

# 24th Workshop of the Study Group on Implementation of the Chemical and Biological Weapons Conventions: Achieving a Successful Outcome of the Second CWC Review<sup>1</sup>

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13-14 May 2006, Noordwijk, The Netherlands

This was the twelfth of the current Pugwash CBW workshop series to be hosted by Pugwash Netherlands. The Dutch ministry of foreign affairs provided financial assistance for the meeting.

Attending the workshop were 20 participants from 9 countries (Argentina, Germany, Iran, Italy, the Netherlands, Poland, Russia, the UK and the USA), all by invitation and in their personal capacities. This report is the sole responsibility of its author, who was asked by the meeting to prepare a brief account of the proceedings in consultation with the Steering Committee. It does not necessarily reflect a consensus of the workshop as a whole, nor of the Study Group. As always, the workshop was governed by the 'Chatham House Rule', so the speakers on particular points are not identified here.

The workshop opened with an authoritative presentation on progress in implementing the Chemical Weapons Convention (CWC). This presentation focused on two topics, preparations for the second CWC Review Conference (hereafter CWC RevCon) and chemical weapon destruction, which then stimulated discussion summarised below under the first two headings.

**Preparations for the Second CWC Review Conference** The second CWC RevCon, which is scheduled for 2008, faces a number of challenges: Universality: So far 178 states have joined the Convention, but decisive pressure must be placed on those states that have not yet done so.

**Industry verification:** although the industrial inspections carried out by the OPCW are advancing on relatively solid ground, a number of issues are still unresolved:

- Currently, there are disproportionate numbers of inspections in certain countries, but states parties have yet to agree on an appropriate selection methodology.
- OPCW activities in general, and Schedule 2 sampling activities in particular, must continue to receive happy support from the chemical industry.
- A proposal for a 10% increase in inspections of Other Chemical Production Facilities (OCPF) has been made, but a balance between not over-burdening industry and maintaining the effectiveness of inspections must be found. Consensus must also be found with a number of developing countries that oppose this initiative towards heavier OCPF inspection.

**Developments in science and technology (S&T):** the work of the OPCW must remain sensitive to developments in this area. The OPCW Director General has recently accepted a proposal from the Scientific Advisory Board (SAB) for the establishment of a new temporary working

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<sup>1</sup> A list of participants and papers is included below in this document.

group on "advances in technology and their potential impact on the implementation of the Convention".

Functioning of the OPCW: the OPCW's commitment to excellence must be maintained and the practice of adequate geographical representation must be enforced through the actions of the OPCW Director General.

Tenure policy at the OPCW: the discussion on tenure highlighted a number of issues including the need to balance the retention of talent and experience with a renewal of expertise. Additionally, whilst acknowledging that the OPCW is not a career organisation, it was recognised that scientists and engineers encounter a number of difficulties when re-entering industrial or research organizations after time away.

External factors: such as the current crisis in the nuclear non-proliferation regime and the dynamics of the "post-post-Cold War" era.

Chemical facility protection: the implications of possible attacks on chemical plants have recently been given increased attention. This will have implications for supply chains and the bulk storage of chemicals.

## I

### **The Destruction of Chemical Weapons**

There have been two important developments concerning the destruction of chemical weapon stockpiles. First, Russia (with 2% of its stockpile destroyed so far) has initiated destruction operations at Kambarka and is soon to start at Maradikovsky. Russia has also redesigned its destruction programme to enable it to meet the CWC's 2012 deadline, but has stated that international financial support will be essential. Secondly, the United States has recently announced it does not expect to meet its 2012 deadline. The United States has invested some \$8 billion on seven destruction facilities with only two having completed destruction activities thus far.

A number of important questions surrounding the 2012 deadline remain unanswered, notably how non-compliance in these terms affect the validity of future deadlines? And how non-compliance will be addressed by the OPCW in 2012?

An option for the OPCW should the 2012 deadline be missed is that the treaty's non-compliance measures be explored. However, the emphasis should be placed on re-instating compliance rather than finger-pointing and punishment. In this case, the non-compliant state party should be required to come back into compliance within a period of time.

The notion of intensified verification as a condition for an extension of the destruction deadline was discussed by the workshop, but it was noted that intensified verification on destruction would remove vital resources from industry inspections.

The workshop also heard a presentation on global chemical weapon destruction. It was observed that Russia probably began its destruction process too late and with too little financial investment to meet the 2012 deadline. In the United States a number of technical glitches (for example fires and the discovery of heavy metal contamination) and political complications

across states have slowed the process leading to the recent announcement that the US too will not meet the deadline (current predictions are for 2018 / 2019).

In other possessor states such as Albania and Libya, the lack of international funding is hindering the destruction process. The lack of political will to complete chemical weapon destruction was also identified as a problem that must be addressed, as well as the need to promote discussion which would lead to a deeper understanding of the practical problems of destruction.

## II

The workshop then moved into a discussion of its main agenda topic - the Second CWC Review. Preceding this was a short authoritative presentation regarding preparations for the Tenth Anniversary of the OPCW, which falls in April/May 2007.

The proceedings of the OPCW's Tenth Anniversary celebrations will be an important staging post for the CWC RevCon in 2008. The events will promote participation from a variety of actors and will celebrate issues including the commitment to multilateralism and the effectiveness of the OPCW, and will stress the challenges the Organisation must address. There will be events held internationally (such as in Brussels, Geneva, New York) and "academic events" will cover topics such as awareness, implementation, multilateralism, developments in science and technology and the second CWC RevCon.

### **Weaknesses of the First CWC RevCon**

With regard to the first CWC RevCon, held in 2003, the workshop participants felt the whole process was started too late, which reflected the political situation at the time and the change of OPCW Director General. In addition, there was an insufficient engagement of key stakeholders (industrial, scientific and academic) and the Conference proceedings were largely driven by Hague-based delegations rather than capital-based experts.

For the Second CWC RevCon, preparations are being directed by an Open-Ended Working Group for the Second Review Conference (WGRC). The provisional structure for this group is to have one delegation acting as Chair and four delegations as Vice Chairs to avoid the group being dominated by any one delegation. The Executive Council of the OPCW, during its impending 45th session, is due to decide these issues. [Note: in the event, EC-45 decided that the UK would chair the WGRC, with Iran, Mexico, Russia and the Sudan as vice-chairs.] Importance was placed on the need to incorporate a wider range of participants, such as the chemical industry, and facilitators to help resolve contentious areas.

### **Advances in Science and Technology (S&T)**

The paper addressing the topic of technical change was situated in the context of the cost-benefit balance that in effect determines whether member states remain inside the CWC. The presentation thereby sought to identify the S&T topics it might be essential for the Second Review to address. For two of these topics, the presentation argued that political factors were likely to impede adequate examination within the structures of the OPCW and therefore proposed that Pugwash itself should take on the task and make the resultant study reports available to the OPCW member states and Technical Secretariat. The topics identified were (1) the challenges to the CWC inherent in novel disabling chemicals, including such attractions as

these chemicals present as counter-terrorist weapons; and (2) how enhanced implementation of the General Purpose Criterion could ensure that newly emergent toxicants are properly controlled under the CWC. The question for Pugwash to consider was how its various resources, including the expertise of Study-Group members, might best be brought to bear on the projected studies.

It was stated that the verification tools used by the OPCW are running behind technological developments, and that it would be very difficult to detect the production of chemical weapons; for this reason the focus of the CWC was on deterring production. The structure, activities and transparency of the SAB were discussed: there is a need to balance the independence of the SAB against its isolation; balance its transparency against it becoming a "recipe book" for terrorists; and a need for more funds to be allocated for more frequent meetings that might lead to more innovative thinking.

It was also noted that, of the two mechanisms envisaged in the CWC for altering its provisions, namely the full-blown amendments procedure set out in art XV.1-3 and the change procedure of Art XV.4-5, the second of the two could be used to accommodate many forms of technical change; indeed this had already occurred in two cases: the storage and transport provisions for Saxitoxin and destruction deadlines for states ratifying the CWC after 1997.

### **Factors Outside the CWC Framework**

The next presentation dealt with European Union (EU) involvement with chemical and biological non-proliferation activities. The EU has increased its presence in these areas since 2000 and has moved from rhetoric to action through a number of renewable Joint Action projects. The EU has funded the OPCW (2004) for universality and national implementation, and the BWC (2005) through the Bioweapons Prevention Project (BWPP) thus setting an NGO precedent for the BWC.

However the EU's Joint Action projects are not without their problems; the decision-making procedures within the EU are slow, leading to long-term rather than immediate planning which is not efficient.

### **III**

The workshop then discussed the preparations for the upcoming BWC RevCon later in 2006. The participants of the workshop heard an account of the proceedings of the Preparatory Committee for the BWC Sixth RevCon, and concluded that they had been successful. The Preparatory Committee agreed that the Sixth BWC RevCon will take place over three weeks (20th November - 8th December 2006), a provisional agenda was adopted and the

Secretariat was requested to provide six background papers, rather than four as in previous years. The positive outcomes from the Preparatory Committee benefited from the determination of the Chair for such a result, but the success of the BWC RevCon will still rest on the willingness of states parties to negotiate.

### **Linkages Between Upcoming BWC and CWC Review Conferences**

The next presentation identified a number of short-term synergies between the impending BWC RevCon and the CWC RevCon in 2008 and highlighted precedent and areas of

technological change that promote the long-term convergence of the two treaties. For example, the emergence of chemical biology and other sciences combining chemistry and biology will provide the opportunity for convergence to be discussed in the context of the next two RevCons. Furthermore, it was noted that the taboo surrounding the two types of weapons is founded on the same fear, that of disease. There was advocacy of the idea that the CWC, being the more rigorous treaty, should have some of its procedures, including verification, expanded into the overlap between the two treaties.

Practical questions to be asked are: can the OPCW be helpful to the BWC? Would this have member state support considering that a number of CWC member states are not party to the BWC?

### **Successful Outcomes for the Sixth BWC Review Conference**

A paper was presented on the measures of success for the approaching BWC RevCon. The conference should reaffirm the validity of the treaty; should identify areas of agreement and issues to be discussed during the inter-sessional meetings; and should provide an opportunity to achieve agreement on certain areas such as universality and implementation. However the Conference must not be over ambitious, a pattern of failure must not be set after the collapse of the 2001 Protocol negotiations, the poor outcome of the fifth BWC RevCon and the failure of the NPT RevCon last year. The paper proposes an electronic information-sharing network to aid the implementation of the BWC and calls for a declaration to be issued at the Pugwash Annual Conference in Cairo (November 2006) regarding the implementation of the BWC, immediately before the BWC RevCon.

The final paper addressed measures required to ensure successful outcomes for the BWC RevCon. During the discussion it was emphasised that the most important outcomes would be:

- Final document - this should be drafted to be as consensual as possible; a particularly contentious area could be the formation of any type of support system for the treaty's implementation.
- Implementation plan - assistance guidelines need to be established for countries able to offer such assistance, this could be achieved through the electronic network outlined above. The focus however should be on the benefits of the treaty i.e. the protection it affords.
- International cooperation on Confidence Building Measures (CBMs) - concrete measures to bring these together must not be delayed by long debates over principles and wording.

**Future Work** The meeting concluded with remarks on the high quality of the discussions during the workshop despite the reduced number of participants and late organisation. There was also attention to the aforementioned Pugwash Annual Conference in Cairo. It was proposed that the next workshop of the 'Study Group on the Implementation of the Chemical and Biological Weapons Conventions' should take place at the time of the Sixth BWC Review Conference in November 2006.

### **Papers presented**

Serguei Batsanov: On the way to the Second CWC Review Conference.

Serguei Batsanov: Sixth BWC Review Conference - The Measure of Success.

Daniel Feakes: Recent EU Action on CBW Proliferation.

Graham S. Pearson and Nicholas A. Sims: Successful Outcomes for the BTWC Sixth Review Conference.

J P. Perry Robinson: Accommodating Technical Change: A Challenge for the Second CWC Review.

Nicholas A. Sims: Linkages between the BWC Sixth Review Conference and the CWC Second Review Conference.

Paul Walker: Update on Chemical Weapons Destruction Globally.

### **Participant List**

Mr. Alessandro Argentini (Italy), Chief Examiner, European Patent Office, Rijswijk, The Netherlands [formerly: R&D in weapons industry, missiles]

Amb. Sergey Batsanov, Director, Geneva Office of International Pugwash; Member, Pugwash CBW Steering Committee; Senior Consultant, Geneva Centre for the Democratic Control of Armed Forces (DCAF) [formerly: Director, Special Projects, Organization for the Prohibition of Chemical Weapons (OPCW), The Hague, The Netherlands; Director for External Relations, OPCW Preparatory Commission (1993-97); Representative of the Russian Federation to the Conference on Disarmament, Geneva (1989-93)]

Mr. Daniel Feakes (UK), Research Fellow, Harvard Sussex Program SPRU-Science & Technology Policy Research, The Freeman Centre, University of Sussex, Brighton, UK [formerly: HSP Researcher (1997-2000), OPCW, The Hague]

Mr. Richard Guthrie (UK), Project Leader, CBW Project. Stockholm International Peace Research Institute (SIPRI), Solna, Sweden

Mr. Peter Ito, Deputy Permanent Representative, US Delegation to the OPCW, The Hague, The Netherlands

Mr. Peter Kaiser (Germany), Head, Media & Public Affairs, External Relations Branch, OPCW, The Hague, The Netherlands [formerly: European Correspondent and Bureau Chief: Reuters Television, N-TV/CNN (German 24-hr news TV), CNBC Europe, European Business News/Dow Jones Broadcasting]

Mr. Ian Kenyon, Visiting Research Fellow, SPRU-Science & Technology Policy Research, University of Sussex, Brighton, UK; Visiting Senior Research Fellow, Mountbatten Centre for International Studies, University of Southampton, Highfield, Southampton, UK [formerly: Executive Secretary, Preparatory Commission for the Organisation for the Prohibition of Chemical Weapons (OPCW PrepCom), The Hague, The Netherlands; HM Diplomatic Service]

Amb. Maarten Lak, Dutch Permanent Representative to the OPCW, The Hague [formerly: Director, Strategic Policy Planning, Ministry of Foreign Affairs; Deputy Director, Regional European Affairs; Counsellor, Political and Consular Affairs, Netherlands Embassy Bonn; Team Netherlands' EU Presidency team for Yugoslavia Conference; CSCW Vienna Deputy Head of Delegation; Deputy Director, Asia/Pacific, MFA]

Mr. Arend Meerburg, retired; Advisor to the Security Policy Department, Ministry of Foreign Affairs, The Netherlands; Member, Pugwash Netherlands; Member, Informal Expert Group on Global Security Matters [formerly: "Roving Ambassador" for the Security Policy Department of the NL Ministry of Foreign Affairs (200-2004); Ambassador to Yemen (1996-2000); Development Cooperation (1992-96); Multilateral Disarmament, The Hague, Geneva, New York, Vienna, Paris (1970-92); Meteorology, Oceanography (research, 1965-70)]

Konstantin Mikhalkin, Second Secretary, Permanent Mission of the Russian Federation to the Organisation for the Prohibition of Chemical Weapons (OPCW), The Hague, The Netherlands

Mr. Krzysztof Paturej, Director of Special Projects, OPCW, The Hague, The Netherlands

Amb. Rogelio Pfrirer, Director-General of the Technical Secretariat of the OPCW, The Hague, The Netherlands

Prof. Julian Perry Robinson, Sussex Director, Harvard-Sussex Program, Science & Technology Policy Research (SPRU), University of Sussex, Brighton, UK; Member, Pugwash CBW Steering Committee

Mr. Nicholas Sims, Reader in International Relations, London School of Economics and Political Science (LSE), University of London, London, UK [formerly: Member of UK Delegation to First Review Conference of the BWC (March 1980), Geneva]

Miss Katie Smallwood, Research Student, Harvard Sussex Program SPRU-Science & Technology Policy Research, University of Sussex, Brighton, UK

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