



Make your world a safer place





**Chemical Weapons
Demilitarisation Conference
(CWD 2015)
London, UK
4 - 5 June 2015**

Old Chemical Weapons under the CWC – Shortcomings and perspectives

Dr Thomas Stock (Managing Director, Dynasafe Environmental Systems GmbH)
(Düsseldorfer Strasse 138, 45 481 Mülheim, Germany)



CWC Facts Reminder

- **CWC open for signature 13 January 1993**
- **entered into force 27 April 1997**
- **Today 190 States Parties (ratified or acceded), 98% of the global population, have joined the OPCW**
- **90 % of the world's declared stockpile of 72,524 metric tons of chemical agent have been destroyed**

(as of 28/05/2015)

Old Chemical Weapons



Close up of 250-lb phosgene bombs recovered from Marrangaroo Army Base (Australia) in 2008

M1A2 Portable Chemical Cylinders in Panama

OCW in storage bunker in France



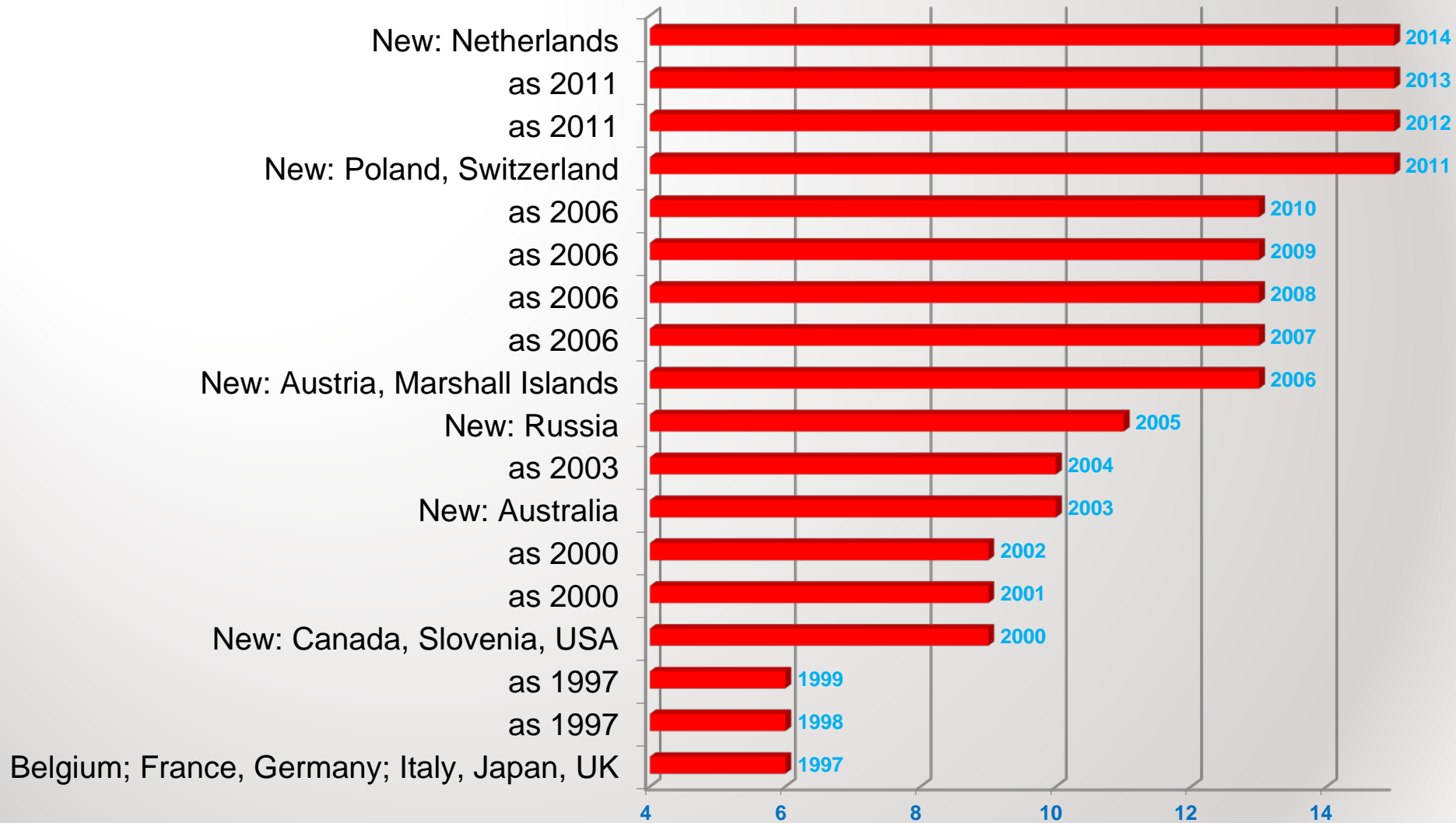
German projectiles

REPORT OF THE THIRD SPECIAL SESSION OF THE CONFERENCE OF THE STATES PARTIES TO REVIEW THE OPERATION OF THE CHEMICAL WEAPONS CONVENTION, 8-19 April 2013

- The Third Review Conference reaffirmed the obligation to destroy or otherwise dispose of old chemical weapons in accordance with the Convention.
- Encouraged States Parties to continue addressing the issues related to new discoveries of old chemical weapons and of abandoned chemical weapons within the provisions of the Convention

2015 - 16 States Parties with declared OCW

Australia, Austria, Belgium, Canada, France, Germany, Italy,
Japan, Marshall Islands, Poland, Russian Federation, Slovenia,
Switzerland, the Netherlands, United
Kingdom of Great Britain and Northern Ireland, USA



Major OCW destruction programmes

- (1) French SECOIA destruction programme on mostly WW I OCW;
- (2) German destruction programme on OCW from WW I and WW II;
- (3) United Kingdom OCW destruction programme;
- (4) Belgium destruction programme on OCW from WW I;
- (5) Italian destruction programme on OCW;
- (6) OCW destruction in Japan
- (7) OCW destruction in Australia

CWC - Declaration Requirements for OCW

“Each State Party”

“shall declare whether it has on its territory old chemical weapons and provide all available information in accordance with Part IV(B), para 3 of the Verification Annex;”

CWC, Article III, para 1.(b) (i)

Destruction Requirements for OCW under CWC

OCW produced before 1925

can be treated as toxic waste and can be destroyed without verification measures but in conformity with the principle of ensuring the safety of people and protecting environment (Paragraph 6, Part IV (B) of VA)

OCW produced between 1925 and 1946 and not usable

Paragraph 7, Part IV (B) of VA under CWC establishes the obligation to destroy OCW that meet the definition in Article II, paragraph 5(b) in accordance with the provisions for the destruction of chemical weapons in Article IV and Part IV (A) of VA - alterations/modifications are possible

OCW produced between 1925 and 1946 and being usable

these OCW are chemical weapons and the State Party has to comply with requirements of Article IV of the CWC and Part IV (A) of VA.

The “Dilemma” for a State Party with OCW not having destruction capabilities

State Party discovers OCW, however, lacks capacity and capabilities to destroy these old chemical weapons, because of:

- Missing CW destruction plant
- Missing experience, expertise and knowledge
- Missing information about the OCW with respect to filling and configuration
- Too large numbers of OCW
- OCW are in dangerous conditions – unstable and not to be long-term stored

Possible Scenario for “handling” OCW under CWC

Options:

(a) OCW are discovered, recovered, and declared; the concerned State Party lacks capacity to destroy these OCW. The way out would be:

- application of an approach similar to the one exercised in 2007, based on an express approval by Executive Council; or
- the concerned State Party puts these OCW in long-term storage until it has built up the capacity to destroy the weapons; (likely scenario for larger discoveries rather than the discovery of small numbers of OCW)

(b) OCW are discovered but **not** recovered, and therefore no declaration and destruction obligations are triggered. However, this may not be an option when the discovery poses immediate risks for people or the environment. In such a case option (a) will be relevant, with the restriction that no recovery takes place while preparations for implementing one of the two sub-options discussed under (a) is under way. In such a case, a declaration should be made by the concerned State Party, although no recovery has taken place as yet.

State Party with OCW but not having destruction capabilities

Two possible ways out:

- (1) so-called “Transfer for destruction” approach under strict OPCW oversight and verification - “Austria Approach”
- (1) “Emergency Assistant Program” application - provide technical capacity/assistance to a State Party under the strict OPCW oversight and verification

The OCW Austria case

In October 2005 and October 2006 Austria had discovered three OCWs: (1) declared under Article III, subparagraph 1(b)(i), and with Part IV(B) of the Verification Annex, (2) Secretariat conducted a technical assessment, (3) it was confirmed, that these OCWs pose direct danger to the environment.

Executive Council approved proposal by Austria and Germany to transport these OCWs to the chemical weapons destruction facility in Munster, Germany, in order to destroy them, however, defined this exceptional case:

- nothing can alter the general obligation of each State Party as stipulated in Article I (in general no transfer)
- OCW remain under ownership and control of State Party who declared OCW
- OCWs shall be destroyed as soon as possible, Technical Secretariat will continuously monitor the whole process and report

The OCW Austria case

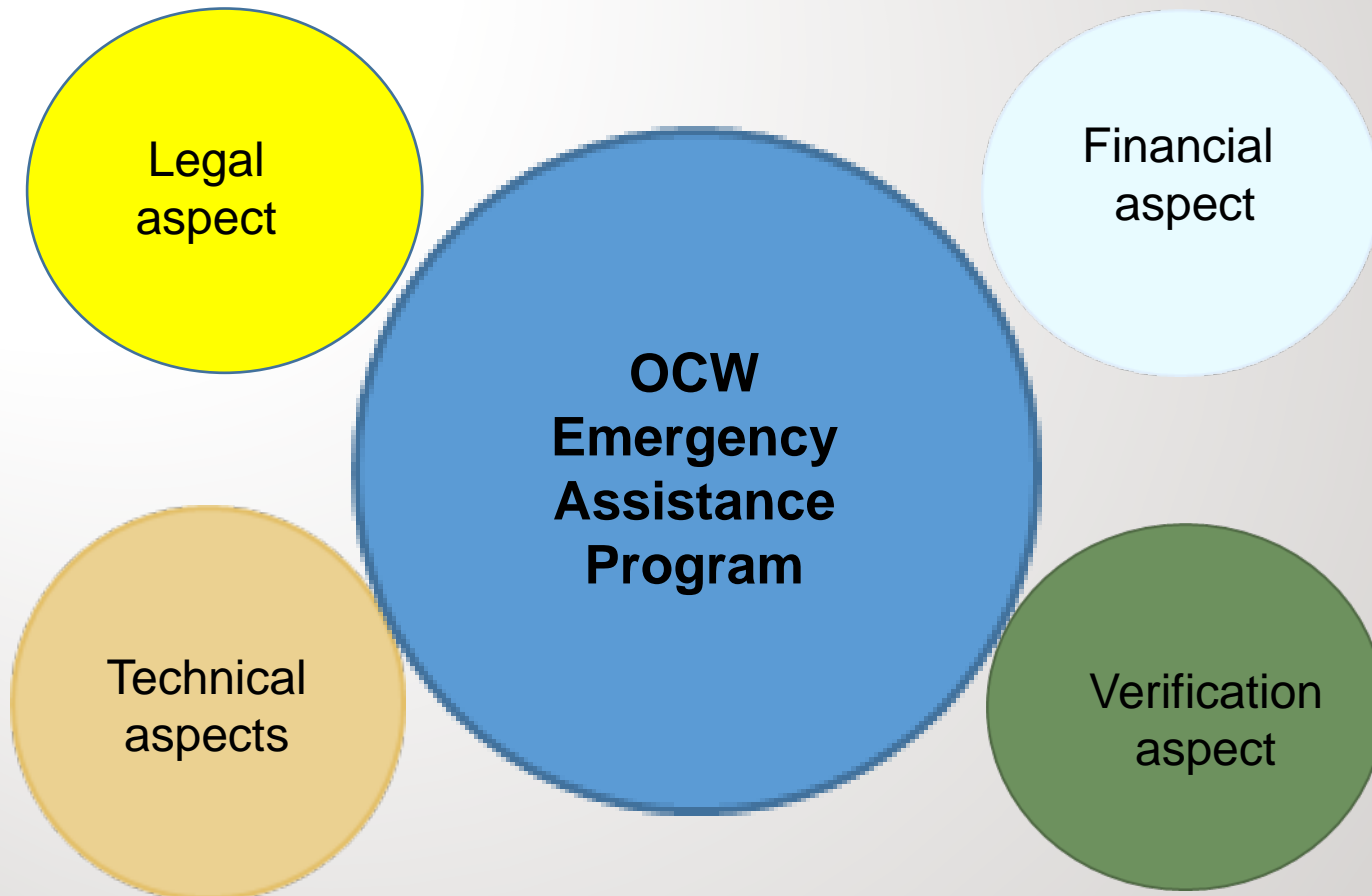
Executive Council Statement: This case shall not establish any precedent for any future cases.

Question: Is that really in the interest of CWC?

If a State Party offers the possibility to use its CWDF to dispose of the discovered OCW, the transfer of these OCW to the respective CWDF could be regarded as being covered under VA Part IV(A), paragraph 7, as 'removal for destruction' and not as prohibited transfer (which would be prohibited under Article I, paragraph 1(a)).

Such an approach could be regarded as using the general cooperation principle set out in Article XI and adding a new aspect resulting from practical situations where some States Parties lack destruction capacity.

OCW “Emergency Assistance Program”



OCW “Emergency Assistant Program”

Legal aspects: CWC

All relevant provisions under CWC remain in place. No alterations on the requirements and scope, no transfer for destruction:

- OCW remain under responsibility of State Party
- Destruction will be performed by State Party owning the OCW
- declaration requirement as of Article III, para 1.(b) (i) and in connection with Verification Annex Part IV(B)
- obligation to destroy OCW meeting the definition under Article II, paragraph 5(b), in accordance with the provisions for the destruction of chemical weapons in Article IV and VA Part IV(A)

OCW “Emergency Assistant Program”

Financial aspects:

Where could the money come from?

- Different possibilities, however, equipment has to be owned by an organisation/ trust fund
- Voluntary contributions by States Parties to such a fund
- “Activating” funds/contributions from European Union under “Emergency Preparedness/Response” activity line
- Maybe a common initiative by European Union and OPCW?
- State Party with OPCW maybe pays for renting equipment?
-?? More ideas are welcome

OCW “Emergency Assistant Program”

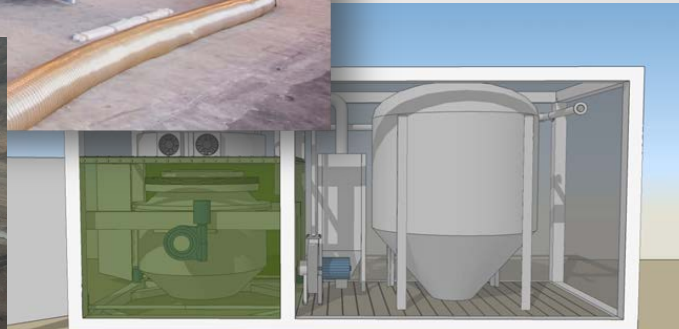
Verification aspects:

VA Part IV (B)

- No alteration of CWC obligation necessary, as OCW remain under the ownership of the State Party who has declared and recovered
- No transfer of OCW for destruction required
- Setting-up a “temporary” CWDF for OCW destruction with FA in place
- Destruction will be performed by State Party owning the OCW, after being equipment and procedure wise trained

OCW “Emergency Assistant Program”

Technical aspects: available mobile CWDF



Excuse into History - States Parties known having conducted a past CW program, being affected by war activities with possible CW “involvements” or having affected by war activities with possible CW deployment activities

Europe - examples

France (PS WWI), Germany (PS WW I & II), UK (PS WWI & II), Italy (PS after WWI, OCW), Spain (PS after WWI), Switzerland (PS WWII), Belgium (OCW), Austria (ACW/OCW), Poland (OCW), The Netherlands (OCW), Poland (former OCW)

Asia/Pacific/South East Asia - examples

Japan (OCW/ACW, PS WWII), China (ACW), Indonesia (PS WW II), Australia (OCW), India (WWII deployment by foreign country(s)), Malaysia (WW II deployment by foreign country(s)), Myanmar (WWII deployment by foreign country), Philippines (WWII deployment by foreign country(s)), Singapore ((WWII deployment by foreign country(s)), Solomon Islands ((WWII deployment by foreign country(s)), Marshall Islands ((WWII deployment by foreign country(s))2008,

Excuse into History - States Parties known having conducted a past CW program, being affected by war activities with possible CW “involvements” or having affected by war activities with possible CW deployment activities

Africa/Middle East – examples

Algeria (former pre WWII/WWII testing site), Egypt (WWII deployment by foreign country(s)), Morocco (alleged use of CW pre WW II), Yemen (WWII deployment by foreign country(s)), Ethiopia (alleged use of CW pre WW II), Kenya ((WWII deployment by foreign country(s)), Somalia ((pre WWII/WWII deployment by foreign country(s)), South Africa (PS during WWII, WWII deployment by foreign country(s)), Sudan ((WWII deployment by foreign country(s)),

Conclusion – Way ahead

The 2011 Report of the Advisory Panel on Future Priorities of the OPCW pointed out:

States Parties will continue to discover, recover and destroy old and abandoned chemical weapons.....Therefor one of the future priorities of the OPCW in the field of chemical weapons destruction will be the destruction of old, and of abandoned chemical weapons...

Let me add:

Flexibility is required and new approaches should be taken into consideration – technical as well legal wise

It cannot be in the interest of the universality under the CWC that a State Party with a lack of technical capability/capacity to destroy OCW will be left alone with it's destruction obligation under the CWC

Thank you for listening!

www.dynasafe.com
thomas.stock@dynasafe.de