

PHILIPPINE COMPLIANCE WITH THE CHEMICAL WEAPONS CONVENTION



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Philippine Implementation of the CWC

- .Jan. 13, 1993, the Chemical Weapons Convention (CWC) is opened for signature in Paris. 130 States signs the Convention including the Government of the Philippines and ratifies the Treaty on 21 February 1995.
- .The CWC enters into force on April 29, 1997, 180 days after Hungary becomes the 65th States to deposit its instrument of ratification.



Obligation as a State Party under the CWC

- . As a state party to the CWC, the Philippines is required to accomplish its initial declaration, annual declaration and plant /site declaration.
- . It also requires for the adoption of enabling legislation in compliance with the Chemical Weapons Convention



Justification for the Ratification of the CWC

- A. Political Consideration - in line with its foreign policy thrust on disarmament, the Philippines wanted to demonstrate its firm commitment to global peace, protection of people and the environment.
- B. Security Consideration - as the Philippine does not possess the capability to protect itself from a chemical attack, the CWC ensures that states are provided against a chemical attack. The OPCW coordinates & delivers assistance in the event of an attack or threatened (may request on-site challenge inspection of any suspected weapons/site facility in the territory of another party).



Justification

- C. Industry Perspective- being a Party to the CWC, the Philippines will avoid becoming the target for restrictions which are placed on transfer of chemicals from state parties to non-state parties. Under the CWC, transfer of Schedule I chemicals have been prohibited since the entry into force of the Convention on 29 April 1997. For Schedule II, in 2000 and restriction on the trade in Schedule III in 2002.

Justification

- Through the universal implementation of the Chemical Weapons Convention, the Philippines is protected in terms of unlawful attacks, ensured assistance from other state parties (OPCW). Further, will be informed on global trade programmes in chemical products and technology.
- . CWC will compliment the Philippine implementation of other international commitments: Stockholm Convention, Rotterdam Convention, Basel Convention, Montreal Protocol which is integral in the enforcement of RA 6969.



Article II: Chemical Weapons

- . Toxic chemicals or precursors that can cause death, injury through its chemical act.
- These are products, stockpiled or stored with no legitimate use for peaceful purposes.
- They have dual use, could be employed for peaceful purposes but with potential used for the manufacture of chemical weapons.

Chemicals (CWC)

- Schedule I – high risk chemicals with few uses for peaceful purposes (research and pharma application, e.g. saxitoxin)
- .Schedule II – Chemical agents with commercial values (ingredients used in insecticides, herbicides, lubricants and some pharm-products (e.g. ,thiodiglycol)
- . Schedule III –chemicals with use for industrial products, triethanolamin-nitrogen mustard gas, phosgene, hydrogen cyanides (some detergents, plastics, other household products).



Other requirements to CWC

- . The Philippines is required to declare riot control agents for law enforcement purposes
- .The CWC prohibits the use of riot control (tear gas, choking agents, blister agents, blood agents and nerve agents) used as a method for warfare. Like sarin, mustard sulfur, phosgene, chlorine, etc.)



In accordance with Article III of the Convention, the Philippines submitted the ff. initial declaration on June 26, 2001 and annual compliance to the OPCW through the Philippine Embassy in The Hague, Netherlands:

1) With respect to chemical weapons, the Philippines does not possess chemical weapons

in any place under its jurisdiction and control;

2) With respect to old and abandoned chemical weapons, the Philippines does not possess Old and abandoned chemical weapons

3) With respect to chemical weapons production facilities and other facilities, the the Philippines does not maintain chemical weapons production facilities and other facilities.



In accordance with Art VI

- .Routine inspection, the Philippines is obliged to accept inspection at sites and facilities.
- .The Philippines received the credential of OPCW experts in 2003 through the Dept. of Foreign Affairs



In accordance with Art. VII

- National Implementation Measures – the Philippines is required to adopt legislation that prohibits person from undertaking any activities that are prohibited to states under the CWC.
- .item 4, -designation of a National Authority (NA) to serve as focal point for the effective coordination with the OPCW.
- At present the Philippines has an AD-Hoc NA.



AD-HOC Committee

- Members of the Inter-agency Technical Advisory Council (IATAC), who will serve as an integral part of the Philippine National Authority. The Philippines is presently compiling the necessary data in order to fulfill its obligations under Art VI no. 7 – the making of industry declaration.



AD-HOC members (Government)

- Dept. of Foreign Affairs-Secretariat
- .Dept. of National Defense (Armed Forces of the Phils.)
- .Dept. of Environment & Natural Resources
- . Dept. of Science and Technology
- .Dept. of Agriculture
- .Dept. of Justice
- .Dept. of Interior & Local Gov't
- . Dept. of Health
- .Dept. of Trade and Industry
- .Bureau of Customs (Dept. of Finance)



AD-HOC - Private

- Chemical Industries Association of the Philippines
- .Crop Protection Association of the Philippines
- .Pollution Control Association of the Philippines
- University of the Philippines (MSI)



RA 6969

- . The Toxic Substances and Hazardous and Nuclear Wastes Act of 1990. The law designed respond to the increasing problems associated with toxic chemicals. It is an act that mandates control and management of import, manufacture, process, distribution, use, transport (even in transit in compliance with the Basel Convention), treatment and disposal of toxic substances and hazardous and nuclear wastes.



Provisions of RA 6969

- . compile and update inventory of chemicals (PICCS)
- . Screen new chemicals through the PMPIN process
- . Establish the Philippine Priority Chemical Lists (28 Identified chemicals including those listed in the PIC and POPs).
- . Issue Chemical Control Order (CCO) for highly toxic chemicals (cyanide, mercury, ODS, asbestos and PCBs)
- . Creation of the Chemical Review Committee (CRC)



Issues on Disposal

- CWC approved method of Destruction: Incineration, which is a violation of the Philippine Clean Air Act of 2002.
- Not allowed method are the open-pit burning (non-burn technology is the best option), land burial is in line with the Ecological Waste Management Act and dumping ban to water bodies which is under the LDC



CURRENT PROBLEMS IN IMPLEMENTING THE CWC:

1) Absence of an enabling legislation to implement the Chemical Weapons Convention

Issue to be resolved:

a) Either to amend R.A. 6969 “An Act to Control Toxic Substances and Hazardous Nuclear Wastes, Providing Penalties Thereof, and for Other Purposes” in order to make it conform to the requirements of the CWC or to

b) draft a new enabling legislation

2) Absence of a formal National Authority

Issue to be resolved:

- a) Whether to draft an Executive Order creating a formal National Authority to replace the existing ad hoc body (The proposed National Authority would have a structure, functions and procedures)
- b) or to maintain current ad-hoc body



Conclusion

- The Philippines continues to study options and possible legislative measures to comply with the CWC. Peace and security is the paramount aim of the CWC, to protect humans and environment from the devastating effects of chemical weapons. The Philippines look forward to be a part in achieving this goal of the world for the total disarmament in chemical weapons and to fulfill its obligations to the CWC.



THANK YOU

“Thematic Workshop on Synergies for
Capacity Building under International
Agreement Addressing Chemicals and
Wastes Management, 30 Mar.-2Apr. 2004
MIE, Geneva, Switzerland

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