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Q&A: OPCW Conference of States Parties Overview & Issues for the 17th Session

What is the CWC? What is the OPCW?

The Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on their Destruction, known as the Chemical Weapons Convention (CWC), is an international arms control agreement whereby States Parties agree not to develop, produce, otherwise acquire, stockpile, retain, transfer, or use chemical weapons. States Parties in possession of chemical weapons and chemical weapons production facilities also agree to destroy them, and to facilitate the exchange of chemicals, equipment, and scientific and technical information for purposes not prohibited under the Convention. The CWC was opened for signature on 13 January 1993 and entered into force on 29 April 1997.

The Organization for the Prohibition of Chemical Weapons (OPCW) was established upon entry into force of the Convention. As the implementing body of the treaty, its mandate is to ensure the implementation of the Convention's provisions, including verification and compliance. It also serves as a forum for consultation and cooperation among the States Parties to the CWC. The OPCW is comprised of the Technical Secretariat, headed by the Director-General; its States Parties, which come together annually as the Conference of States Parties; and the Executive Council, a subset of 41 States Parties whose members rotate every two years and are elected by the Conference of States Parties.

What is the OPCW Conference of States Parties? What does it do?

The Conference of States Parties (CSP) is the main policymaking body of the OPCW. It is composed of all the Member States of OPCW and convenes annually in The Hague, usually for a week in the late fall. The CSP can also meet in special sessions. Participation in the CSP varies but it is usually attended by approximately sixty percent of OPCW Member States.

As the main decision-making organ of the OPCW, the CSP adopts decisions directing the OPCW's Technical Secretariat's program, budget and the scale of financial contributions to be paid by States Parties. The CSP also appoints the Director-General of the OPCW's Technical Secretariat, approves the annual report of the OPCW, and elects members of the Executive Council. Additionally, under the Convention, the CSP is tasked with fostering international cooperation for peaceful purposes in the field of chemical activities, and with reviewing any scientific and technological developments that could affect the functioning of the CWC.

What is the relationship between the CSP and the CWC Review Conference?

The CWC Review Conference (CWC RevCon) meets every five years to review the Chemical Weapons Convention as mandated by the treaty. It is technically a special session of the CSP for the sole purpose of review of the operation of the treaty, but the scope of the RevCon is much wider than an annual CSP. The RevCon provides an opportunity for States Parties to step back from the day-to-day functioning of the chemical nonproliferation and disarmament regime and evaluate the functioning of the Convention. The next CWC RevCon will take place in April 2013.

The Seventeenth Session of the CSP – the 2012 session of the annual meeting of States Parties, which is scheduled to be held 26-30 November 2012 in The Hague – is the final CSP session before the Third Review Conference.

Who will chair the CSP?

The Rules of Procedure of the Conference of States Parties state that the Chair, Vice-Chairs, and Chair of the Committee of the Whole must be elected with “due regard to equitable geographical representation.” Like the Chairmanship of the Executive Council, the Chairmanship of the CSP typically rotates among the five regional groups specified in Article VIII of the CWC: Africa, Asia, Eastern Europe, Latin America and the Caribbean, and Western Europe and Other States. It is expected that the CSP Chair for the 17th Session will be from the Africa group.

The current Chair of the Conference of States Parties is His Excellency Mr. Paul Arkwright, the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the OPCW. He was elected to this position at the previous CSP session and will hold the Chairmanship until the new Chair is elected at the 2012 CSP.

What major issues are likely to arise during the General Debate at the 17th Session of the CSP?

Although the CSP tends to be largely procedural and focused on organizational matters, the agenda sets aside time for general debate among the States Parties. It is possible that points of contention or difficult issues will be discussed under that agenda item.

One area of particular concern relates to Article VII of the CWC, which mandates States Parties to adopt national legislation to implement their CWC obligations. They are also required to establish a National Authority to serve as the national focal point for liaisons with the OPCW and other States Parties. The CSP adopted an Action Plan in 2003 to encourage States Parties to comply with their Article VII obligations and has provided increased funding to facilitate this. However, as of 2011 only 88 of 188 States Parties had implemented the necessary national legislation, and three States Parties still had not established their National Authority. There is considerable concern about the fact that more than half of the States Parties have not fulfilled this key obligation. Thus some of the discussion at the CSP is likely to focus on how both the secretariat and the States Parties can improve this statistic, and one sub-agenda item is devoted specifically to discussion of the progress of the Action Plan and of implementation of Article VII generally.

National statements from the most recent Executive Council also suggest differences among States Parties about the future balance of priorities of the organization. States Parties generally agree that the organization should continue to focus on three key issues – the destruction of chemical weapons, the prevention of their reemergence, and international cooperation and assistance – but there is some disagreement about how to balance these requirements in terms of investment of time, money, and people. Some Member States believe that the Organization is in a transitional period and should consider how its priorities will need to evolve as its disarmament efforts reach their conclusion. Others argue that as total chemical disarmament is not complete, the time has not yet come to consider how the OPCW’s mission and focus might expand or shift.

An additional area of discussion relates to destruction of chemical weapons. The previous session of the CSP passed a decision requiring possessor States to provide annual briefings on the progress of their destruction efforts. The Director-General is also required to submit a report on the overall destruction process by the possessor States based on independent information from the OPCW’s inspectors and the rest of the Technical Secretariat.

What elections will occur at this year’s CSP?

As noted above, the CSP elects members of the OPCW’s Executive Council. This year, the CSP will need to elect 21 members to serve on the EC for a two-year term, beginning in May 2013. To ensure that each region is represented equitably, the available places are distributed as follows:

Africa	5 elective places
Asia	5 elective places
Eastern Europe	2 elective places
Latin America and the Caribbean	4 elective places
Western Europe and other States	5 elective places

The CSP will also need to elect 20 members to its Confidentiality Commission, a subsidiary body of the CSP whose mandate is to settle disputes related to confidentiality. (It has never been required to do so.) The five regional groups will each select four candidates. These members will serve for two years beginning on 1 January.

What is the proposed budget for 2013? How is it structured?

As agreed by the 70th session of the Executive Council (EC) in September 2012, the 17th CSP is expected to approve a budget of €69.8 million for the OPCW for 2013, including the costs for the Third Review Conference. This is a 1.3% decrease over 2012. The original Secretariat proposal to decrease the budget by 0.9% over 2012 was discussed extensively during the EC prior to reaching the compromise for €69.8 million.

The reductions over the 2012 budget were made as a result of the decrease in destruction activities, and from post suppression. The 2013 regular budget is the lowest in recent years.

The OPCW budget is divided into two Chapters, in accordance with the Convention:

- (I) Operational: Verification
- (II) Non-Operational or Support Programmes: Administrative and other costs

In 2013 Chapter I (verification) expenditures are estimated to be €32.1 million; Chapter II (administrative and other costs) is estimated to be €37.6 million.

Effective from 2013, a major structural change will be reflected in the budget: International Cooperation and Assistance (ICA) will be considered one of the Operational Programmes of OPCW and will be considered under Chapter I along with Verification. The non-Operational or Support Programmes reflected in the budget are Policy-making organs, External Relations, Executive Management and Administration. The 2013 budget decision at the 17th CSP is also expected to confirm the establishment of a new Office of Strategy and Policy. This Office will replace the current Office of Special Projects. The function, operation, and staffing of this Office will be further reviewed by the Council in 2013.

In 2012 there was a significant increase in the ICA budget by 10%. However, there will be a decrease of 0.7% for ICA in 2013.

The budget is divided into 7 programs, in line with the 7 areas of responsibility of the OPCW Secretariat. The 2013 budget allocations between these programs are as follows:

Programme I	Verification: 10% of total regular budget for 2013
Programme II	Inspections: 36.1%
Programme III	International Cooperation and Assistance (ICA): 9.7%
Programme IV	Support to the Policy-Making Organs (PMO): 8%
Programme V	External Relations: 2.7%
Programme VI	Executive Management: 13.6 %
Programme VII	Administration: 19.9 %

What recent developments in science and technology are most immediately relevant to the CWC and the OPCW?

A variety of CWC-related science and technology issues were identified in the Report of the Scientific Advisory Board on Developments in Science and Technology for the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention issued on October 29, 2012.

Recent developments in chemistry and biology have blurred the distinction between the two fields. Naturally occurring organisms or genetically modified organisms can be used to make new chemicals more quickly and in greater quantities (biosynthesis); chemists have developed techniques for producing organisms that can replicate themselves; chemists using recombinant DNA technology have participated in the production of synthetic gene sequences that can be inserted into bacteria cells to produce bacteria with new capabilities. One implication of the convergence of chemistry and biology is that the CWC and BWC regimes increasingly must deal with shared concerns. For example, it is now possible for chemists to synthesize toxins, which are poisonous substances produced in living organisms. In the past, some of the microbial toxins have been used for weapons purposes. Therefore, their development, production and stockpiling for purposes of warfare are prohibited under the Biological and Toxin Weapons Convention (BTWC). However, since toxins are chemicals themselves and have chemical weapons applications, they are covered by definitions found in the CWC and thus fall under its purview. (Two toxins, ricin and saxitoxin, are explicitly listed in Schedule 1 of the

CWC.) Similarly, bioregulators, naturally occurring substances that regulate many cellular processes, can also be synthesized through chemical processes. Certain bioregulators can be used for military purposes and are therefore covered by both the BWC and the CWC. Another implication of this convergence is the development of important opportunities to strengthen the CWC, such as advances in medical countermeasures, detection of toxic chemicals, decontamination, and laboratory analysis and identification techniques.

Another key scientific development is the introduction of a new technique called fast gas chromatography (fast GC), which has important implications for on-site inspections. Such inspections require rapid collection of samples to be tested, separation of the components of the mixtures collected, and analysis to identify the components; fast GC has the potential to complete the separation step five times faster.

In its most recent report, the Scientific Advisory Board stated that in its view, any process designed for the formation of a chemical substance should be covered by the term “produced by synthesis.” This would include biologically mediated processes. Some States Parties disagree with this assessment.

Finally, the Director-General has asked the Scientific Advisory Board to consider the possibility that Schedule 1 chemicals might be produced as unavoidable by-products of other processes. When synthetic chemicals are produced, there are often unexpected by-products formed as well. It is conceivable that Schedule 1 chemicals might be formed as by-products in the synthesis of substances not controlled by the CWC. Because of this, the Director-General has asked the Scientific Advisory Board to explore the likelihood of this happening and the possibility of the Schedule 1 chemical being recovered.

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