

Organisation for the Prohibition of Chemical Weapons

Statement by S. Bochenski, Senior Policy Officer, at the Open Consultations of the Security Council Committee Established Pursuant to Resolution 1540 (2004) on the Comprehensive Review of the Status of Implementation of Resolution 1540

31 May to 2 June 2022

Mr Chairperson,

I wish to thank you for inviting the Organisation for the Prohibition of Chemical Weapons (OPCW) to address the Open Consultations on the Comprehensive Review of Resolution 1540 (2004).

This year, the OPCW is commemorating its twenty-fifth anniversary. We have also begun preparations for the Fifth Review Conference of the Chemical Weapons Convention to take place in May next year.

This is an invitation to look back, as well as consider new and emerging challenges. The threat of use of chemical weapons unfortunately remains a stark reality. Of the different types of non-conventional weapons from the CBRN group, chemical weapons are those most frequently pursued by terrorists. In recent years, cases of use by ISIL have been documented in Iraq and Syria, but also numerous plots thwarted across regions.

How does the OPCW contribute to the universal effort to fight chemical terrorism?

The Convention is comprehensive in scope. Its ban on chemical weapons use is absolute and does not distinguish between different actors, types of chemicals or any other circumstances.

A number of Convention obligations directly correspond with the provisions of UNSCR 1540. Equally, numerous activities of the OPCW aimed at full implementation of the Convention also assist States in implementing their obligations under UNSCR 1540.

Paragraph 1 of UNSCR 1540 stipulates that States shall refrain from providing any form of support to non-State actors that attempt to develop, or acquire in any way, weapons of mass destruction. Insofar as it relates to chemical weapons, this provision is fully in line with the general obligations that are set out in Article I of the Convention and that are further developed in the Convention's verification regime.

Operative paragraph 2 specifies that States shall adopt and enforce appropriate effective laws which prohibit any non-State actor to acquire weapons of mass destruction. Analogically, Article VII of the Convention requires each State Party to prohibit natural and legal persons under its jurisdiction from undertaking any activity prohibited under the Convention and by extending its penal legislation to any such activity.

Since the last comprehensive review in 2016 the Secretariat has developed workshops on the role of Convention implementing legislation in addressing the threats from non-State actors. We also assist States Parties that have yet to adopt national legislation through other tailor-made activities and programmes, e.g. Mentorship Programme, Internship for Legal Drafters,

Influential Visitors Programme. A National Implementation Framework was developed to promote national implementation in a way that responds to States Parties' contemporary security concerns, including the non-State actor threat.

Operative paragraph 3 of UNSCR 1540 addresses, inter alia, the need to develop appropriate measures to establish domestic controls and to ensure accountability and physical protection of relevant materials. The Convention does likewise, through the requirement in Article VI that States Parties adopt "the necessary measures" to ensure that toxic chemicals and their precursors are not used for prohibited purposes.

The Secretariat has placed emphasis on the training of customs officials given the threat posed by the illicit international trafficking of toxic chemicals and precursors. We have also been providing assistance to States Parties aimed at enhancement of their laboratory capabilities. Other programmes aim at increasing chemical security in all stages of the chemical life cycle. This includes capacity building of relevant national actors to secure such chemicals and prevent them from falling into the wrong hands during production, but also during transportation, storage, trade, and disposal.

Mr Chairperson,

Since the 2016 comprehensive review the Secretariat and the UNSCR 1540 Committee Group of Experts maintained a collaborative relationship to strengthen States Parties' awareness of their respective obligations, and coordinated practical assistance in the areas where synergies exist.

Our enhanced coordination enabled the Committee's Group of Experts to participate in some of the capacity building activities organised by the OPCW and, vice-versa, the Secretariat staff supported selected events aimed at promotion of the UNSCR 1540 and Conventions' obligations.

The Secretariat is ready to continue this mutually beneficial collaboration. To further enhance it, we believe that more could be done in two areas:

- a) the first one includes better coordination between UNSCR 1540 National Focal Points and the OPCW National Authorities in States requesting assistance through UNSCR 1540 as these are not always the same individuals/entities;
- b) the second one relates to possible greater involvement of the OPCW in the development of voluntary National Action Plans (NAP), whenever it involves drafting national legislation.

Mr Chairperson,

The international community must continuously work to respond to the challenge of WMD terrorism. In this, the OPCW is committed to play its part, in close cooperation with the UN Security Council 1540 Committee, and with the range of stakeholders such as non-governmental organisations, that are critical to achieving our collective goals.