between chemical management and international security, and the need for training, awareness raising, and cooperation between chemical professionals.<sup>345</sup> In October 2017, OPCW's Executive Council reiterated the threat stemming from non-state actors in regard to chemical weapons, and the importance of capacity-building programs on chemical safety and security.<sup>346</sup> Through its Chemical Safety and Security Management Program, OPCW organizes seminars to provide training for chemical industry and government stakeholders to react to the changing environment in which the chemical industry operates and to mitigate security risks such as chemical terrorism.<sup>347</sup>

OPCW also has several cooperation programs with national governments, other international organizations, and professionals, such as the Annual Associate Programme, which trains scientists from various countries in chemistry and chemical safety.<sup>348</sup> For example, in January 2017, the World Customs Organization and the OPCW signed a Memorandum of Understanding to fortify the cooperation between both organizations and strengthen supply chain management, with the aim of reducing the risk of chemical materials being acquired for hazardous purposes.<sup>349</sup> There have been different initiatives to promote chemical safety and security, such as the International Centre for Chemical Safety and Security, which cooperates with the OPCW to promote public-private partnerships, and the Kenyan Program on Chemical Safety and Security, which mainly aims at increasing chemical safety and security through the training of government officials and experience sharing.<sup>350</sup>

Finally, national legislation and voluntary industry standards can be a means to counter chemical terrorism as a result of increased chemical security.<sup>351</sup> OPCW is active in promoting information exchange in this area; in November 2016, it issued the report "Needs and Best Practices on Chemical Safety and Security Management."<sup>352</sup> It

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<sup>338</sup> Besheer, UN: Terrorists Using 'Dark Web' in Pursuit of WMDs, *VOA News*, 2017.

<sup>339</sup> National Research Council, *Promoting Chemical Laboratory Safety and Security in Developing Countries*, 2010, p. 2.

<sup>340</sup> *Ibid.*

<sup>341</sup> *Ibid.*, p. 4.

<sup>342</sup> National Research Council, *Promoting Chemical Laboratory Safety and Security in Developing Countries*, 2010; OPCW, *Status of the OPCW's Contribution to Global Anti-Terrorism Efforts: Note by the Director-General (EC-84/DG.14)*, 2017.

<sup>343</sup> OPCW, *Needs and Best Practices on Chemical Safety and Security Management*, 2016, p. 3.

<sup>344</sup> *Ibid.*

<sup>345</sup> OPCW, *International Meeting on Chemical Safety and Security*, 2012.

<sup>346</sup> OPCW, *Eighty-Sixth Session of OPCW: Executive Council Acts on Non-State Actors*, 2017.

<sup>347</sup> International Institute for Strategic Studies, *Progress and Challenges in Chemical Disarmament: EU Non-Proliferation and Disarmament Conference 2016 Special Session 9*, 2016; OPCW, *Industry Outreach: Promoting Chemical Safety and Security*.

<sup>348</sup> OPCW, *The 16th Annual Associate Programme Begins*, 2015.

<sup>349</sup> OPCW, *OPCW and World Customs Organization Expand Cooperation to Prevent Misuse of Toxic Chemicals*, 2017.

<sup>350</sup> International Centre for Chemical Safety and Security, *The Kenyan Program on Chemical Safety and Security*.

<sup>351</sup> Oppenheimer, *The Threat of Chemical Weapons: Use by Non-State Actors*, 2008; OPCW, *Status of the OPCW's Contribution to Global Anti-Terrorism Efforts: Note by the Director-General (EC-84/DG.14)*, 2017.

<sup>352</sup> OPCW, *Needs and Best Practices on Chemical Safety and Security Management*, 2016.

discussed general trends and needs, but also allowed states to submit examples of their policies and initiatives to promote chemical security.<sup>353</sup> For example, the United States of America overviewed some of its governmental outreach programs with the chemical industry, including trainings for academics and industry professionals working with chemicals at a high risk of being misused for weapons.<sup>354</sup> The report represented a first step to develop holistic tools and best practices to improve chemical risk management.<sup>355</sup>

#### *Chemical Weapons Attacks by ISIL*

The potential of chemical weapon use by terrorists has recently been shown in the Syrian Arab Republic, which has been experiencing civil war since 2011.<sup>356</sup> Several chemical attacks in the country have been reported and attributed by the Investigative Mechanism of the OPCW to ISIL.<sup>357</sup> The terrorists most likely acquired chemical weapons by seizing unsecured stockpiles from the Syrian government, including chlorine, sarin, and mustard gas, highlighting the need for both chemical security and universal implementation of the CWC.<sup>358</sup> Furthermore, it is feared by some members of the international community that ISIL is trying to develop a production facility for chemical weapons and might recruit chemical weapons specialists for a rogue chemical weapons program.<sup>359</sup> A professionalization of ISIL's chemical weapons development could have a severe impact on security since it would provide ISIL with an autonomous chemical weapons production facility that would only require dual-use materials or chemicals that are not thoroughly monitored and easily accessible in order to make weapons.<sup>360</sup> The case of Syria illustrates how instability and conflict can increase vulnerability to chemical terrorism, especially if chemical weapons stockpiles are present in a conflict zone with weak governmental structures.<sup>361</sup> Moreover, ISIL is not the only terrorist organization interested in acquiring CBRN weapons; reports regarding other Islamist groups wanting to acquire chemical weapons have regularly surfaced.<sup>362</sup>

#### *Effectively Responding to Chemical Terrorist Attacks*

Although OPCW strives to completely prevent the use of chemical weapons, in the case of a chemical attack by terrorists, the Organisation is mandated to provide assistance in accordance with Article X, Paragraph 7 of the CWC.<sup>363</sup> This could take the form of the detection and decontamination of chemical agents, as well as provision of protective equipment, decontaminants, and medical antidotes to the chemical agents utilized.<sup>364</sup> In order to effectively detect chemical agents, OPCW provides laboratories with training and certification to conduct chemical analysis for the verification of chemical weapons use, since knowing the type of weapon used is vital for an effective response.<sup>365</sup> Furthermore, OPCW offers expertise on decontamination and health issues regarding the use of chemical weapons and thus can help contain the effects of a chemical attack.<sup>366</sup> OPCW has attempted to broaden its response capabilities by introducing the concept of a Rapid Response and Assistance Mission tasked with providing response in case of a chemical attack by non-state actors through the deployment of an expert group.<sup>367</sup>

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<sup>353</sup> Ibid.

<sup>354</sup> Ibid., pp. 25-36.

<sup>355</sup> OPCW, *Needs and Best Practices on Chemical Safety and Security Management*, 2016, p. 14.

<sup>356</sup> UN DPI, *Interview: The Syrian Forces and ISIL Used Toxic Chemicals as Weapons - Report*, 2016.

<sup>357</sup> Ibid.; Schmitt, *ISIS Used Chemical Arms at Least 52 Times in Syria and Iraq, Report Says*, *The New York Times*, 2016.

<sup>358</sup> Doornbos & Moussa, *How the Islamic State Seized a Chemical Weapons Stockpile*, *Foreign Policy*, 2016; OPCW, *Addressing Chemical Terrorism*, 2001.

<sup>359</sup> Sykes, *ISIS is Using Chemical Weapons in Syria and Iraq, US Government Reveals*, *Sunday Express*, 2015; Perez, *ISIS May Be Forming a 'Chemical Weapons Cell' in Syria*, *New York Post*, 2017.

<sup>360</sup> Hummel, *The Islamic State and WMD: Assessing the Future Threat*, *CTC Sentinel*, 2016.

<sup>361</sup> OPCW, *Keynote Speech: 19th International Chemical Weapons Demilitarisation Conference (CWD)*, 2016.

<sup>362</sup> Acharya, *ISIS' Chemical Weapons: Where They Came From, How They are Used, and What Will Come Next*, 2016.

<sup>363</sup> OPCW, *Offers of Assistance*; OPCW, *Requests for Assistance*; UN CD, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (A/47/27)*, 1992, art. 10.

<sup>364</sup> Ibid.

<sup>365</sup> OPCW, *OPCW Opens New International Laboratory Training Facility*, 2015.

<sup>366</sup> OPCW, *Decontamination of Chemical Warfare Agents*.

<sup>367</sup> OPCW, *Note by the Technical Secretariat: Establishment of a Rapid Response Assistance Team (S/1381(2016))*, 2016; OPCW, *Note by the Technical Secretariat: Guidelines for States Parties Requesting a Rapid Response and Assistance Mission (S/1429/2016)*, 2016; OPCW, *Keynote Speech: 19th International Chemical Weapons Demilitarisation Conference (CWD)*, 2016.

Inter-agency coordination is of vital necessity to ensure a quick and efficient response to a chemical weapons attack, so the CTITF's Working Group on WMDs started the project "Ensuring Effective Inter-Agency Interoperability and Coordinated Communication in case of Chemical and/or Biological Attacks."<sup>368</sup> In case of a chemical terrorist attack, the United Nations Office for the Coordination of Humanitarian Affairs could provide humanitarian assistance, and the involvement of the United Nations Disaster Assessment and Coordination could be beneficial due to the organization's expertise in disaster management in situations with mass casualties.<sup>369</sup> This planning regarding roles and responsibilities is intended to ensure any responses are implemented as rapidly and effectively as possible, but clarification regarding the roles of other organizations is needed.<sup>370</sup>

### **Conclusion**

Chemical terrorism has gained greater international concern after the recent use of chemical agents by ISIL in the Syrian Arab Republic.<sup>371</sup> Widespread implementation of the CWC is a major driver against chemical terrorism, reducing the availability of chemical agents and improving national legal structures to counter chemical terrorism, but the need to strengthen chemical security in States parties of the CWC is clear.<sup>372</sup> Furthermore, effective response mechanisms have been planned, but are lacking sufficient international inter-agency coordination.<sup>373</sup> The prevention of chemical terrorism is mainly lacking a verification and tracking system adapted to the fast-developing chemical industry, the intensification of chemical industry activities in developing countries, and the availability of dual-use materials; there is also a lack of worldwide, universal high standards of chemical security, as well as national expertise in counter-terrorism.<sup>374</sup> In addition, response mechanisms to chemical attacks are still in the planning phase and not streamlined yet.<sup>375</sup> However, as seen in the case of Syria, the risk of the use of chemical weapons by terrorists and other non-state actors is high, showing the need for the OPCW to continue to develop its role in countering chemical terrorism.<sup>376</sup>

### **Further Research**

The following questions should be kept in mind regarding this topic: How can OPCW further improve the effectiveness of its work to prevent non-state actors from obtaining and using chemical weapons? How can measures better address the changing nature of the chemical industry, being better suited for effective tracking, transfer, and verification of dual-use materials? In what ways can OPCW continue to work with the chemical industry and academia in order to enhance chemical security around the world? Which best practices on the national level could be supported by the OPCW and implemented in other states to enhance chemical security? What measures can OPCW take to assist especially-vulnerable countries with unstable security situations and/or weak governmental structures? Are there possibilities to further harmonize and streamline chemical terrorism prevention and response? How can OPCW continue to contribute to counter-terrorism efforts?

## **Annotated Bibliography**

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*This policy paper by the Stockholm International Peace Research Institute gives detailed and useful insight into the changing environment in which the OPCW operates. In addition, it provides a detailed section regarding future security issues and elaborates on the role of the OPCW in this changing context. The multifaceted nature of the topic at hand becomes clear through the paper.*

<sup>368</sup> UN CTITF, *Preventing and Responding to WMD Terrorist Attacks*, 2017.

<sup>369</sup> UN OCHA, *Our Work*, 2017.

<sup>370</sup> UN CTITF, *Preventing and Responding to WMD Terrorist Attacks*, 2017.

<sup>371</sup> Sykes, *ISIS is Using Chemical Weapons in Syria and Iraq, US Government Reveals*, 2015.

<sup>372</sup> National Research Council, *Promoting Chemical Laboratory Safety and Security in Developing Countries*, 2010; OPCW, *The OPCW in 2025: Ensuring a World Free of Chemical Weapons (S/1252/2015)*, 2015, pp. 3-5; Daoudi et al., *The Future of the Chemical Weapons Convention: Policy and Planning Aspects*, 2013.

<sup>373</sup> UN CTITF, *Preventing and Responding to WMD Terrorist Attacks*, 2017.

<sup>374</sup> National Research Council, *Promoting Chemical Laboratory Safety and Security in Developing Countries*, 2010.

<sup>375</sup> UN CTITF, *Preventing and Responding to WMD Terrorist Attacks*, 2017.

<sup>376</sup> Raczova, *Forget Nuclear: Chemical Weapons Are the Real Weapons of Mass Destruction Threat*, 2017.

*Therefore, it provides an opportunity to understand the different thematic issue areas present when dealing with future implementations of the CWC, as well as the challenges the Organisation will face in the future.*

Halperin Wernli, M., & B. Ganor. (2016). *The Threat of Chemical Terrorism*. International Institute for Counter-Terrorism. Retrieved 15 August 2017 from: <https://www.ict.org.il/Article/1771/The-Threat-Of-Chemical-Terrorism>

*This article provides a good introduction on chemical terrorism. The potential risk stemming from CBRN terrorism is discussed and various aspects are presented. In addition, statistics regarding terrorist attacks are presented. The probability of chemical terrorism by ISIL is examined. Delegates can use this document to enhance their understanding of chemical terrorism, especially regarding the potential threat stemming from it and the motivation behind unconventional terrorism. Furthermore, general counter-measures are presented.*

International Centre for Chemical Safety and Security. (n.d.). *The Kenyan Program on Chemical Safety and Security*. Retrieved 3 August 2017 from: [http://www.iccss.eu/fileadmin/user-files/iccss/pdf\\_i\\_jpeg/Kenyan\\_Program/Kenyan\\_Program.pdf](http://www.iccss.eu/fileadmin/user-files/iccss/pdf_i_jpeg/Kenyan_Program/Kenyan_Program.pdf)

*This document is an introductory brochure about the Kenyan Program on Chemical Safety and Security, a public-private partnership initiated and promoted by the ICCSS and Kenyan stakeholders. Regarding chemical safety and security programs, it exemplifies the possibilities of enhancing national capabilities to tackle the problem of lacking chemical safety and security. In addition, the brochure briefly elaborates on the African Forum on Chemical Safety and Security, which represents a regional initiative and is therefore well-suited as an example of how such programs are constituted. This source could serve as guidance when conceptualizing approaches for national capacity-building.*

Organisation for the Prohibition of Chemical Weapons. (n.d.). *The OPCW and the Global Struggle Against Terrorism* [Website]. Retrieved 20 July 2017 from: <https://www.opcw.org/about-chemical-weapons/chemical-terrorism/the-opcw-and-the-global-struggle-against-terrorism/>

*This source is an OPCW Secretariat Background Paper and provides a helpful introduction to global counter-terrorism efforts as well as to the role the OPCW can fulfill in this context. Moreover, the accordance between the CWC and counter-terrorism efforts by OPCW is explained. The document elaborates on how the global fight against terrorism can be based on the provisions of the CWC. Thus, this source helps understand in which manner the CWC can be utilized as a legal framework for counter-terrorism policies. Furthermore, it is helpful to have a deep understanding of the legal mandate of OPCW, which is vital to provide suggestions regarding future measures against chemical terrorism.*

Organisation for the Prohibition of Chemical Weapons. (2016, May 25). *Keynote Speech: 19th International Chemical Weapons Demilitarisation Conference (CWD)*. Retrieved 23 October 2017 from: [https://www.opcw.org/fileadmin/OPCW/ODG/uzumcu/DG\\_CWD\\_Conference\\_UK\\_Speech.pdf](https://www.opcw.org/fileadmin/OPCW/ODG/uzumcu/DG_CWD_Conference_UK_Speech.pdf)

*This speech by OPCW's Director-General, Ahmet Üzümcü, gives a brief account on the measures taken by OPCW regarding demilitarization. The Director-General summarizes the achievements of the Organisation, while at the same time illustrating the challenges OPCW must face. Moreover, the issue of chemical terrorism is addressed. Delegates can use this document as an insight to the general positions of the Organisation.*

Organisation for the Prohibition of Chemical Weapons. (2016). *Needs and Best Practices on Chemical Safety and Security Management*. Retrieved 20 July 2017 from: [https://www.opcw.org/fileadmin/OPCW/ICA/ICB/OPCW\\_Report\\_on\\_Needs\\_and\\_Best\\_Practices\\_on\\_Chemical\\_Safety\\_and\\_Security\\_ManagementV3-2\\_1.2.pdf](https://www.opcw.org/fileadmin/OPCW/ICA/ICB/OPCW_Report_on_Needs_and_Best_Practices_on_Chemical_Safety_and_Security_ManagementV3-2_1.2.pdf)

*This report presents an integrated approach to chemical security and safety compiled by OPCW's Secretariat based on information shared by States parties. It also gives a quick overview of regulations already existent in this area and depicts the different dimensions of chemical safety and security. At the end of the report, an overview of best practice experiences in Member States is provided. Thus, this report is a good underlying basis for further research in this area. When considering possible solutions to strengthen chemical security and safety, the past experiences of States parties should be taken into consideration.*

Organisation for the Prohibition of Chemical Weapons. (2016). *Note by the Technical Secretariat: Establishment of a Rapid Response Assistance Team (S/1381(2016))*. Retrieved 15 September 2017 from: [https://www.opcw.org/fileadmin/OPCW/S\\_series/2016/en/s-1381-2016\\_e\\_.pdf](https://www.opcw.org/fileadmin/OPCW/S_series/2016/en/s-1381-2016_e_.pdf)

*The document is a note by the OPCW Technical Secretariat regarding the Rapid Response Assistance Team of OPCW. It explains how the idea arose and which is the envisioned task of the team. The note illustrates in detail the activities that the team is supposed to conduct. Delegates should use this document as a guidance to address effective response mechanisms and at the same time incorporate their ideas into already developed plans in this field.*

Organisation for the Prohibition of Chemical Weapons. (2017). *Status of the OPCW's Contribution to Global Anti-Terrorism Efforts: Note by the Director-General (EC-84/DG.14)*. Retrieved 5 November 2017 from: [https://www.opcw.org/fileadmin/OPCW/EC/84/en/ec84dg14\\_e\\_.pdf](https://www.opcw.org/fileadmin/OPCW/EC/84/en/ec84dg14_e_.pdf)

*This note by the Director-General of OPCW summarizes the achievements of OPCW until the year 2016 regarding non-state actors and terrorism. It elaborates further on the activities banned under the CWC, as well as on the prevention of non-state actors from acquiring chemical weapons, and briefly takes a look at cooperation possibilities with regional and international organizations. Thus, it is a good starting point for delegates' research in understanding the role of OPCW in these international efforts.*

United Nations, Counter-Terrorism Implementation Task Force. (2011). *Report of the Working Group on Preventing and Responding to Weapons of Mass Destruction Attacks: Interagency Coordination in the Event of a Terrorist Attack using Chemical or Biological Weapons or Materials*. Retrieved 20 July 2017 from: [http://www.un.org/en/terrorism/ctitf/pdfs/ctitf\\_wmd\\_working\\_group\\_report\\_interagency\\_2011.pdf](http://www.un.org/en/terrorism/ctitf/pdfs/ctitf_wmd_working_group_report_interagency_2011.pdf)

*This report describes the general mandate of the CTITF and elaborates on the already existing response mechanisms in case of a terrorist attack with chemical or biological agents. It further analyses aspects important to improve prevention and preparedness. It concludes with recommendations for future action in this field. The detailed section regarding OPCW's efforts will be particularly useful to delegates as a starting point for further analysis, because it not only mentions previous measures taken by the Organisation, but also explains some of the mechanisms of OPCW.*

United Nations, Security Council, 4956<sup>th</sup> meeting. (2004). *Non-proliferation of Weapons of Mass Destruction (S/RES/1540)* [Resolution]. Retrieved 20 July 2017 from: [http://undocs.org/S/RES/1540\(2004\)](http://undocs.org/S/RES/1540(2004))

*This Security Council resolution not only widened the mandate of international organizations, such as IAEA and OPCW, but it also built the basis for the establishment of the 1540 Committee. This resolution is the international legal foundation for measures aiming at preventing non-state actors, such as terrorists, from acquiring nuclear, chemical, or biological weapons. In addition, resolution 1540 reiterated the prominent role of IAEA and OPCW on this issue. It is essential to understand the work of the 1540 Committee as it is the legal basis for mandatory measures of Member States regarding the non-proliferation of WMDs, including chemical weapons. The source is relevant for delegates as possible suggestions to counter-terrorism should be in accordance with this resolution.*

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