

PAPER BY THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR THE SECOND REVIEW CONFERENCE WORKING GROUP

THE IMPLEMENTATION OF ARTICLE X

Introduction

1. Ten years after the Entry into Force of the Convention, key parts of Article X remain to be implemented. There is a compelling case for doing more to implement this Article, given its relevance to counter-terrorism, which was recognised in the Executive Council's 2001 decision on the OPCW's contribution to global anti-terrorist efforts (EC-XXVII/DEC.5 of 7 December 2001). That decision listed Article X as one of five areas requiring special attention.

2. The UK supports the view of the WMD Commission in its 2006 report, which stated:

“States Parties should... strengthen the capacity of the Organisation for the Prohibition of Chemical Weapons to provide practical assistance against chemical weapons, for instance detection equipment, alarm systems and medical antidotes.”

UK Proposals

3. The following parts of Article X have still not been implemented fully:

Provision of Assistance (Paragraph 7 of Article X)

4. Paragraph 7 of Article X requires each State Party to offer assistance to the OPCW through one or more of the following measures: *“to contribute to the voluntary fund for assistance...”*; *“to conclude...agreements with the Organisation concerning the procurement, upon demand, of assistance”*; and *“to declare...the kind of assistance it might provide in response to an appeal by the Organisation”*. Each States Party should have made such an offer within 180 days of the Entry into Force of the Convention for it.

5. At the 10th Session of the Conference of States Parties, a format for submitting offers of assistance was adopted (C-10/DEC.8 of 10 November 2005) to make this process easier. Since 1997, however, only 40 countries have contributed to the voluntary fund; only 44 countries have made a unilateral offer; and only one country has concluded a bilateral agreement.

6. In particular, there is a need for further contributions to the voluntary fund, since the current balance of the fund is insufficient to cover responses to more than one significant request for assistance. As highlighted by the WMD Commission report, there is also a need for greater provision of *inter alia* detection equipment, alarm systems and medical antidotes. Such equipment could be of particular use in providing protection against chemical terrorism.

7. The Second Review Conference may therefore wish to make recommendations along the following lines:

*“The Second Review Conference **recalled** that the First Review Conference had reaffirmed the continuing relevance and importance of the provisions of Article X of the Convention, and of the activities of the Organisation for the Prohibition of Chemical Weapons (hereinafter “the Organisation”) in relation to assistance and protection against chemical weapons; and that these provisions and activities had gained additional relevance in today’s security context (paragraph 7.92 of RC-1/5 of 9 May 2003).*

*The Second Review Conference **noted** with concern the limited number of contributions to the voluntary fund for assistance and agreements with the Organisation concerning the procurement, upon demand, of assistance; as well as the low number and potentially limited nature of some of the offers of assistance by States Parties since the Entry into Force of the Convention.*

*Underlining the benefits to States Parties of the OPCW’s assistance and protection capability, the Second Review Conference **urged** all States Parties that have yet to do so to make offers of assistance to the Organisation, as required by paragraph 7 of Article X. The Second Review Conference also **encouraged** those States Parties that have made offers to ensure that they are up to date, and **requested** the Technical Secretariat to engage with States Parties to identify what further offers can be made.”*

National Protective Programmes (Paragraph 4 of Article X)

8. Paragraph 4 of Article X states:

“For the purposes of increasing the transparency of national programmes related to protective purposes, each State Party shall provide annually to the Technical Secretariat information on its programme...”

9. The Ninth Conference of States Parties adopted a format for States Parties to provide this information (C-9/DEC.10 of 30 November 2004). Although the number of submissions under paragraph 4 is increasing each year, it remains low. Only 73 States Parties submitted such information in 2006.

10. The Second Review Conference may therefore wish to make recommendations as follows:

*“The Second Review Conference **recalled** that, in accordance with paragraph 4 of Article X of the Convention, and for the purposes of increasing transparency, the Conference, at its 9th Session, had adopted a format for States Parties to provide annually to the Technical Secretariat information on national programmes for protective purposes (C-9/DEC.10 of 30 November 2004).*

*The Second Review Conference **noted** with concern the disappointingly low number of submissions under paragraph 4 of Article X by States Parties since the Entry into Force of the Convention.*

*Emphasising the advantages of such submissions for the coordination of assistance and protection among States Parties, the Conference **urged** all States Parties to make their annual submissions of information under paragraph 4 of Article X **in a timely fashion**, as agreed at the Ninth Conference of States Parties (C-9/DEC.10 of 30 November 2004).*

*The Second Review Conference **requested** the Technical Secretariat to assist States Parties with the timely completion of these submissions.”*

Qualified and other Experts

11. Paragraph 5 of Article X requires the Technical Secretariat to be ready to provide expert advice and assistance to a requesting State Party in identifying how its protective programmes could be implemented. To some extent, the establishment of the Protection Network meets this requirement.

12. Paragraph 7 of Part XIB of the Verification Annex requests the Director General to prepare a list of “*qualified experts whose particular field of expertise could be required in an investigation of alleged use of chemical weapons*”.

13. At present, the numbers of qualified experts available to the Organisation may be insufficient to respond to States Parties’ requests. The remit for those that are currently available is not yet clear; and the list of experts requires updating.

14. The Second Review Conference might recommend as follows:

*“The Second Review Conference **recalled** that paragraph 1 of Article X of the Chemical Weapons Convention (hereinafter “the Convention”) defines “assistance” as the co-ordination and delivery to States Parties of protection against chemical weapons, including, inter alia, the following: detection equipment and alarm systems; protective equipment; decontamination equipment and decontaminants; medical antidotes and treatments; and advice on any of these protective measures.*

*The Second Review Conference **requested** the Technical Secretariat to review, and keep up to date, its current lists of experts, both from within the Technical Secretariat and from States Parties (including those in the Protection Network), in order to ensure that it has a sufficient range of relevant expertise to call upon to provide advice and assist States Parties upon request in developing their protective capacities against chemical weapons pursuant to Article X paragraph 5, and/or to participate in Investigations of Alleged Use pursuant to VA part XI (7).*

*The Second Review Conference **requested** the Technical Secretariat to make recommendations to the Council on how to make best use of these resources.”*

Way Forward

15. The UK looks forward to a full discussion of the implementation of Article X, including the issues outlined above, during the meetings of the Working Group to prepare for the Second Review Conference.

UK Delegation to the OPCW