



# General Assembly

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## Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction

New York, 18–22 November 2019

### Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

#### Background document prepared by the Organisation for the Prohibition of Chemical Weapons

#### I. Introduction

1. On 22 December 2018, the General Assembly adopted decision 73/546 on convening a conference on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction, in which it entrusted to the Secretary-General the convening, no later than 2019, of a conference on that topic.
2. In a letter dated 21 August 2019 addressed to the Director General of the Organisation for the Prohibition of Chemical Weapons (OPCW), the Office for Disarmament Affairs of the Secretariat requested OPCW to prepare the background documentation referred to in the decision. The present document is hereby submitted following that request.
3. The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction is an international treaty whose main object and purpose are to exclude completely the possibility of the use of chemical weapons. It also establishes a global verification regime aimed at preventing the re-emergence of chemical weapons and contains provisions for international cooperation to support the peaceful uses of chemistry, as well as for assistance and protection against the use or threat of use of such weapons. The Convention entered into force on 29 April 1997.
4. Chemical weapons are categorized as weapons of mass destruction. Thus, the objectives of the Convention remain directly relevant to global peace and security and the national security of States.
5. The Convention establishes a global prohibition on chemical weapons through the verified elimination of all declared chemical weapons stockpiles and production



facilities. All States parties to the Convention must never develop, produce, acquire, stockpile or use chemical weapons or transfer them to other parties. They must destroy any chemical weapons that they own or possess or that they abandoned on the territory of another State party. Furthermore, they must destroy or convert facilities that they own or possess that were involved in the production of chemical weapons.

6. The global elimination of chemical weapons rests on two conditions: acceptance of the Convention by all States and compliance of all States parties with their obligations.

## **II. Work of the Organisation for the Prohibition of Chemical Weapons**

7. OPCW is an independent international organization that was established in 1997 upon the entry into force of the Convention. Under the terms of the Convention, OPCW undertakes global activities, including inspecting and verifying the destruction of existing chemical weapons conducting chemical industry inspections, providing assistance and protection to Member States in cases of use or threat of use of chemical weapons and promoting international cooperation for the peaceful use of chemistry.

## **III. Verification regime**

### **A. Overview of the verification regime**

8. The Convention is underpinned by a robust and comprehensive verification regime. Verification is the process by which OPCW ensures that States parties are in compliance with their Convention obligations according to the following procedures: assessing declarations made by States parties on a regular basis; conducting regular on-site inspections of declared military or industrial sites and/or facilities to verify the accuracy of submitted declarations; conducting challenge inspections upon request; and investigating the alleged use of chemical weapons.

9. The Annex on Chemicals to the Convention contains the three schedules of chemicals, based on the following criteria:

- (a) Schedule 1:
  - (i) Toxic chemicals with little or no peaceful purpose;
  - (ii) Developed or used primarily as a chemical weapon;
- (b) Schedule 2
  - (i) Chemicals that can be used for chemical weapons production, but having certain legitimate uses;
  - (ii) Not produced in large commercial quantities;
- (c) Schedule 3
  - (i) Chemicals that can be used for chemical weapons production, but having significant legitimate uses;
  - (ii) Produced in large commercial quantities.

## **B. Chemical weapons demilitarization**

10. Central to the implementation of the Convention is the verified destruction of declared chemical weapons stockpiles, including the destruction or conversion of chemical weapons production facilities.

11. The destruction of chemical weapons takes place in accordance with the regulations and provisions that are established in the Convention, which stipulates that the destruction process cannot harm people or the environment. Accordingly, possessor States are required to use safe methods and technologies for destroying chemical weapons. OPCW continuously monitors the destruction of such weapons.

12. As at 30 September 2019, 97.26 per cent, or 70,493.60 tons, of chemical weapons declared by States parties had been destroyed. The United States of America, the last remaining declared possessor State, had completed the destruction of 93.05 per cent of its schedule 1 stockpiles and planned to complete the destruction of the remaining 6.95 per cent thereof no later than 2023.

13. Since the entry into force of the Convention, 97 chemical weapons production facilities have been declared by 14 States parties. As at the end of 2018, all declared chemical weapons production facilities had been destroyed or converted to peaceful purposes. Of those, 74 had been destroyed by 14 States parties and 23 had been converted to peaceful purposes by 5 States parties.

14. OPCW regularly inspects former chemical weapons production facilities to ensure compliance with the Convention. Member States must also declare and undertake to destroy old and abandoned chemical weapons. OPCW monitors such destruction activities.

15. As at September 2019, OPCW had conducted 3,259 chemical weapons inspections since the entry into force of the Convention.

## **C. Industry verification**

16. The basis for the OPCW industry verification regime is established in article VI of the Convention. States parties are obliged to identify and declare all activities and facilities in which scheduled chemicals are involved to ensure that toxic chemicals are used exclusively for purposes not prohibited under the Convention.

17. States parties are prohibited from trading schedule 1 and schedule 2 chemicals with countries that are not party to the Convention. Monitoring the international trade and transfer of all listed chemicals declared by States parties is an essential part of the efforts of OPCW to prevent the re-emergence of chemical weapons.

18. Other Chemical Production Facilities, facilities that are capable of manufacturing chemical weapons or related materials, are also subject to OPCW inspections under article VI.

19. As at September 2019, OPCW had conducted 4,007 industrial inspections in more than 80 countries since the entry into force of the Convention, with a current rate of 241 industrial inspections per year.

## **D. Challenge inspections**

20. As a means to resolve a serious concern about compliance, any State party can call for a short-notice inspection in any other State party. The challenge inspection

can be conducted without the right of refusal, unless a three-quarters majority of the OPCW Executive Council decides against the request.

21. While no State party has yet requested a challenge inspection, OPCW carries out challenge inspection exercises for training and preparedness purposes.

### **E. Investigations of alleged use of chemical weapons**

22. The use of chemical weapons constitutes a breach of the Convention and of international law. Accordingly, the Convention contains provisions that allow OPCW to conduct investigations of alleged use of chemical weapons. In a scenario involving the alleged use of chemical weapons by a State not party to the Convention or in a territory controlled by such a State, an investigation can be requested through the Secretary-General's Mechanism for Investigation of Alleged Use of Chemical and Biological Weapons, established through General Assembly resolution 42/37 C. In such a case, OPCW can put its resources at the disposal of the Secretary-General.

## **IV. Role of the Convention in regional peace and security**

### **A. Universality**

23. As at September 2019, there were four States not party to the Convention: one was a signatory (Israel), and three were non-signatories (Democratic People's Republic of Korea, Egypt and South Sudan).

24. Universality underpins the full and global implementation of the Convention. Only thus can there be an assurance that all countries legally accept and uphold the prohibition on chemical weapons.

25. OPCW therefore places a high priority on achieving universality of the Convention. As such, OPCW maintains contact with representatives of States not party in order to create awareness and sustain a positive dialogue on the importance of joining the Convention.

### **B. Countering chemical terrorism**

26. The contribution of OPCW to global antiterrorism efforts is based on the decision taken by the OPCW Executive Council at its twenty-seventh session on the OPCW contribution to global antiterrorist efforts, namely, that the full and effective implementation of all provisions of the Convention is in itself a contribution to global antiterrorist efforts (decision EC-XXVII/DEC.5, of 7 December 2001, para. 1).

27. In its decision on addressing the threat posed by the use of chemical weapons by non-State actors (EC-86/DEC.9 of 13 October 2017), the Council underscored that the development, production, acquisition, possession, stockpiling, retention, transfer and use of chemical weapons by non-State actors posed a fundamental threat to the object and purpose of the Convention and to the achievement of a world free of chemical weapons, and that any actor who engaged in or attempted to engage in such activities must be held accountable.

28. In working to counter the threat of chemical terrorism, OPCW works largely to support Member States in realizing the full and effective implementation of the Convention while also ensuring that it coordinates its efforts, both in prevention and response, with other relevant stakeholders in the international system.

29. As part of its commitment to international coordination, OPCW is a signatory to the United Nations Global Counter-Terrorism Coordination Compact. OPCW is also a vice-chair, with the United Nations Interregional Crime and Justice Research Institute and the Office for Disarmament Affairs, of a Compact working group on emerging threats and critical infrastructure protection, which is chaired by the International Criminal Police Organization (INTERPOL).

30. Recognizing that the Convention and Security Council resolution 1540 (2004) are mutually reinforcing in a number of areas, such as national legislation, chemical security and customs and border control, OPCW maintains long-standing cooperation with the Security Council Committee established pursuant to resolution 1540 (2004) and its Expert Group.

### C. Regional capacity-building and assistance and protection

31. OPCW provides technical assistance under the Convention through a wide range of capacity-building programmes which facilitate the development of national implementing legislation, enhance the capacity of States parties to use chemistry for peaceful purposes and assist States parties in preparing for and responding to threats involving toxic chemicals.

32. OPCW provides tailored assistance and capacity-building support to aid States parties in the development and adoption of national legislation to fulfil their obligations under the Convention. In the Middle East region, Lebanon (2013), Libya (2014) and the State of Palestine (2019) have participated in the OPCW internship programme for legal drafters and national authority representatives with the aim of producing draft bills that cover the initial measures required by the Convention. OPCW has also organized national legal workshops in response to requests for assistance from Iraq (2018). Furthermore, OPCW organizes general courses on the Convention, attended by 18 representatives from the Middle East since 2017;<sup>1</sup> courses on declarations and inspections obligations, attended by 10 representatives from the Middle East since 2017;<sup>2</sup> and a mentorship and partnership programme, attended by 3 Middle Eastern States parties, as both mentors and mentees, since 2012.<sup>3</sup>

33. The Convention commits OPCW to promoting the peaceful uses of chemistry for the purposes of economic and technological development. OPCW programmes and activities are focused on integrated chemical management, the enhancement of analytical skills to analyse Convention-related substances and the promotion and exchange of knowledge in the field of chemistry. From 2017 to 2019, 78 participants from the following States parties in the region attended the regional and subregional workshops: Bahrain, Cyprus, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Turkey, United Arab Emirates and Yemen.

34. OPCW also assists States parties in capacity-building to prepare for and respond to the use of chemical weapons. Capacity-building activities include international and regional training; table-top exercises; specialized training in subjects such as live agents, sampling and analysis, laboratory skills, medical and pre-hospital treatment and hospital preparedness; and courses for first responders. Since 2015, OPCW has conducted a capacity-building programme for States parties in the Middle East to enhance regional capabilities to respond to incidents involving chemical warfare

<sup>1</sup> Bahrain (1), Iran (Islamic Republic of) (1), Iraq (1), Jordan (4), Oman (1), Qatar (3), Saudi Arabia (2), Syrian Arab Republic (1), Turkey (3) and United Arab Emirates (1).

<sup>2</sup> Iran (Islamic Republic of) (4), Iraq (2), Libya (1), State of Palestine (2) and Saudi Arabia (1).

<sup>3</sup> Iran (Islamic Republic of) (2015), Syrian Arab Republic (2015) and Yemen (2013).

agents and toxic chemicals. More than 200 first responders and experts from regional institutions involved in chemical emergency response have participated since 2015.

35. The changing security context, including the growing threat of the use chemical weapons by non-State actors, has underlined the importance of programmes in the area of assistance and protection, as well as the interest of States parties in such programmes. In response to the demand and the recommendation of the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention that OPCW further strengthen its capacity to respond promptly to requests for assistance under article X of the Convention, OPCW established the Rapid Response and Assistance Mission. States parties can request assistance through the Mission in the event of an incident of alleged use of toxic chemicals by non-State actors.

## **D. Regional activities**

### **Syrian Arab Republic**

#### *Destruction of chemical weapons*

36. On 14 September 2013, the Syrian Arab Republic became a State party to the Convention. The Joint Mission of the Organisation for the Prohibition of Chemical Weapons and the United Nations for the Elimination of the Chemical Weapons Programme of the Syrian Arab Republic was established on 16 October 2013 to oversee the elimination of the Syrian chemical weapons programme. More than 1,300 tons of declared chemical agents were removed and destroyed during the operation. The complete destruction of the chemical weapons declared by the Syrian Arab Republic was verified by OPCW on 6 January 2016.

#### *Fact-finding mission*

37. In response to persistent allegations of chemical weapons use in the Syrian Arab Republic, the OPCW fact-finding mission in the Syrian Arab Republic was set up in April 2014 to establish facts surrounding allegations of the use of toxic chemicals for hostile purposes in that country.

38. Under its agreed terms of reference, the fact-finding mission has conducted visits to sites of alleged use of chemical weapons, where possible, and has interviewed witnesses, alleged victims, first responders and treating physicians. The fact-finding mission has also examined relevant documents and reports, including medical and hospital records, and obtained copies of such documents. In addition, environmental and biomedical samples have been collected and analysed by the OPCW network of designated laboratories.

39. Since its creation, the fact-finding mission team has been deployed on 47 missions to the Syrian Arab Republic. It has issued 15 reports, including 2 interim reports. Furthermore, the fact-finding mission has identified a total of 18 incidents involving the likely or confirmed use of chemical weapons: 13 of chlorine, 2 of sulfur mustard and 3 of sarin.

#### *Declaration Assessment Team*

40. In April 2014, the Director General of OPCW established the Declaration Assessment Team with the mandate to engage in consultations with the Syrian authorities regarding any gaps, inconsistencies and discrepancies in its initial declaration under article III in order to fulfil all declaration-related obligations under the Convention.

41. Since April 2014, the Declaration Assessment Team has been engaged in consultations with Syrian authorities; interviews with persons involved in the chemical weapons programme; visits to chemical weapons-related sites involving the collection and analysis of samples; and the receipt, review, evaluation and analysis of documents and information.

*Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism*

42. Following the findings of the fact-finding mission that chlorine had been used as a weapon in the Syrian Arab Republic, in March 2015, the Security Council adopted resolution [2209 \(2015\)](#) in which it condemned any use of any toxic chemical as a weapon in the Syrian Arab Republic. Recalling that resolution, on 7 August 2015, the Council adopted resolution [2235 \(2015\)](#) establishing the OPCW-United Nations Joint Investigative Mechanism. The Mechanism's mandate was renewed on 17 November 2016 in Council resolution [2319 \(2016\)](#). In November 2017, the Council did not renew the mandate.

43. The mandate of the Joint Investigative Mechanism was to identify the perpetrators involved in the use of chemicals as weapons in the Syrian Arab Republic in those instances in which the fact-finding mission had determined that an incident in that country involved or likely involved the use of chemicals as weapons. During its period of activity, the Mechanism presented seven reports to the Security Council attributing responsibility to the Syrian Arab Republic for four incidents (Khan Shaykhun on 4 April 2017, Qaminas and Sarmin on 16 March 2015 and Talmenes on 21 April 2014) and to the Islamic State in Iraq and the Levant for two (Umm Hawsh on 15 and 16 September 2016 and Marea on 21 August 2015).

*Investigation and Identification Team*

44. The Conference of the States Parties to the Convention, at its fourth session, adopted a decision on addressing the threat from chemical weapons use. As part of the decision, the Conference decided that the Secretariat should put in place arrangements to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic (decision C-SS-4/DEC.3, dated 27 June 2018, para. 10).

45. To carry out the mandate, OPCW created the Investigation and Identification Team, which became fully operational in July 2019. The Team is charged with identifying and reporting on all information that is potentially relevant to the origin of chemical weapons in those instances in which the fact-finding mission determines or has determined that use or likely use occurred and cases for which the Joint Investigative Mechanism has not issued a report.

**Libya**

46. Upon joining the Convention, in 2004, Libya declared category 1, category 2 and category 3 chemical weapons. Under OPCW verification, the country completed its destruction of its category 1 and category 3 chemicals in May 2014 and May 2013, respectively.

47. In July 2016, the Government of National Accord of Libya asked for support and assistance in transporting and destroying the final remnants of its category 2 chemical weapons outside Libyan territory. On 23 November 2017, OPCW verified the complete destruction of the remnants of the category 2 chemical weapons at a certified waste treatment facility in Germany.

48. OPCW continues to assist with the clean-up operations at a former chemical weapons storage site in Libya.

**Iraq**

*Chemical weapons storage facility encapsulation*

49. OPCW provided assistance to the Government of Iraq in the destruction of chemical weapons remnants in two bunkers, using concrete encapsulation. OPCW verified that both bunkers had been completely encapsulated as at 14 December 2017.

50. In addition to the assistance described above, OPCW, in cooperation with five States parties, provided training to site workers to respond to medical emergencies and to handle, sample and transport contaminated material.

*Technical assistance visits*

51. OPCW has provided assistance to the Government of Iraq in response to allegations of the use of chemical weapons in that country. In September 2015, Iraq informed OPCW of the use of chemical weapons in its territory. Since then, OPCW has conducted three technical assistance visits: in 2015, 2016 and 2017. OPCW concluded that sulfur mustard had been used as a chemical weapon, and reports detailing the findings have been made available to the Government of Iraq to aid in its investigations.

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