Resource Guide CWC Third Review Conference 2013

Prepared by the Harvard Sussex Program and CBW Events

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Contents

Abbreviations	7
Introduction	9
Background to the Resource Guide	9
Selection of Documents	10
1. CWC Documents	11
Review Conference Documents	
Political Declaration of the First CWC Review Conference (RC-1/3)	15
Report of the First CWC Review Conference (RC-1/5)	19
Report of the Second Review Conference (RC-2/4)	51
Action Plans	
Action Plan on National Implementation (2003) C-8/DEC.16	73
Action Plan on Universality (2003) EC-M-23/DEC.3	87
Decision - Universality of the Chemical Weapons Convention and the Further Implementation of the Universality Action Plan (2009) C-14/DEC.7	91
Decision on National Implementation Measures of Article VII Obligations (2009) C-14/DEC.12	95
Overview of the Status of Implementation of Article VII of the Chemical Weapons Convention as at 27 July 2012 (2012) EC-70/DG.5 & C-17/DG.8 [extract]	99
Annual Report on the Implementation of the Action Plan for the Universality of the Chemical Weapons Convention During the Period from 16 September 2011 To 15 August 2012 (2012) EC-70/DG.14	129
Scientific Advisory Board	
Decision: Terms of Office of Members of the Scientific Advisory Board C-14/DEC.9	137
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 (2012) RC-3/DG.1	139
Advisory Panel on Future OPCW Priorities	
Report of the Advisory Panel on Future Priorities of the Organisation for the Prohibition of Chemical Weapons (2011) S/951/2011	171
Other CWC Documents	
Decision on the Full Implementation of Article XI (2009) C-14/DEC.11	201
Agreed Detailed Plan for Verification of the Destruction at the Abandoned Chemical Weapons Mobile Destruction Facility of the Chemical Weapons Abandoned by Japan on the Territory of the People's Republic of China (2010) EC-61/DEC.1	203
Final Extended Deadline of 29 April 2012 (2011) C-16/DEC.11	211

Medium-Term Plan for the Period from 2013 to 2015 (2012) EC-70/S/1 C-17/S/1	217
Progress Report on and the Status of Implementation of Article XI of the Chemical Weapons Convention During the Period from 1 January to 15 August 2012 (2012) C-17/DG.11/Rev.1	237
Report of the Seventieth Session of the Executive Council EC-70/5, 28 September 2012	243
2. Related CBW Treaties	263
1925 Geneva Protocol	269
High Contracting Parties	271
Reservations	274
1972 Biological Weapons Convention	277
States Parties	283
Final Document of the Seventh BWC Review Conference	285
1977 ENMOD Convention	311
States Parties	315
3. UN Documents	319
UN-OPCW cooperation	
Agreement concerning the Relationship between the United Nations and the Organization for the Prohibition of Chemical Weapons, UN document A/55/988, 18 June 2001	323
UN General Assembly resolutions on the CWC	
Cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons, A/RES/67/8, adopted 19 November 2012 [See note in introduction to section 3.]	329
Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, A/RES/67/54, adopted 3 December 2012	330
UN Security Council	
Note by the President of the Security Council [on proliferation as a threat to international peace and security], UN document S/23500 (1992)	333
Security Council resolution 1540 [on national obligations to control WMD], S/RES/1540, adopted 28 April 2004	339
Security Council resolution 1977 [on extending the duration of resolution 1540], S/RES/1977, adopted 20 April 2011	343
1540 Committee matrix [extracts relating to CW]	349
Other UN activities, including Secretary-General's Investigation Mechanism	
General Assembly resolution 37/98 D Provisional Procedures to Uphold the Authority of the 1925 Geneva Protocol (1982)	357
Security Council resolution 620 [on the Iran-Iraq War] (1988)	358

General Assembly resolution 45/57 C Measures to Uphold the Authority of the 1925 Geneva Protocol (1990)	359
Uniting Against Terrorism: Recommendations for a Global Counter-Terrorism Strategy, UN document A/60/825 (2006) [extracts]	361
General Assembly resolution 60/288 The UN Global Counter-Terrorism Strategy, UN document A/RES/60/288 (2006)	367
4. Documents from Other International Organizations	377
International Committee of the Red Cross (ICRC)	
Toxic Chemicals as Weapons for Law Enforcement, Synthesis, September 2012	379
United Nations Environment Programme (UNEP)	
Strategic Approaches to International Chemicals Management, March 2007 [extract]	385
World Health Organization (WHO)	
Global Public Health Response to Natural Occurrence, Accidental Release or Deliberate Use of Biological and Chemical Agents or Radionuclear Material that Affect Health, World Health Assembly resolution 55.16 (2002)	403
International Health Regulations, World Health Assembly resolution 58.3 (2005)	405
5. Documents from Regional and Other Organizations/Regions	425
	425
5. Documents from Regional and Other Organizations/Regions Association of Southeast Asian Nations (ASEAN) / ASEAN Regional Forum (ARF) Fourth ARF Inter-Sessional Meeting on Non-Proliferation and Disarmament, Co-Chairs' Summary Report, Sydney, Australia, 8-9 March 2012 [extract]	425
Association of Southeast Asian Nations (ASEAN) / ASEAN Regional Forum (ARF) Fourth ARF Inter-Sessional Meeting on Non-Proliferation and Disarmament, Co-Chairs'	
Association of Southeast Asian Nations (ASEAN) / ASEAN Regional Forum (ARF) Fourth ARF Inter-Sessional Meeting on Non-Proliferation and Disarmament, Co-Chairs' Summary Report, Sydney, Australia, 8-9 March 2012 [extract]	427
Association of Southeast Asian Nations (ASEAN) / ASEAN Regional Forum (ARF) Fourth ARF Inter-Sessional Meeting on Non-Proliferation and Disarmament, Co-Chairs' Summary Report, Sydney, Australia, 8-9 March 2012 [extract] European Union (EU) Council Decision 2009/569/CFSP of 27 July 2009 on support for OPCW activities in the	427
Association of Southeast Asian Nations (ASEAN) / ASEAN Regional Forum (ARF) Fourth ARF Inter-Sessional Meeting on Non-Proliferation and Disarmament, Co-Chairs' Summary Report, Sydney, Australia, 8-9 March 2012 [extract] European Union (EU) Council Decision 2009/569/CFSP of 27 July 2009 on support for OPCW activities in the framework of the EU Strategy against the Proliferation of Weapons of Mass Destruction Council Decision 2012/166/CFSP of 23 March 2012 in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the EU Strategy against	427 435
Association of Southeast Asian Nations (ASEAN) / ASEAN Regional Forum (ARF) Fourth ARF Inter-Sessional Meeting on Non-Proliferation and Disarmament, Co-Chairs' Summary Report, Sydney, Australia, 8-9 March 2012 [extract] European Union (EU) Council Decision 2009/569/CFSP of 27 July 2009 on support for OPCW activities in the framework of the EU Strategy against the Proliferation of Weapons of Mass Destruction Council Decision 2012/166/CFSP of 23 March 2012 in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the EU Strategy against the Proliferation of Weapons of Mass Destruction Council Decision 2012/712/CFSP of 19 November 2012 relating to the 2013 Review Conference of the Convention on the Prohibition of the Development, Production, Stockpiling	427 435 447

6. Documents from Other Arrangements	467
Australia Group	
Export Control list – Chemical Weapons Precursors, September 2009	469
Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and related technology and Software, June 2011	471
G8 / Global Partnership	
Declaration on Nonproliferation and Disarmament for 2012	477

Abbreviations and Acronyms

AG Australia Group

ASEAN Association of Southeast Asian Nations

AU African Union

BW Biological Weapons

BWC/BTWC Biological and Toxin Weapons Convention
CBW Chemical and biological warfare/weapons

CD Conference on Disarmament

CW Chemical Weapons

CWC Chemical Weapons Convention

EU European Union

G8 Group of Eight Nations
HSP Harvard Sussex Program

IMO International Maritime Organization

IO International Organization

IUPAC International Union of Pure and Applied Chemistry

NAM Non-Aligned Movement

NGO Non-Governmental Organization
OAS Organization of American States

OPCW Organisation for the Prohibition of Chemical Weapons

PrepCom Preparatory Commission [for the establishment of the OPCW]

PSI Proliferation Security Initiative

SAICM Strategic Approach to International Chemicals Management

SUA Convention for the Suppression of Unlawful Acts Against the Safety of Maritime

Navigation

UN United Nations

UNEP United Nations Environment Programme

UNGA United Nations General Assembly

UNODA United Nations Office for Disarmament Affairs

UNSC United Nations Security Council
UNSG United Nations Secretary-General

WHO World Health OrganizationWMD Weapons of Mass Destruction

Introduction

States Parties to the 1993 Chemical Weapons Convention (CWC) will reconvene in The Hague for the treaty's Third Review Conference during 8-19 April 2013. As a contribution to facilitating and stimulating active participation in the Review Conference, the Harvard Sussex Program on Chemical and Biological Weapons (HSP) and CBW Events have developed this comprehensive CWC *Resource Guide*. It contains documents relating to the regime to control chemical weapons, including: official documents from the CWC's Organization for the Prohibition of Chemical Weapons (OPCW) and documents from the United Nations; together with documents from other international and regional organizations and from informal international arrangements. Although designed primarily for Review Conference delegates, the authors hope this *Resource Guide* will also be a useful resource for researchers, non-governmental organizations (NGOs), journalists and others in civil society with an interest in the regime to control chemical weapons, the focal point of which is the CWC.

Background to the Resource Guide

The production of this *Resource Guide* has been realised through financial assistance from the UK Foreign and Commonwealth Office.

It builds on the precedent of the *NPT Briefing Book*, first published in 1990 by the Mountbatten Centre for International Studies (MCIS) at the University of Southampton, which served as a model for a number of subsequent CBW-related publications including:

- o The *Briefing Book for the BWC Sixth Review Conference 2006*, which was funded by the Ministry of Foreign Affairs of the Kingdom of the Netherlands and prepared by the British American Security Information Council (BASIC), the Harvard Sussex Program (HSP) and the Verification Research, Training and Information Centre (VERTIC)
- The *Resource Guide for the Second CWC Review Conference 2008*, which was funded by the UK Foreign and Commonwealth Office, the Ministry of Foreign Affairs of the Netherlands and the Ministry of Foreign Affairs of Portugal and prepared by the Harvard Sussex Program
- The Seventh BWC Review Conference Briefing Book 2011, which was funded by the United Kingdom Foreign & Commonwealth Office and prepared by the Harvard Sussex Program and CBW Events

The primary idea behind the *Resource Guide* is to assist delegates to the Third Review Conference in their work and thus to contribute to a successful and constructive outcome to the Conference. By collecting together as many of the key relevant documents as possible, the authors hope to provide a convenient reference source for use during the Review Conference, and beyond. Having attended many previous CWC meetings, as well as other international diplomatic meetings, we felt it would be advantageous to have as many of the relevant documents as possible collected and collated in one publication. We also hope that this *Resource Guide* will raise awareness of the CWC both with states that have not yet joined the Convention, and with researchers, academics, journalists and the general public who have an interest in issues relating to it. In producing this *Resource Guide* we also hoped to demonstrate the constructive input which civil society can make to international meetings such as the Third Review Conference. The authors are longstanding supporters of the CWC and see this *Resource Guide* as one of their contributions to nurturing and strengthening the Convention.

Selection of Documents

Editorial control regarding the content of this volume lies with the authors. There may be questions as to why one document was included and another excluded; why only certain extracts from documents were included; and why we included only a limited number of OPCW documents.

The primary selection criterion relates to available space and the need to avoid making this *Resource Guide* overly bulky and heavy. In some cases this entailed using only key extracts from material and in cases where only an extract from a long document is included, a reference to the original text is provided (most are accessible in full on the internet). A number of OPCW documents are not included on the grounds that many, if not all Third Review Conference documents will be available on the OPCW website and in hard copy from the OPCW documents counter during the Review Conference and in the weeks and months preceding it.

In order to include those documents of most relevance to the Third Review Conference, we have mostly restricted our source materials to those published since the Second Review Conference in 2008. For practical reasons the selection of documents in the printed volume is also limited to English language documents. However, many are available in all six official UN languages, so Arabic, Chinese, French, Russian and Spanish versions should be available from the websites referenced throughout the *Resource Guide*.

The *Resource Guide* will also be posted at http://www.sussex.ac.uk/Units/spru/hsp, so that people can download it if they wish. Electronic copies will also be distributed in memory stick and CD-Rom formats. While we have tried to be as comprehensive as possible, it is likely that we have missed some useful documents or that people will take issue with our selection policy. The authors therefore welcome comments on this *Resource Guide*, including suggestions of additional documents that may be included in a future edition and a feedback form is enclosed in the printed volume for that purpose. Readers of the electronic versions will find a link to a copy of the form on the opening page of the memory stick or CD-Rom.

1. CWC Documents

Article VIII of the CWC set out the operational provisions of the treaty, including provision for special sessions of the Conference of the States Parties to 'undertake reviews of the operation of this Convention'. These reviews shall 'take into account any relevant scientific and technological developments'. The First Review Conference took place in The Hague during April/May 2003, the second during April 2008, with the Third scheduled for April 2013. Included in this section of the *Resource Guide* are documents from the First and Second CWC Review Conferences and others issued by the Conference of the States Parties, the Technical Secretariat and the Scientific Advisory Board. Documents of the Third Review Conference will be posted on the OPCW website at http://www.opcw.org/rc3 and will be available in hard-copy to all delegations at the Review Conference. This will include the Rules of Procedure of the Review Conference.

1.1 CWC Review Conferences

The CWC stipulates that its States Parties should convene a Review Conference every five years to 'undertake reviews of the operation' of the CWC. The Convention also specifies that such reviews 'shall take into account any relevant scientific and technological developments'.

In September 2001, the OPCW Executive Council established an Open-Ended Working Group (OEWG), chaired by Ambassador Alberto Davérède of Argentina, to prepare the agenda for the First Review Conference and to prepare drafts of the political declaration and the report. The First CWC Review Conference itself took place from 28 April to 9 May 2003 in The Hague and was attended by 113 States Parties, two Signatory States, two non-Signatory States, 5 international organizations, 22 NGOs and 6 industry associations. The conference was chaired by Ambassador Nourreddine Djoudi of Algeria. At the Review Conference, the States Parties reviewed the operation of the CWC within particular themes: the role of the CWC in enhancing international peace and security; measures to ensure CWC universality; implementation of the CWC; and functioning of the OPCW. The First Review Conference adopted a Political Declaration and a Report, both of which are included in this section of the *Resource Guide*.

Preparations for the Second Review Conference proceeded in a similar fashion to those for the First Review Conference. In March 2006 the Executive Council established an Open-Ended Working Group, chaired by Ambassador Lyn Parker of the UK who undertook consultations with numerous States Parties in order to prepare draft language to be used as a basis for discussion on a final declaration from the Conference. The work of the OEWG was reported to the Second Review Conference which took place during 7–18 April 2008 under the chairmanship of Ambassador Waleed A. Elkhereiji of Saudi Arabia.

At the Review Conference, States Parties reviewed the operation of the Convention and concluded with a 'clear reaffirmation of the provisions of the Chemical Weapons Convention and work of its implementing agency, the OPCW'. One hundred and seventeen States Parties participated in the Second Review Conference, in addition to which two Signatory States participated as observers and the participation of five international organisations and 28 non-governmental organisations was approved. The *Resource Guide* includes the Report of the Second Review Conference.

Preparation for the Third Review Conference has proceeded in a similar manner with an Open Ended Working Group (OEWG) holding its first meeting on 7 June 2012. Documents from the Third Review Conference will be distributed to participants over the course of the

conference and will be made available from the OPCW website listed above.

1.2 Action Plans

The First Review Conference drew attention to the issues of national implementation and universality and recommended the adoption of action plans to facilitate progress on both issues, which were then adopted by the Executive Council and Conference of the States Parties. These plans have been reviewed at subsequent meetings and follow up decisions have been made. As of early 2012, the number of States Parties to the CWC was 188, with 2 Signatory States (Myanmar and Israel) that have yet to ratify the Convention and six states (Angola, Egypt, North Korea, Somalia, South Sudan and Syria) have neither signed nor acceded to the Convention. A note in 2012 by the Director-General on the implementation of Article VII (C-17/DG.8) indicates that 88 States Parties (47%) have 'already adopted legislation and/or administrative measures that fully implement the Convention, as per the plan of action' on Article VII. The Action Plans, together with more recent documents relating to them, including annual reports and recent decisions, are included in the *Resource Guide*.

1.3 Scientific Advisory Board

The CWC directs the OPCW Director-General to establish a Scientific Advisory Board (SAB) to enable him to 'render specialized advice in areas of science and technology relevant to this Convention, to the Conference, the Executive Council or States Parties'. The members of the SAB are to be 'independent experts' selected by the Director-General in consultation with States Parties on the basis of their expertise in particular scientific fields relevant to the implementation of the Convention. The second session of the Conference of the States Parties adopted the SAB's terms of reference (CII/ DEC.10) in 1998 when it also held its first meeting. Membership of the SAB was originally set at 20 but was increased to 25 in 2007. The term of office for SAB members is three years, and they can serve for two consecutive terms although under exceptional circumstances SAB membership can be extended as was the case in 2009 following a Decision on Terms of Office of Members of the Scientific Advisory Board which expired in December 2012.

The SAB meets annually but it can also establish Temporary Working Groups which meet more often. The SAB submits an annual report to the Director-General which he then passes on to the Executive Council and the Conference of the States Parties. It also submits a special report prior to each Review Conference and the report for the Third Review Conference, which 'analyses relevant developments in science and technology over the past five years and presents recommendations and observations that the SAB considers to be important to both the review of the operation of the Convention and its future implementation' (RC-3/DG.1) is included within the *Resource Guide* along with the Decision on extending terms of office for SAB members.

In line with earlier practice, the OPCW Director-General will produce a formal response to the SAB report. However, this had not been published by the time the *Resource Guide* went to press.

While it is not an OPCW publication, readers may also be interested in a forthcoming technical report entitled 'The Impact of Scientific Developments on the Chemical Weapons Convention' that is due to be published soon in the journal *Pure and Applied Chemistry* (http://www.iupac.org/publications/pac/), the in-house publication of the International Union of Pure and Applied Chemistry.

1.4 Advisory Panel on Future OPCW Priorities

In December 2010, at the 15th session of the Conference of the States Parties, the Director General declared the establishment of an independent advisory panel to review the implementation of the Convention and to make recommendations for future OPCW activities. (S/951/2011) This panel consisted of 14 experts selected from across the globe who met four times under the Chairmanship of Ambassador Rolf Ekéus of Sweden. The panel produced a report which sets out the evolving context in which the OPCW is located before making a number of recommendations for the OPCW. This report is included in the *Resource Guide*.

1.5 Other CWC Documents

Included in this *Resource Guide* are several other documents identified as being of particular relevance to discussions over the course of the Third CWC Review Conference. These include, in chronological order: the 'Decision on the Full Implementation of Article XI' (2009); 'Agreed Detailed Plan for Verification of the Destruction at the Abandoned Chemical Weapons Mobile Destruction Facility of the Chemical Weapons Abandoned by Japan on the Territory of the People's Republic of China' (2010); 'Decision: Final Extended Deadline of 29 April 2012' (2011) on the destruction of remaining chemical weapons in Libya, the Russian Federation, and the United States of America; 'Medium-Term Plan for the Period from 2013 to 2015' (2012); 'Progress Report on and the Status of Implementation of Article XI of the Chemical Weapons Convention During the Period from 1 January to 15 August 2012' (2012); and 'Report of the Seventieth Session of the Executive Council' (2012).

CWC Resource Guide 2013 Page 13 of 488



Conference of the States Parties

First Review Conference 28 April – 9 May 2003 RC-1/3 9 May 2003 Original: ENGLISH

POLITICAL DECLARATION OF THE FIRST SPECIAL SESSION OF THE CONFERENCE OF THE STATES PARTIES TO REVIEW THE OPERATION OF

The States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (hereinafter "the Convention"), having convened in The Hague for the First Special Session of the Conference of the States Parties to Review the Operation of the Convention (hereinafter "the First Review Conference"), solemnly declare the following:

THE CHEMICAL WEAPONS CONVENTION (FIRST REVIEW CONFERENCE)

- 1. The States Parties reaffirm their commitment to achieving the object and purpose of the Convention, as set out in its Preamble and provisions. The Convention and its implementation contribute to enhancing international peace and security. Its full, universal and effective implementation will exclude completely, for the sake of all humankind, the possibility of the use of chemical weapons, which is prohibited by the Convention. Furthermore, the Convention mandates the elimination of chemical weapons stockpiles and chemical weapons production capacities by all States Parties, aims at chemical weapons non-proliferation and at confidence building among States Parties, establishes an international system for verification of compliance with its provisions, and provides for the fostering of international cooperation and assistance in the peaceful uses of chemistry.
- 2. The States Parties will continue to take account of developments in science and technology in the implementation of the Convention, in accordance with its provisions.
- 3. The States Parties reaffirm their commitment to comply with all their obligations under all the provisions of the Convention, and their commitment to implement them fully, effectively, and in a manner which is non-discriminatory and which further enhances confidence among the States Parties and between the States Parties and the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons (OPCW).
- 4. The States Parties note that universality of the Convention is fundamental to the achievement of its object and purpose. Much progress has been made since the entry into force of the Convention, to which there are now 151 States Parties. However, serious concerns exist that there remain States not Party to the Convention. The States Parties reaffirm, in particular, that achieving the goals of the Convention requires ratification or accession by those States that cause serious concern. The States Parties pledge to intensify their bilateral and multilateral efforts towards

- universality of the Convention, and urge all States not Party to join the Convention without delay.
- 5. The States Parties, recognising the role of the United Nations (UN) in the global fight against terrorism in all its forms and manifestations, stress that the full and effective implementation of all provisions of the Convention is in itself an important contribution to this fight. Universality of the Convention, in conjunction with its full and effective implementation, helps to prevent access to chemical weapons by terrorists.
- 6. The States Parties reaffirm, in order to resolve any matter which may be raised relating to the object and purpose, or the implementation of the provisions, of the Convention, their undertaking to consult and cooperate, directly among themselves or through the OPCW, or by following other appropriate international procedures.
- 7. The States Parties, without prejudice to the right to request a challenge inspection, should, whenever possible, first make every effort to clarify and resolve any ambiguity or concern about compliance by exchanging information and by conducting consultations among themselves. The OPCW must ensure that requests for clarification and fact-finding, including requests for challenge inspections that meet the requirements of the Convention, can be dealt with expeditiously and effectively.
- 8. The States Parties reaffirm the obligation to destroy chemical weapons and to destroy or convert chemical weapons production facilities within the time limits provided for by the Convention. The possessor States Parties are fully committed to meeting their destruction obligations and the verification costs, as required by the Convention. There has been progress in chemical weapons disarmament. However, there have been difficulties in the destruction of chemical weapons stockpiles, and the Conference of the States Parties has taken action on delays in some States Parties and granted extensions of destruction time limits, as provided for by the Convention.
- 9. The States Parties welcome the cooperation afforded by many States Parties to assist some possessor States Parties in meeting their obligation to destroy their chemical weapons stockpiles, and invite States Parties that are willing and able to do so, upon request, to continue to cooperate in this field, using, as appropriate, relevant international mechanisms.
- 10. The States Parties reaffirm the obligation to destroy or otherwise dispose of old chemical weapons, in accordance with the Convention, and note the progress made in this regard. The States Parties, furthermore, attach importance to the destruction of abandoned chemical weapons and to the cooperation that has developed between the Territorial and Abandoning States Parties. Such cooperation would also be necessary for any abandoned chemical weapons discovered in the future.
- 11. The States Parties note that the OPCW has established an effective international verification system based on declarations and on-site inspections. This provides for the systematic verification of chemical weapons stockpiles and chemical weapons production facilities, including their destruction. Furthermore, it provides for the verification of activities not prohibited under the Convention that are of importance to its object and purpose. The effective application of the verification system builds

confidence in compliance with the Convention by States Parties. It also provides for challenge inspections as one of the mechanisms for the resolution of concerns about possible non-compliance, and for the investigation of allegations of the use, or threat of use, of chemical weapons.

- 12. The States Parties stress that this verification system should be applied in a non-discriminatory, efficient, and cost-effective manner, and take into account relevant developments in science, technology and industry, in accordance with the provisions of the Convention.
- 13. The States Parties underline the importance of, and their commitment to, a credible and effective verification regime related to chemical weapons and their destruction. The same applies to the destruction of chemical weapons production facilities, as well as to converted chemical weapons production facilities. They stress the importance of further assessing the verification regime applied to chemical weapons storage, production and destruction facilities, with a view to optimising verification measures, in accordance with the Convention.
- 14. The States Parties stress the importance of a credible verification regime related to the chemical industry and other facilities used for purposes not prohibited under the Convention, and of improving its effectiveness and efficiency, with a view to achieving the non-proliferation and confidence-building aims of the Convention, and to contributing to ensuring that toxic chemicals and their precursors are only developed, produced, otherwise acquired, retained, transferred or used for purposes not prohibited by the Convention. The States Parties also affirm the need to ensure adequate inspection frequency and intensity for each category of declared facilities under Article VI, taking into account, as relevant, all factors envisaged in the Convention, including, *inter alia*, risk to the object and purpose of the Convention, activities, characteristics and equitable geographical distribution.
- 15. The States Parties underline the importance of providing confidence in the implementation of the Convention by all States Parties, through submitting information to, and receiving information from, the OPCW, subject to the provisions of the Convention, including its Confidentiality Annex.
- 16. The States Parties stress that national implementation is one of the essential elements for the effective operation of the Convention. The States Parties will make every effort to overcome difficulties and delays in order to fully meet their obligation to adopt, in accordance with their respective constitutional processes, the necessary implementation measures, including penal legislation. They will cooperate with each other, through the OPCW or bilaterally, towards this objective and afford each other the appropriate legal assistance, upon request, to facilitate the adoption of national implementation measures, and will cooperate, as appropriate, to ensure the safety of people and to protect the environment.
- 17. The States Parties reaffirm that national implementation measures must reflect all relevant provisions of the Convention and the comprehensive nature of its prohibitions, to ensure that they apply to all toxic chemicals and precursors except where intended for purposes not prohibited under the Convention, as long as their types and quantities are consistent with such purposes.

- 18. The States Parties stress the very important nature of the Convention's provisions on assistance and protection against the use, or threat of use, of chemical weapons. The States Parties will review and, where possible, further enhance the measures they have elected to provide assistance, with a view to ensuring an effective and timely response to any assistance request.
- 19. The States Parties reaffirm their undertaking to foster international cooperation for peaceful purposes in the field of chemical activities of the States Parties. The States Parties stress the importance of international cooperation and its contribution to the promotion of the Convention as a whole. The States Parties invite the OPCW to further enhance its international cooperation programmes, and to develop partnerships with other relevant international and regional organisations. In this regard, each State Party is encouraged to take into account relevant developments in science, technology and industry for the common benefit, consistent with their applications for purposes not prohibited under the Convention.
- 20. The States Parties reaffirm their desire to promote free trade in chemicals as well as international cooperation and the exchange of scientific and technical information in the field of chemical activities for purposes not prohibited under the Convention, in order to enhance the economic and technological development of the States Parties. They also reaffirm their commitment to facilitate the fullest possible exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under the Convention
- 21. The States Parties reaffirm their commitment to implement the Convention in a manner which avoids hampering their economic and technological development for purposes not prohibited under the Convention. They further reaffirm their undertaking not to maintain among themselves any restrictions that are incompatible with the obligations undertaken under the Convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry for peaceful purposes.
- 22. The States Parties pledge to further strengthen the OPCW in order to achieve the object and purpose of the Convention and to ensure the full and effective implementation of its provisions.
- 23. The First Review Conference expresses its appreciation to the international community, including the UN and other international and regional organisations, the chemical industry sector, non-governmental organisations and civil society, for their active cooperation with, and support for, the work of the OPCW to help fulfil the object and purpose of the Convention.



Conference of the States Parties

First Review Conference 28 April – 9 May 2003

RC-1/5 9 May 2003 Original: ENGLISH

REPORT OF THE FIRST SPECIAL SESSION OF THE CONFERENCE OF THE STATES PARTIES TO REVIEW THE OPERATION OF THE CHEMICAL WEAPONS CONVENTION (FIRST REVIEW CONFERENCE) 28 April – 9 May 2003

1. AGENDA ITEM ONE – Opening of the First Review Conference

- 1.1 The First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter "the First Review Conference") was opened at 10:35 on 28 April 2003 by its Chairman, Ambassador Nourreddine Djoudi of Algeria. It received a message from the Secretary-General of the United Nations (RC-1/4, dated 28 April 2003).
- 1.2 The following 113 States Parties participated in the First Review Conference: Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Holy See, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lesotho, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Monaco, Mongolia, Morocco, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uzbekistan, Venezuela, Viet Nam, Yemen, and Zambia.
- 1.3 In accordance with Rule 29 of the Rules of Procedure of the Conference of the States Parties (hereinafter "the Conference"), the following signatory States participated in the First Review Conference as observers: Haiti and Israel.
- 1.4 In accordance with Rule 30 of the Rules of Procedure of the Conference, and pursuant to decision RC-1/DEC.1/Rev.1, dated 8 May 2003, Angola and the Libyan Arab Jamahiriya were accorded observer status.

- 1.5 The First Review Conference, in decision RC-1/DEC.2, dated 28 April 2003, **approved** the participation of five international organisations and bodies in its Session.
- 1.6 The First Review Conference, in decision RC-1/DEC.3, dated 28 April 2003, approved the participation of 22 non-governmental organisations and six industry associations in its Session.

2. AGENDA ITEM TWO – Adoption of the agenda

The First Review Conference **adopted** the following agenda:

AGENDA ITEM ONE – Opening of the First Review Conference

AGENDA ITEM TWO - Adoption of the agenda

AGENDA ITEM THREE – Organisation of work and establishment of subsidiary bodies

AGENDA ITEM FOUR – Statement by the Director-General

AGENDA ITEM FIVE – Report of the Chairman of the Executive Council on the preparations for the First Review Conference

AGENDA ITEM SIX – General debate

AGENDA ITEM SEVEN – Review of the operation of the Chemical Weapons Convention as provided for in paragraph 22 of Article VIII, taking into account any relevant scientific and technological developments, and as required by paragraph 26 of Part IX of the Verification Annex to the Chemical Weapons Convention:

- (a) The role of the Chemical Weapons Convention in enhancing international peace and security
- (b) Measures to ensure the universality of the Chemical Weapons Convention
- (c) Implementation of the provisions of the Chemical Weapons Convention relating to:
 - (i) General obligations and declarations related thereto
 - (ii) General provisions on verification
 - (iii) Chemical weapons and chemical weapons production facilities
 - (iv) Activities not prohibited under the Convention
 - (v) National implementation measures
 - (vi) Consultation, cooperation, and fact-finding
 - (vii) Assistance and protection against chemical weapons
 - (viii) Economic and technological development
 - (ix) Final clauses: Articles XII to XXIV
 - (x) The protection of confidential information

(d) The functioning of the Organisation for the Prohibition of Chemical Weapons

AGENDA ITEM EIGHT – Reports of subsidiary bodies

AGENDA ITEM NINE – Any other business

AGENDA ITEM TEN – Adoption of the final documents of the First Review Conference

AGENDA ITEM ELEVEN - Closure

3. AGENDA ITEM THREE – Organisation of work and establishment of subsidiary bodies

- 3.1 The First Review Conference **adopted** the recommendations of the General Committee reported to it in accordance with Rule 43 of the Rules of Procedure of the Conference.
- 3.2 The First Review Conference **adopted** the recommendation of the General Committee that it be closed on 9 May 2003.
- 4. AGENDA ITEM FOUR Statement by the Director-General

The First Review Conference **noted** the opening statement by the Director-General (RC-1/DG.3, dated 28 April 2003).

5. AGENDA ITEM FIVE – Report of the Chairman of the Executive Council on the preparations for the First Review Conference

The Chairman of the Executive Council (hereinafter "the Council"), Ambassador Lionel Fernando of Sri Lanka, reported to the First Review Conference on the work of the Council in preparation for the First Review Conference. At his request, the Chairman of the open-ended working group on preparations for the First Review Conference, Ambassador Alberto Davérède of Argentina, reported to the First Review Conference on the results of the informal discussions he had held after the Thirty-Second Session of the Council prior to the First Review Conference, and submitted to the First Review Conference the consolidated Chairman's text for agenda item seven of the Provisional Agenda of the First Review Conference (RC-1/CRP.1, dated 17 April 2003), and the Chairman's text of the draft political declaration of the First Review Conference (RC-1/CRP.2, dated 25 April 2003).

6. AGENDA ITEM SIX – General debate

The following delegations made statements during the general debate: the Netherlands, the Russian Federation, the United States of America, Australia, Switzerland, Nigeria (on behalf of the African Group), the UN, the Islamic Republic of Iran (exercising the right of reply), Greece (on behalf of the European Union and acceding and associated countries, and of the European Free Trade Association countries Iceland and Norway), Canada, Norway, China, Slovakia, the Republic of Korea, Algeria, Singapore, Ecuador, Nepal, South Africa, Bangladesh, New Zealand,

Ukraine, Saudi Arabia, the Philippines, Turkey, Cuba, Morocco, Brazil, Kuwait, Indonesia, France, the United Kingdom of Great Britain and Northern Ireland, Poland, Japan, Romania, India, Mexico, Bosnia and Herzegovina, Argentina, Gabon, the Czech Republic, The former Yugoslav Republic of Macedonia, the Islamic Republic of Iran, Pakistan, Qatar, the United Arab Emirates, Jamaica, the Sudan, Malaysia (on behalf of the Non-Aligned Movement and China), Thailand, Mongolia, Croatia, Ghana, and Panama.

7. AGENDA ITEM SEVEN – Review of the operation of the Chemical Weapons Convention as provided for in paragraph 22 of Article VIII, taking into account any relevant scientific and technological developments, and as required by paragraph 26 of Part IX of the Verification Annex to the Chemical Weapons Convention

Agenda item 7(a): The role of the Chemical Weapons Convention in enhancing international peace and security

- 7.1 The First Review Conference **emphasised** that the Chemical Weapons Convention (hereinafter "the Convention") is the first global and verifiable ban on a whole category of weapons of mass destruction. The complete and effective prohibition of the development, production, acquisition, stockpiling, retention, transfer, and use of chemical weapons, and their destruction are an essential safeguard against the future use of chemical weapons.
- 7.2 The First Review Conference **noted with satisfaction** that the Convention has been identified as one of the core treaties reflecting the fundamental purposes of the UN. It is an essential instrument for international peace and security. It is non-discriminatory in nature, and has set new standards for global disarmament under strict and effective international control, non-proliferation, assistance and protection against chemical weapons, and international cooperation in the chemical field for purposes not prohibited by the Convention.
- 7.3 The First Review Conference **recognised**, **furthermore**, the essential contribution that the Convention has made to confidence-building and cooperation among the States Parties, to international peace and security, and to the national security of the States Parties.
- 7.4 The First Review Conference **stressed** the important contribution of the Organisation for the Prohibition of Chemical Weapons (OPCW) to the global prohibition and elimination of chemical weapons.
- 7.5 The First Review Conference **reaffirmed the commitment** of all States Parties to comply with the Convention and to fully and effectively, and in a non-discriminatory manner, implement all its provisions. The Conference must continue to ensure that all States Parties comply fully with the obligations they have assumed under the Convention, as foreseen by the Convention. The Council, in keeping with its powers and functions, shall continue to promote compliance with the Convention.

- 7.6 The First Review Conference **reiterated** the importance of the obligation of the States Parties to declare their chemical weapons. The First Review Conference **reiterated**, **furthermore**, the importance of subjecting chemical weapons stockpiles to international verification by the OPCW, and of completing their destruction in accordance with the provisions of the Convention, including its time limits. The same applies to the destruction or conversion of chemical weapons production facilities. The First Review Conference **welcomed** the efforts made by the States Parties in respect to the timely destruction of their chemical weapons capabilities, as well as the efforts of the Technical Secretariat (hereinafter "the Secretariat") to further enhance the efficiency and cost-effectiveness of the verification measures applied to the chemical weapons stockpiles and chemical weapons production facilities and their elimination and conversion. The First Review Conference **encouraged** States Parties to provide assistance to others, upon request, in the destruction of chemical weapons.
- 7.7 The First Review Conference **noted with satisfaction** that the OPCW has established an effective verification system with a view to achieving the non-proliferation and confidence-building aims of the Convention. The further development of this regime should take account of relevant developments in science and technology, in accordance with the provisions of the Convention.
- 7.8 The First Review Conference, furthermore, **recognised** that the implementation of the Convention's provisions on assistance and protection against chemical weapons makes a significant contribution to countering the threats still associated with the possible use of chemical weapons. These measures to provide assistance should be implemented in cooperation with the State Party requesting assistance, and with other States Parties and relevant regional and international organisations.
- 7.9 The First Review Conference **reaffirmed** the importance that the Convention attaches to the fostering of international cooperation in the field of the peaceful chemical activities of the States Parties, and the objective of implementing the Convention in a manner that avoids hampering their economic and technological development and international cooperation in the field of chemical activities for purposes not prohibited by the Convention. The First Review Conference **reaffirmed** the right of the States Parties, subject to the provisions of the Convention and without prejudice to the principles and applicable rules of international law, to use chemicals for purposes not prohibited by the Convention, and their determination to undertake to facilitate the fullest possible exchange of chemicals, equipment, and scientific and technical information relating to the development and application of chemistry for purposes not prohibited by the Convention.
- 7.10 The First Review Conference **noted with concern** that, along with the continued threat of possible use of chemical weapons by States, the international community faces a growing danger of the use of chemical weapons by terrorists. The First Review Conference **took cognisance** of the request of the UN Security Council that international organisations evaluate ways in which they can enhance the effectiveness of their action against terrorism, in particular those organisations whose activities relate to the control of the use of or of access to chemical and other deadly materials. The First Review Conference **reaffirmed** in this context the decision of the Council

SCR/RES/1456

on the OPCW's contribution to the global struggle against terrorism, and **noted** that work was progressing in the Council's working group on terrorism.

Agenda item 7(b): Measures to ensure the universality of the Chemical Weapons Convention

- 7.11 The First Review Conference **stressed** the importance of universal adherence by all States to the Convention, and of full compliance by all States Parties with all the provisions and requirements of the Convention. The First Review Conference was **convinced** that universality and full compliance by all States Parties with all the provisions of the Convention are necessary to the achievement of the global ban on chemical weapons. Universal adherence to, and full implementation of, the Convention will contribute to the global anti-terrorist effort and strengthen the security of all states.
- 7.12 The First Review Conference **recognised** that the Convention has made considerable progress towards universality since its entry into force, with the number of States Parties now at 151. The First Review Conference **noted with concern**, however, that there remain a total of 43 States not Party to the Convention, including 25 signatory states and 18 non-signatory states. The First Review Conference **recalled**, **in particular**, that among the States not Party are some whose non-adherence to the Convention is a cause for serious concern. The First Review Conference **recalled** that it has reviewed progress towards universality at its past annual sessions, and repeatedly adopted decisions urging all states that have neither ratified nor acceded to the Convention to do so without delay.
- 7.13 The First Review Conference **acknowledged** the efforts made by the OPCW to promote universality, in the form, *inter alia*, of regional seminars, implementation workshops, and bilateral visits and discussions arranged by the Secretariat, with the cooperation and support of States Parties. The First Review Conference recognised that the efforts to achieve universality must coincide with the achievement of full implementation by all States Parties of their obligations under the Convention. The First Review Conference **noted with particular concern** information indicating that a large number of States Parties had not fulfilled, either in whole or in part, basic obligations associated with national implementation measures.
- 7.14 The First Review Conference was **convinced** that progress achieved towards universality is a reflection of the credibility and validity of, and of the global support for, the principles upon which the Convention is based.
- 7.15 The First Review Conference **underlined** that there are important political, economic, and security benefits of becoming a State Party to the Convention. The First Review Conference **recognised** the positive effect of international cooperation among the States Parties on universality. Furthermore, their desire for increased security and their determination to participate fully in the global community were incentives for them to adhere to the Convention. The First Review Conference **also recalled** that States that remain outside the Convention would not be able to take advantage of the benefits that the Convention offers the States Parties.

- 7.16 The First Review Conference **urged** all States that have neither ratified nor acceded to the Convention to do so without delay. The First Review Conference **called upon** the States Parties and the Director-General to continue to encourage all States not Party, and in particular those whose absence has given rise to particular concern, to ratify or accede to the Convention without delay. The First Review Conference **encouraged** States Parties to promote the achievement of the common objectives of the Convention in order to encourage other countries to join the Convention.
- 7.17 The First Review Conference **considered** that future universality efforts should be supported by the expansion of bilateral, regional, and appropriate measures on the part of States Parties and the Secretariat. These efforts should take into account factors for non-accession, in a manner that does not encourage delay.
- 7.18 The First Review Conference **recommended** that the Council, with the cooperation of the Secretariat, develop and implement a plan of action to further encourage, in a systematic and coordinated manner, adherence to the Convention and to assist States ready to join the Convention in their national preparations to implement it.
- 7.19 The First Review Conference **also noted** that more than one-fifth of States Parties had lost their voting privileges in the OPCW due to arrears in payment of their financial contributions. The First Review Conference **urged** States Parties and the Secretariat to consider all diplomatic measures to facilitate greater implementation and participation by all States Parties.
 - Agenda item 7(c)(i): General obligations and declarations related thereto
- 7.20 The First Review Conference **reaffirmed** the commitment of the States Parties to meet the obligations they have undertaken under Article I of the Convention.
- 7.21 The First Review Conference **reaffirmed** the continued relevance of the definitions contained in Article II of the Convention, which ensure the comprehensive nature of the prohibition of chemical weapons under the Convention.
- 7.22 The First Review Conference **emphasised** the importance of all States Parties ensuring that in implementing the Convention, all actions taken are consistent with all the provisions of the Convention.
- 7.23 The First Review Conference **considered** the impact of developments in science and technology on the Convention's prohibitions. The definitions contained in Article II, in particular of the terms "chemical weapons" and "chemical weapons production facility", were found to adequately cover these developments and to provide for the application of the Convention's prohibitions to any toxic chemical, except where such a chemical is intended for purposes not prohibited by the Convention, and as long as the types and quantities involved are consistent with such purposes. The First Review Conference **noted**, however, that science is rapidly advancing. New chemicals may have to be assessed in relation to their relevance to the Schedules of Chemicals of the Convention. The First Review Conference **requested** the Council to consider the developments in relation to additional chemicals that may be relevant to the Convention, and assess, *inter alia*, whether these compounds should be considered in the context of the Schedules of Chemicals.

- 7.24 The First Review Conference **stressed** the importance of the timely, complete, and accurate submission of the declarations required of each State Party under Article III. The First Review Conference **noted with satisfaction** that, by the end of 2002, all but two States Parties had submitted their declarations under Article III. The First Review Conference **called upon** the remaining States Parties that had yet to submit their Article III declarations to do so without any further delay, and **called upon** those states that had become States Parties in the meantime to submit their declarations under Article III when they are due. The First Review Conference **encouraged** the Secretariat to monitor progress in this respect, to offer assistance, including to states preparing to join the Convention in the future, and to keep the Council informed about the situation. The First Review Conference **also encouraged** States Parties that are able to do so, to provide assistance to other States Parties, if requested, in the preparation and submission of declarations and amendments and to inform the OPCW about such assistance.
- 7.25 The First Review Conference, **noting** the obligation of the States Parties to declare any former chemical weapons development facility (Article III, subparagraph 1(d)), and **further noting** that the infrastructure and personnel of these facilities may remain in place for activities not prohibited under the Convention, and that the Convention does not provide for routine verification of these facilities, **called upon** the Council to reach agreement on the declaration criteria for former chemical weapons development facilities (facilities designed, constructed, or used since 1 January 1946 primarily for the development of chemical weapons), with a view towards promoting confidence among States Parties.

Agenda item 7(c)(ii): General provisions on verification

Overview

- 7.26 The verification system is one of the most important provisions of the Convention. It provides for the monitoring of the elimination of chemical weapons and chemical weapons production facilities, contributes to achieving the non-proliferation objectives of the Convention, and provides assurances of compliance by the States Parties with the provisions of the Convention.
- 7.27 The First Review Conference **noted with satisfaction** that the OPCW has established a verification system that meets the requirements of the Convention. The OPCW has at its disposal a well-trained inspectorate, approved equipment and other technical capabilities, procedures to plan and conduct on-site inspections as required under the Convention, and a network of designated laboratories for off-site chemical analysis. There is, however, room for increased efficiency. The First Review Conference **also noted** that a number of procedures and guidelines that the Convention requires remain to be finalised and adopted. The Council has already included these in its work programme, and should resolve them as soon as possible.
- 7.28 The Secretariat and the States Parties have acquired considerable experience in the conduct of routine inspections, which they should bring to bear when identifying ways to further optimise the system, increase efficiency, and improve the conduct of inspections.

- 7.29 The First Review Conference **noted** that no challenge inspections or investigations of alleged use had been requested of the OPCW since the entry into force of the Convention.
- 7.30 The First Review Conference **noted** the Note by the Director-General conveying to the States Parties the observations of the Scientific Advisory Board (SAB) in relation to developments in science and technology that are relevant to the review of the operation of the Convention (RC-1/DG.2, dated 23 April 2003), together with his recommendations on these observations and findings. The First Review Conference **requested** the Council, assisted by the Secretariat and members of the SAB, as appropriate, to study these recommendations and observations with a view to preparing recommendations to the Conference on them.

Declarations

- 7.31 The timely and accurate submission of declarations is an important condition for the functioning of the verification system of the Convention. The First Review Conference **noted** the efforts made by the States Parties in collecting declaration data and submitting them to the OPCW. The First Review Conference **took cognisance** of improvements in the degree of standardisation of declaration data since the entry into force of the Convention, but **stressed** that there is a need for further improvement.
- 7.32 The First Review Conference **noted** the efforts made by the Secretariat to implement an effective system for receiving, handling, analysing, and protecting declarations, and for submitting declaration data to States Parties in accordance with the provisions of the Convention. In this context, the First Review Conference **emphasised** that the Secretariat and the States Parties concerned should make expeditious efforts to clarify any ambiguities and discrepancies in declarations submitted.
- 7.33 The First Review Conference **noted** the efforts of the Secretariat, consistent with its responsibilities under the Convention, to cooperate with the States Parties in ensuring that declarations submitted in accordance with the Convention were full and accurate, *inter alia* by clarifying ambiguities and discrepancies and by providing technical assistance and technical evaluation to States Parties in the implementation of the provisions of the Convention. The First Review Conference **encouraged** the Secretariat to continue these efforts, in close consultation with the States Parties and their National Authorities.
- 7.34 The First Review Conference **noted** the information provided by the Secretariat on the possibility of submitting declarations in electronic form. The First Review Conference noted the need to evaluate whether such a system could bring advantages to the Secretariat as well as to the States Parties. The First Review Conference **welcomed** the efforts made by some States Parties and by the Secretariat to develop software that could be used for the preparation, submission, and receipt of industry declaration data in electronic form. The First Review Conference **requested** the Director-General to further explore this possibility and to report to the Council, and recommended that an expert meeting open to all States Parties be convened to study all aspects of the proposed submission of declarations in electronic form. The First Review Conference **reiterated** the need to ensure that confidential digital data is

effectively protected at all times, in accordance with the requirements of the Convention.

<u>Inspections</u>

- 7.35 The implementation by all States Parties of the standing arrangements required by the Convention is important to the proper conduct of inspections. These arrangements include, *inter alia*, the designation of points of entry; the issuance to OPCW inspection team members of multiple entry/exit and/or transit visas valid for at least two years, and other such documents to enable them to enter and to remain on the territory of the State Party for the purpose of carrying out inspection activities; the according of privileges and immunities to inspection-team members as required by the Convention; the timely issuance of diplomatic clearance numbers for non-scheduled aircraft used by the Secretariat for inspection purposes; arrangements for the amenities needed by the inspection teams; the provision of access to inspected facilities as required by the Convention, and other arrangements necessary to the transportation, storage, and use of approved equipment by inspection teams. The First Review Conference **urged** all States Parties to implement these measures as required by the Convention.
- 7.36 The First Review Conference **noted** that a large part of the OPCW's verification resources have in the past been spent on the verification of chemical weapons destruction operations. The planned increase in chemical weapons destruction in coming years and any resource constraints will require a thorough review of the current verification methodology used for chemical weapons destruction verification, as part of the effort to optimise the verification regime of the Convention.
- 7.37 The First Review Conference **requested** the Council, assisted by the Secretariat, to intensify its study of how to further optimise the OPCW verification system, aiming at recommendations that should, if possible, take effect beginning in 2004. Such a study should take into account the findings of the SAB. The study should identify essential inspection tasks; assess how the different aspects of the inspection cycle, from planning to reporting, can be made more efficient; identify means that would further increase verification efficiency; and consider how best to meet the Convention's requirement in relation to sampling and analysis for verification purposes.

Reporting of verification results

7.38 The First Review Conference **agreed** that the reporting by the Secretariat to the Council and to the States Parties on verification results is an important matter, enabling States Parties to be assured of continued compliance with the Convention by other States Parties. This reporting includes the submission by the Secretariat to the States Parties of certain information to be provided in annual declarations, as well as general information that the Secretariat provides about the results of its verification activities, in accordance with the provisions of the Annex on the Protection of Confidential Information (hereinafter "the Confidentiality Annex").

Conclusions

- 7.39 The First Review Conference, in concluding its review of the general aspects of verification:
 - (a) **called upon** States Parties that have not yet done so to complete the national preparations required by the Convention for the receipt of inspections by the OPCW, and to afford full cooperation to OPCW inspection teams, in accordance with the provisions of the Convention;
 - (b) **called upon** all States Parties to submit declarations in a complete, accurate, and timely manner, and to amend them promptly as required;
 - (c) **encouraged** States Parties to avail themselves of their right to receive and examine declaration data from other States Parties, and to inform themselves about the results of the OPCW's verification activities, in accordance with the provisions of the Convention;
 - (d) **recalled** its previous decisions on the declaration of aggregate national data, called upon all States Parties to take the measures necessary to implement these decisions, and called upon the Council to review the progress of implementation, supported by reports by the Secretariat;
 - (e) **called upon** the States Parties to work with the Secretariat to clarify any ambiguities contained in their declarations;
 - (f) **encouraged** the Secretariat to more effectively apply information technology in the implementation of the verification regime, and **encouraged** the Secretariat and States Parties to continue cooperating toward the early implementation of a system that, while seeing to it that confidentiality is protected, would allow them, if they so decided, to submit their industry declarations, and to receive the information they are entitled under the Convention to receive from the Secretariat on a routine basis, in electronic form (for example on a CD-ROM);
 - (g) **encouraged** the Council and the Secretariat to work together to further improve the submission of information on verification results to the States Parties, *inter alia* by further improving the form and content of the Verification Implementation Report, consistent with the provisions of the Confidentiality Annex;
 - (h) **stressed** how important it is for the Secretariat to inform and consult with the Council, in coordination with the States Parties concerned, regarding any adaptation related to the practical implementation of verification measures previously approved by the Council;
 - (i) **called upon** the Secretariat to continue its efforts to optimise verification measures, and requested the Council to intensify its study of the issue of verification resource optimisation, aiming at recommendations that should, if possible, be phased in beginning in 2004; and

(j) **requested** the Council to resolve urgently the development of recommendations on the still-unresolved issues pertaining to the Convention's verification regime that the Convention requires it to adopt, and to submit draft decisions to the Conference as early as possible.

Agenda item 7(c)(iii): Chemical weapons and chemical weapons production facilities

- 7.40 The States Parties **reaffirmed** the obligation to destroy chemical weapons and to destroy or convert chemical weapons production facilities within the time limits provided for by the Convention. The possessor States Parties are fully committed to meeting their destruction obligations and the verification costs as required by the Convention. There has been progress in chemical weapons disarmament. However, there have been difficulties in the destruction of chemical weapons stockpiles, and the Conference has taken action on delays in some States Parties and granted extensions of destruction time limits, as provided for by the Convention.
- 7.41 The First Review Conference, whilst **reaffirming** that the destruction of chemical weapons is the responsibility of the possessor States Parties, **called upon** States Parties that are in a position to do so, to provide assistance to support the efforts of possessor States Parties that request such assistance in implementing their programmes of chemical weapons destruction.
- 7.42 The First Review Conference **stressed** how important it is that possessor States Parties implement appropriate measures to secure their storage facilities, and to prevent any movement of their chemical weapons out of the facilities, except their removal for destruction or, in accordance with the provisions of the Convention, the removal of Schedule 1 chemicals for use for research, medical, pharmaceutical, or protective purposes. The OPCW can serve as a forum for consultation and cooperation between the States Parties in this respect.
- 7.43 The First Review Conference **requested** the Council to continue exercising its important role in monitoring progress in the chemical weapons destruction activities. The First Review Conference **urged** possessor States Parties to provide realistic and required annual chemical weapons destruction plans, and to update these plans as may become necessary.
- 7.44 The First Review Conference **noted** that the declarations provided by the States Parties under Article III, which establish a baseline for measuring progress in the elimination of chemical weapons stockpiles, need to be comprehensive and accurate. The First Review Conference **called upon** the States Parties to ensure that their declarations under Article III are updated in a timely manner, if and when new information becomes available. The First Review Conference **called upon** the Secretariat to continue rendering technical assistance to the States Parties on the preparation of chemical weapons declarations, by mutual consent, and to submit proposals to the Council on any measures that may be necessary to maintain the technical competence of the Secretariat in this respect. The First Review Conference **encouraged** States Parties that are capable of doing so to assist other States Parties in the preparation and submission of declarations and amendments.

- 7.45 The First Review Conference **reaffirmed** that all chemical weapons shall be destroyed, under OPCW verification, in accordance with the provisions of Article IV and Part IV(A) of the Verification Annex to the Convention (hereinafter "the Verification Annex").
- 7.46 The First Review Conference stressed the importance of the effective verification of chemical weapons stockpiles as well as of their destruction. The First Review Conference recognised that this verification can be optimised and its efficiency increased. The Council has begun working on this issue, supported by the Secretariat. Reducing the manpower requirements for the verification of chemical weapons destruction operations was identified as the issue that could have the greatest impact on optimising verification resource use. Within the context of the discussions under agenda item 7(c)(ii), the First Review Conference **recommended** that the Secretariat continue working with the Council, with the appropriate involvement of the States Parties possessing chemical weapons stockpiles and destroying them, towards mutually agreeable solutions for optimising chemical weapons verification, whilst maintaining the effectiveness of verification activities. The First Review Conference requested the Council to oversee this work, and to submit to the Conference proposals for recommendations and decisions, with a view toward their implementation starting in 2004.
- 7.47 The First Review Conference **noted** that the Convention provides for States Parties to implement verification activities under bilateral or multilateral agreements, provided that such agreements are, *inter alia*, consistent with the verification provisions of the Convention (paragraphs 13 and 16, respectively, of Articles IV and V). The First Review Conference **noted** that States Parties, under the purview of the Council, can further examine possibilities for concluding bilateral or multilateral agreements in this regard.
- 7.48 The First Review Conference recalled the Conference's previous decisions on the mechanism for payment of verification costs by the inspected States Parties under Articles IV and V. The First Review Conference **noted** the efforts made by the States Parties concerned and by the Secretariat to effectively implement this mechanism. The First Review Conference **called upon** the Secretariat to ensure that invoices for relevant verification expenses under Articles IV and V are submitted to the possessor States Parties in a timely manner. The First Review Conference **called upon** the States Parties to pay Article IV and V verification costs in a timely manner, and **called upon** the Secretariat and the Council to monitor the efficacy of the steps taken to address problems related to the Article IV and V payment mechanism, and to implement any further measures to be agreed upon.
- 7.49 The First Review Conference **reaffirmed** the obligation to destroy or otherwise dispose of old chemical weapons, in accordance with the Convention, and **noted** the progress made in this regard.
- 7.50 The States Parties, furthermore, **attached importance** to the destruction of abandoned chemical weapons and to the cooperation that has developed between the Territorial and Abandoning States Parties. Such cooperation would also be necessary in regard to any abandoned chemical weapons discovered in the future.

- 7.51 The First Review Conference reviewed progress in relation to the destruction of chemical weapons production facilities, and **noted with satisfaction** that the elimination of CW production capabilities has progressed as required by Part V of the Verification Annex. The conversion of former chemical weapons production facilities for purposes not prohibited is permitted by the Convention, in exceptional cases of compelling need.
- 7.52 The First Review Conference reviewed the progress made in the field of conversion of former CW production facilities for purposes not prohibited by the Convention. The First Review Conference **confirmed** the States Parties' commitment to complete conversion as early as possible and to keep the Secretariat and the Council informed about the progress being made. The First Review Conference **noted** the intention of the Secretariat to inspect, soon after 29 April 2003, all chemical weapons production facilities that are subject to conversion for purposes not prohibited by the Convention, but that have not yet been certified as completely converted, and to report to the Council about the conversion status of each of these facilities.
- The First Review Conference recalled that, after conversion of former chemical 7.53 weapons production facilities for purposes not prohibited has been completed, these facilities remain liable to on-site inspection in accordance with paragraph 85 of Part V of the Verification Annex for a period of 10 years after the certification by the Director-General of their conversion. The First Review Conference also noted that, in accordance with the provisions of the Convention, these converted facilities shall be no more capable of being reconverted into a chemical weapons production facility than any other facility used for industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes not involving chemicals listed in Schedule 1 of the Annex on Chemicals. The First Review Conference recalled that the States Parties that have converted facilities are required to report annually on the activities at these facilities. Upon completion of the 10-year period following the completion of conversion, the Council shall decide on the nature of continued verification activities. The First Review Conference **reaffirmed** that future planning of verification measures needs to take account of these requirements for the verification of converted chemical weapons production facilities, and requested the Secretariat to submit a concept for these verification measures to the Council for consideration and to enable the Council to submit proposals for recommendations or decisions that may be needed to the Conference.
- 7.54 The First Review Conference **recalled** the need to adopt decisions on a number of unresolved issues related to chemical weapons, old chemical weapons produced after 1925, abandoned chemical weapons, and chemical weapons production facilities. It **noted** that the Council has included several urgent and long-standing issues in its work programme, and **requested** the Council to continue working towards an early resolution of these issues.

Agenda item 7(c)(iv): Activities not prohibited under the Chemical Weapons Convention

Overview

- 7.55 The First Review Conference **reaffirmed** the right of the States Parties, subject to the provisions of the Convention, to develop, produce, otherwise acquire, retain, transfer, and use toxic chemicals and their precursors for purposes not prohibited under the Convention. The First Review Conference **affirmed** that the OPCW continues to provide a forum for discussing matters related to the observance of these rights among States Parties.
- 7.56 The First Review Conference **reaffirmed** that the provisions of the Convention related to activities not prohibited under it shall be implemented in a manner that avoids hampering the economic and technological development of the States Parties and international cooperation in the field of chemical activities not prohibited by the Convention, including the international exchange of information and chemicals and equipment for the production, processing or use of chemicals for purposes not prohibited by the Convention.
- 7.57 The First Review Conference **reaffirmed** the obligation of the States Parties to adopt the necessary measures to ensure that toxic chemicals and their precursors are developed, produced, otherwise acquired, retained, transferred, or used within their territories or in any other places under their jurisdiction or control, only for purposes not prohibited by the Convention.
- 7.58 The First Review Conference **noted** that progress has been made since the entry into force of the Convention in relation to the implementation of an effective verification regime in accordance with Article VI of the Convention. Major achievements in this connection include the submission of initial and annual declarations, and the conduct of on-site inspections by the Secretariat to verify that activities at declared chemical facilities were consistent with the obligations undertaken under the Convention, and consistent with the information to be provided in declarations.
- 7.59 The First Review Conference **reaffirmed** the importance of national implementation as an essential element of the implementation of the verification and other provisions of Article VI and Parts VI through IX of the Verification Annex. It addressed this issue in detail under agenda item 7(c)(v). The First Review Conference **encouraged** States Parties to share their experiences about the most effective ways to implement the Convention, and to cooperate in the resolution of issues they may encounter in the implementation of these provisions. The First Review Conference **encouraged** the Secretariat to continue providing technical assistance to States Parties, by mutual consent, in relation to the identification of declarable facilities, the submission of declarations under Article VI, the receipt of OPCW inspections and other technical questions that may arise in the implementation of the provisions related to activities not prohibited under the Convention.

Declarations

- 7.60 In relation to initial declarations, the First Review Conference **recalled** the serious concern it had, for several years after the entry into force of the Convention, about the level of implementation by all States Parties of this important provision, in particular in relation to the timeliness of submissions. The First Review Conference **emphasised** the importance of the timely submission of accurate and complete initial declarations by all States Parties, including by States joining the treaty in the future.
- 7.61 The First Review Conference **noted** that significant progress had been made since the entry into force of the Convention in relation to agreeing on common guidelines and criteria for the submission of declarations under Article VI. However, some important issues remain unresolved. The First Review Conference **urged** the Council to continue, with the support of the Secretariat, to work towards the early resolution of the unresolved Article VI declaration issues.
- 7.62 The First Review Conference **stressed** how important it is that all States Parties with facilities declarable under Article VI submit annual declarations in an accurate, complete, and timely manner. The same applies to the other declarations required under Article VI (aggregate national data, and notifications and declarations of transfers of Schedule 1 chemicals).
- 7.63 Furthermore, and **recalling** the decision taken by the Conference at its First Session on changes to annual declarations (C-I/DEC.38, dated 16 May 1997), the First Review Conference **urged** States Parties to implement, on a voluntary basis, the recommendation contained in paragraph 5 of the Annex to this decision to inform the Secretariat of cases when plants or plant sites that have been declared to undertake activities in relation to Schedule 2 or Schedule 3 chemicals cease to do so, and **requested** the Council to consider whether to require such submissions from States Parties

Developments in science and technology

- 7.64 The First Review Conference **considered** scientific and technological developments in regard to activities not prohibited under the Convention, and **recognised** that the chemical industry is subject to change over time. The OPCW should therefore adapt its verification regime for the chemical industry so as to maintain its effectiveness and relevance, and its consistency with the inspection procedures established by the Convention.
- 7.65 The First Review Conference **noted** the Note of the Director-General submitting the Report of the Scientific Advisory Board to the First Review Conference (RC-1/DG.2, dated 23 April 2003), and **recalled** in this context its recommendation contained in paragraph 7.30 above.

Schedule 1 chemicals and facilities

7.66 In relation to the conduct of inspections at Schedule 1 facilities, the First Review Conference **noted** that all these facilities have been subjected to systematic inspections as required by the Convention. The First Review Conference **recalled**

information submitted by the Secretariat indicating that only a small number of these facilities were at this moment involved with the production or storage of significant amounts of Schedule 1 chemicals. The provisions of the Convention on the number, intensity, duration, timing, and mode of inspections at Schedule 1 facilities are based on the quantities of Schedule 1 chemicals produced, the characteristics of the facilities, and the nature of the activities carried out there (paragraphs 23 and 30 of Part VI of the Verification Annex). Guidelines on this matter, however, have yet to be considered and approved by the Conference. The First Review Conference **noted** that these guidelines would assist in the future optimisation of the use of resources set aside for verification under Part VI of the Verification Annex, and **requested** the Council, assisted by the Secretariat, to prepare these guidelines for consideration and adoption as early as possible.

7.67 The First Review Conference also **addressed** transfers of Schedule 1 chemicals. In this context, it received a proposal to introduce a *de minimis* rule for the notification of transfers of Schedule 1 chemicals, and **requested** the Council to study this issue and, if agreed, to prepare a proposal for consideration by the Conference at one of its forthcoming annual sessions.

The verification regime in the chemical industry and the re-examination of Part IX of the Verification Annex

- 7.68 In relation to inspections of Schedule 2 facilities, the First Review Conference **noted** that almost all initial inspections had already been conducted, and that re-inspection had begun. Inspections of Schedule 3 facilities had been conducted at 100 facilities as at 31 December 2002 (23% of the inspectable facilities). Inspections of other chemical production facilities producing discrete organic chemicals, including PSF chemicals, commenced in 2000 as provided for by the Convention. Ninety-seven other chemical production facility inspections had been completed by 31 December 2002.
- 7.69 In accordance with the provisions of the Convention, inspections of other chemical production facilities commenced only in May 2000. The inspections conducted have indicated the usefulness of OCPF inspections and their value for increasing confidence in the chemical activities of the States Parties. At the same time, the current selection algorithm does not use all the weighting factors provided for by the Convention and must be further improved. The First Review Conference also received the recommendations of the Director-General on the observations made by the SAB on the nature of other chemical production facilities (RC-1/DG.2, dated 23 April 2003). The First Review Conference agreed that there was a need to:
 - (a) fully implement all parts of the selection mechanism provided for in paragraph 11 of Part IX of the Verification Annex;
 - (b) reach early agreement on what basis (e.g., regional) proposals by States Parties for inspection should be presented to be taken into account as a weighting factor in the selection process specified in paragraph 11 of Part IX of the Verification Annex;

- (c) take account of the other chemical production facilities declared by the States Parties, of their technical characteristics and activities, and of trends in science and technology that impact on these parameters, to increase the number of other chemical production facility inspections to the extent found appropriate as the budget process unfolds in ensuing years; and
- (d) review the conduct of other chemical production facility inspections to ensure that they are conducted in a way that efficiently fulfils the inspection aims set out by the Convention.

The First Review Conference **requested** the Council to continue working on these issues, together with the Secretariat, and to prepare recommendations for the Conference's consideration at an early date.

- 7.70 In relation to the verification regime for the chemical industry as a whole, the First Review Conference **confirmed** the validity of the overall balance provided for in the Convention. The States Parties also **affirmed** the need to ensure the adequate frequency and intensity of inspections for each category of declared facilities under Article VI, taking into account, as relevant, all factors envisaged in the Convention, including risk to the object and purpose of the Convention, activities, characteristics, and equitable geographical distribution.
- 7.71 The First Review Conference **concluded** that the allocation of resources to the verification regime for the chemical industry needs to be further optimised, taking due account of the nature of the declared facilities, the inspection experience gathered, developments in science and technology, and the principles set out in Article VI. To this end, the First Review Conference **encouraged** the Council, assisted by the Secretariat, to work toward:
 - (a) resolving outstanding chemical industry cluster issues and submitting recommendations to the Conference at an early date;
 - (b) improving the submission and handling of industry declarations (including, *inter alia*, common criteria and standards, simplified declaration forms, and the submission of declaration data in electronic form);
 - (c) refining inspection conduct to improve consistency, efficiency and effectiveness (including, *inter alia*, a common approach to verifying the absence of Schedule 1 chemicals at inspected plant sites, the simplification of the format used to record preliminary findings, and sampling and analysis procedures);
 - (d) providing guidance to the Secretariat in respect to reporting on verification results in the chemical industry in order to increase the utility of the information provided to the States Parties; and
 - (e) studying the need for a recommendation about the future treatment of salts of Schedule 1 chemicals that are not explicitly mentioned in Schedule 1.

<u>Transfer regulations</u>

- 7.72 In relation to transfers of scheduled chemicals to or from States not Party, the First Review Conference **recalled** the prohibitions on any such transfers of Schedule 1 chemicals and, since 29 April 2000, of Schedule 2 chemicals. The First Review Conference **urged** all States Parties to fully and effectively implement these prohibitions, including by enacting the necessary legislation, and to share experiences about the implementation of these provisions. The First Review Conference **noted** the impact that the full and effective implementation of these provisions can have on universality.
- 7.73 The question of whether there is a need for other measures in relation to transfers of Schedule 3 chemicals to States not Party remains under consideration in the Council. The First Review Conference **reviewed** this issue in the wider context of implementing effective transfer controls vis-à-vis States not Party. It **concluded** that all States Parties should take the necessary measures to ensure the full implementation of the Convention's requirement for end-use certification by recipient States not Party. This would be important for the consideration of potential non-proliferation benefits, the impact on universality, and the economic consequences of any other measures in relation to transfers of Schedule 3 chemicals. The First Review Conference **requested** the Council to continue working towards an early resolution of these issues, and to submit a recommendation on this matter to the next regular session of the Conference.

Agenda item 7(c)(v): National implementation measures

- 7.74 The First Review Conference **affirmed** that national implementation is one of the essential conditions for the functioning of the Convention and for its full, effective, and non-discriminatory implementation.
- 7.75 National implementation is also important in relation to the ability of the Convention to respond to changes in the security environment or in science and technology that may affect the Convention. It contributes to meeting new challenges, including the possible use of toxic materials by non-state actors such as terrorists.
- 7.76 The First Review Conference **noted** that some progress had been made since the entry into force of the Convention in relation to the establishment or designation of National Authorities. One hundred and fifteen States Parties have now notified the OPCW of the establishment or designation of their National Authority. The First Review Conference **noted with concern**, however, that a large number of States Parties have yet to designate or establish a National Authority, and **agreed** that this situation needed urgent attention.
- 7.77 The adoption, in accordance with each State Party's constitutional process, of implementing legislation including penal legislation is an important State Party responsibility. The First Review Conference **took note** of the current status of national implementation measures. A major concern was the fact that a large number of States Parties had still not notified the OPCW of the legislative and administrative measures they had taken to implement the Convention, as required under paragraph 5 of Article VII. Furthermore, the information provided by the Secretariat indicates that

an even larger number of States Parties have not adopted legislation covering all areas essential to adequate national enforcement of Convention obligations. Some States Parties may thus not be able to enforce the prohibitions required by the Convention, to provide legal cooperation to other States Parties, or to afford the appropriate form of legal assistance to facilitate the implementation of the obligations assumed under paragraph 1 of Article VII.

- 7.78 The First Review Conference **noted** that the Council had taken up the matter of implementing legislation, most recently in the context of its working group on terrorism. The First Review Conference **noted** that, while the threat of the use by terrorists of toxic chemicals has given added importance and urgency to the need to enact implementing legislation, the requirement that the States Parties adopt the necessary legislative and administrative measures to implement the Convention has its origin in the Convention itself.
- 7.79 The First Review Conference **noted** that a valuable aspect of national implementation measures involves ensuring that the chemical industry, the scientific and technological communities, the armed forces of the States Parties, and the public at large are aware of and knowledgeable about the prohibitions and requirements of the Convention.
- 7.80 The First Review Conference **welcomed** the efforts made by States Parties to assist each other in the development and enactment of implementing legislation, and in sharing experiences. The First Review Conference **noted** the value of both bilateral assistance, and networking within and among regions, especially for States Parties with limited resources.
- 7.81 The First Review Conference **also noted** that the Secretariat had developed a programme for implementation support aimed at providing technical assistance and technical evaluation in the implementation of the provisions of the Convention to States Parties, upon request. These include, *inter alia*, the provision of technical assistance and technical evaluation on-site, the training of National Authority personnel, the rendering of legal assistance, projects aimed at national capacity-building in areas relevant to the implementation of the Convention, support for regional networking among National Authorities, the development of tools and documentation to assist National Authorities, and other projects. The First Review Conference **encouraged** States Parties and the Secretariat to consult so as to further enhance the utility and effectiveness of these programmes.
- 7.82 The First Review Conference **further agreed** that the availability of effective support in the area of national implementation measures, rendered either by individual States Parties bilaterally or by the Secretariat, or in joint projects involving States Parties and the Secretariat, can help to promote the universality of the Convention.
- 7.83 The First Review Conference **called upon** States Parties that have not already done so to inform the OPCW by the next regular session of the Conference of the status of their adoption of the legislative and administrative measures necessary for or taken by them to implement the Convention, of any problems they have encountered, and of any assistance they require. **Having considered** the importance of national implementation measures for the proper functioning of the Convention, and **having**

reviewed the activities undertaken by the States Parties as well as the Secretariat, the First Review Conference:

- (a) **called upon** States Parties that still have to designate or establish their National Authorities to do so as a matter of priority, and to notify the Secretariat accordingly;
- (b) **called upon** States Parties that have yet to prepare and enact implementing legislation, including penal legislation, and to adopt the required administrative and enforcement measures, either in whole or in part, to complete their internal preparations as soon as possible;
- (c) **called upon** States Parties to provide the OPCW with the full text of their national implementing legislation, including updates, or, in the case of States Parties with a monist legal system, with information on the specific measures they have taken to implement the Convention;
- (d) **encouraged** States Parties to take measures to raise awareness about the prohibitions and requirements of the Convention, *inter alia* in their armed forces, in industry, and in their scientific and technological communities;
- (e) **encouraged** States Parties to lend advice, upon request, to other States Parties in drafting and adopting national measures necessary to implement the Convention, *inter alia* to ensure that the laws reflect the comprehensive nature of the Convention by covering all activities that are to be prohibited or required in accordance with the Convention, and that involve the use of any toxic chemicals and their precursors; to cover the provision of annual declarations on past and anticipated activities; to ensure the implementation of the provisions related to transfers of scheduled chemicals; and to cover the annual submission of information on national protective programs in accordance with paragraph 4 of Article X;
- (f) **encouraged** the Secretariat to further develop and improve its implementation support programme, including by mobilising States Parties' efforts so as to provide, upon request and within the limits on available resources, technical assistance and technical evaluations to States Parties in the implementation of the provisions of the Convention, including in the areas identified in subparagraph 83(e) above;
- (g) **urged** States Parties that have not yet done so to review their existing regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of the Convention;
- (h) **agreed** to develop, at its next regular session, a plan of action based on a recommendation from the Council regarding the implementation of Article VII obligations, with the objective of fostering the full and effective implementation of the Convention by all States Parties;
- (i) **called upon** the Council, in cooperation with the Secretariat, to closely monitor progress toward achieving effective implementation of Article VII

- obligations by all States Parties, and, at an appropriate time, to make suitable recommendations to the Conference regarding measures to ensure compliance with Article VII; and
- (j) **encouraged** the Secretariat as well as the States Parties to develop partnerships with relevant regional organisations and agencies that could render support to States Parties in their implementation work.

Agenda item 7(c)(vi): Consultation, cooperation, and fact-finding

- 7.84 The First Review Conference **reaffirmed** the commitment of the States Parties to consult and cooperate, directly among themselves or through the OPCW, or by using other appropriate international procedures, including those within the framework of the UN and in accordance with its Charter, on any matter that may be raised relating to the object and purpose, or the implementation of the provisions of the Convention.
- 7.85 The First Review Conference **recalled** that, without prejudice to the right of any State Party to request a challenge inspection, States Parties should, whenever possible, first make every effort to clarify and resolve, through the exchange of information and consultation among themselves, any matter which may cause doubt about compliance with the Convention, or which gives rise to concerns about a related matter which may be considered ambiguous.
- 7.86 The First Review Conference **noted** that bilateral consultations to clarify issues had been used, and that this mechanism was valuable in ensuring compliance with the provisions of the Convention, and in clarifying and resolving concerns. The First Review Conference **encouraged** the States Parties to make full use of this bilateral-consultation mechanism
- 7.87 The First Review Conference **noted** that the Council had received no clarification requests under paragraphs 3 to 7 of Article IX since entry into force. The First Review Conference **reiterated** that the Convention provides for all necessary arrangements to receive and expeditiously deal with any clarification request that a State Party may decide to submit in accordance with the applicable provisions of Article IX.
- 7.88 The First Review Conference **noted** that no challenge inspection had been requested since the entry into force of the Convention. The First Review Conference **reaffirmed** the right of each State Party to request an on-site challenge inspection, as provided for by the Convention, for the sole purpose of clarifying and resolving any questions concerning possible non-compliance with the provisions of the Convention. The First Review Conference **also reaffirmed** the right and obligation of each inspected State Party to make every reasonable effort to demonstrate its compliance, its obligation to provide access within the requested site for the sole purpose of establishing facts relevant to the compliance concern, and its right to take measures to protect sensitive installations and to prevent disclosure of confidential information and data not related to the Convention.
- 7.89 The First Review Conference **recalled** the provisions of the Convention intended to avoid abuse of the challenge inspection mechanism, and **expressed its confidence**

that the States Parties will continue to uphold the value of the challenge inspection mechanism for compliance and compliance assurance, and at the same time keep any challenge inspection request within the scope of the Convention, and refrain from requests that are unfounded or abusive.

- 7.90 The First Review Conference **noted** that a number of issues related to challenge inspections are yet to be resolved. The First Review Conference **requested** the Council to continue its deliberations in order to expeditiously resolve them.
- 7.91 The First Review Conference **took note** of the preparations that the Secretariat had undertaken since entry into force in order to respond swiftly and effectively to any request for a challenge inspection. The First Review Conference **noted** the value, to the States Parties as well as the Secretariat, of challenge inspection exercises, and it **recalled with appreciation** the support provided by States Parties in this respect and **invited** them to continue to offer it in the future. The First Review Conference **requested** the Secretariat to continue maintaining a high standard of readiness to conduct a challenge inspection in accordance with the provisions of the Convention, to keep the Council informed about its readiness, and to report any problems that may arise in relation to maintaining the necessary level of readiness to conduct a challenge inspection.

Agenda item 7(c)(vii): Assistance and protection against chemical weapons

- 7.92 The First Review Conference **reaffirmed** the continuing relevance and importance of the provisions of Article X, and of the activities of the OPCW in relation to assistance and protection against chemical weapons. These have gained additional relevance in today's security context. The First Review Conference **reaffirmed** the rights of the States Parties to conduct research into, develop, produce, acquire, transfer, or use means of protection against chemical weapons, for purposes not prohibited under the Convention.
- 7.93 The First Review Conference **also noted** concerns related to the possibility that chemical facilities may become the object of attack, including by terrorists, which could lead to deliberate releases or theft of toxic chemicals. The First Review Conference **was cognisant** of the fact that some States Parties had taken measures to minimise these risks, and in this context **recalled** that the OPCW had been established as a forum for consultation and cooperation among the States Parties. States Parties could, if they so decided, make use of this framework to exchange experiences and to discuss issues related to this matter.
- 7.94 In relation to the annual provision by each State Party, for transparency purposes, of information on its national programme related to protective purposes, the First Review Conference **noted** that only 42 States Parties had submitted such information since the entry into force of the Convention. The First Review Conference **reaffirmed** the obligation of the States Parties to fully implement this requirement. The implementation of the requirement to submit this information annually would benefit from an early agreement on the procedures for such submissions. The First Review Conference **requested** the Council to expeditiously develop and submit for adoption the procedures called for by the Convention.

- 7.95 The First Review Conference **requested** the Secretariat to continue working on the OPCW data bank on protection, **invited** States Parties to contribute to the development of this data bank by submitting freely available information concerning various means of protection against chemical weapons and other relevant material for inclusion in the data bank, and **encouraged** States Parties to render support to the Secretariat in respect to the development, implementation, and maintenance of a database. The First Review Conference **expressed concern** about the hitherto slow progress in establishing this data bank.
- 7.96 In relation to the provision of expert advice by the Secretariat to States Parties that wish to further develop and improve their protective capacity, the First Review Conference **noted** the work of the OPCW protection network. The First Review Conference **also noted** that the number of requests for such expert advice received from States Parties recently exceeded the capacity of the Secretariat. The First Review Conference **reiterated** that the Secretariat must respond to such requests in an effective manner, within the limits on the resources available to it. Furthermore, States Parties should, on a voluntary basis, provide support to the OPCW so it can respond more effectively to requests for expert advice.
- 7.97 The First Review Conference **noted with appreciation** the measures elected by States Parties in relation to how they would provide assistance through the OPCW. It **noted with concern**, however, that only 63 States Parties had elected one or more such measures, and **called upon** the remaining States Parties to take the measures necessary to implement this requirement of the Convention.
- 7.98 The First Review Conference **noted** the need for the Secretariat to evaluate the assistance offers made in accordance with subparagraph 7(c) of Article X, in order to identify gaps, redundancies, and incompatibilities, and to help minimise the resource requirements for the OPCW. The First Review Conference **requested** the Secretariat to keep the policy-making organs informed about the status of assistance pledges by States Parties, and about any problems requiring attention and resolution.
- 7.99 In relation to a response to an assistance request in accordance with paragraph 8 of Article X, the First Review Conference **noted** that progress had been made in relation to the development and adoption of an operational concept of assistance. The First Review Conference **noted** in this context the OPCW's readiness for the delivery of assistance in the case of the use or threat of use of chemical weapons.
- 7.100 The First Review Conference **stressed** the importance of investigations of alleged use or threat of use of chemical weapons. For such situations, the OPCW must have the capacity, and be ready at all times, to investigate the need for follow-on action by the OPCW and by individual Member States, and to facilitate the delivery of assistance. The First Review Conference **noted** that the Secretariat had established the Assistance Coordination and Assessment Team (ACAT), the overall function of which had yet to be defined. This was an important and urgent matter. ACAT has been tested in assessment mode in exercises. The First Review Conference **requested** the Council to take up the possible function of the OPCW in facilitating the efficient delivery of assistance. In this context, the need was **stressed** for the OPCW to coordinate its activities in an assistance operation with other international agencies involved in an emergency response, in particular the UN Office for the Coordination of

Humanitarian Affairs. Three principles were **highlighted** by the First Review Conference:

- (a) the principle that the OPCW's role in such an emergency-response context should be firmly based on its mandate as provided by the Convention and on its particular experience and competence;
- (b) the need to avoid duplication of efforts; and
- (c) the need for coordination among all the agencies involved.
- 7.101 The First Review Conference **encouraged** the Secretariat to identify and engage relevant international organisations that are likely partners in situations where the OPCW needs to respond to an assistance request by a Member State, and to submit proposals to the policy-making organs.
- 7.102 The First Review Conference **stressed** the comprehensive nature of the definition of "Assistance" contained in paragraph 1 of Article X, and the right of any State Party to conduct research into, develop, produce, acquire, transfer, or use means of protection against chemical weapons for purposes not prohibited by the Convention.
- 7.103 The First Review Conference **reaffirmed** the undertaking of the States Parties to facilitate, and their right to participate in, the fullest possible exchange of equipment, material, and scientific and technological information concerning means of protection against chemical weapons.
 - Agenda item 7(c)(viii): Economic and technological development
- 7.104 The First Review Conference **reaffirmed** the importance of the provisions of Article XI of the Convention relating to the economic and technological development of the States Parties. It **recalled** in this context that the full, effective, and non-discriminatory implementation of these provisions contributes to universality.
- 7.105 The First Review Conference **reaffirmed** the commitment of the States Parties to fully implement the provisions of the Convention on economic and technological development. It **reaffirmed** that the States Parties have the obligation to undertake to facilitate, and have the right to participate in, the fullest possible exchange of chemicals, equipment, and technical information relating to the development and application of chemistry for purposes not prohibited by the Convention. The First Review Conference **stressed** that the international cooperation programmes of the OPCW should also make a contribution to the development of States Parties' capacities required to implement the Convention.
- 7.106 The First Review Conference **reaffirmed** that the Convention shall be implemented in a manner that avoids hampering the economic or technological development of States Parties, and international cooperation in the field of chemical activities for purposes not prohibited by the Convention, including the international exchange of scientific and technical information, and chemicals and equipment for the production, processing, or use of chemicals for purposes not prohibited under the Convention.

- 7.107 The First Review Conference **reaffirmed** the provision of Article XI that the States Parties shall:
 - (a) not maintain among themselves any restrictions, including those in international agreements, incompatible with the obligations undertaken under the Convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical, and other peaceful purposes;
 - (b) not use the Convention as grounds for applying any measures other than those provided for, or permitted, under the Convention nor any other international agreement for pursuing an objective inconsistent with the Convention; and
 - (c) undertake to review their existing national regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of the Convention.

The First Review Conference **called upon** the States Parties to fully implement these provisions of the Convention. It also **urged** the Council to continue its facilitation efforts to reach early agreement on the issue of the full implementation of Article XI, taking into account earlier and recent proposals submitted.

- 7.108 The First Review Conference **stressed** the importance of international cooperation and its valuable contribution to the promotion of the Convention as a whole, including its universality, and in this context it:
 - (a) **reaffirmed** the commitment of the Conference to foster international cooperation for peaceful purposes in the field of chemical activities, and **further reaffirmed** its desire to promote international cooperation and exchange of scientific and technical information in the field of chemical activities;
 - (b) **stressed** the desirability of cooperation projects among States Parties in areas related to the peaceful uses of chemistry. The OPCW could facilitate the provision of expert advice on the peaceful uses of chemistry, as required and upon request, to and among States Parties;
 - (c) **recognised** the importance of assistance and national capacity-building in the field of chemical activities for peaceful purposes, particularly as it applies to the implementation of the Convention. An important component of these activities involves facilitating the provision of direct support on-site—bilaterally, regionally, or through or by the OPCW, for example, by experts from other States Parties or the Secretariat—to assist National Authorities with specific implementation tasks. The Secretariat should, in consultation with the States Parties, review and develop existing implementation support programmes;
 - (d) **noted** the relevance of the existing International Cooperation and Assistance Programmes and **recalled** that all OPCW programmes should be improved

through evaluation to optimise resource use and effectiveness, with consultations between the States Parties and the Secretariat aimed at achieving a clear understanding of the competencies available, the needs of the States Parties, and the requirements of the Convention;

- (e) **recognised** the need for adequate resources, and **concluded** that decisions on adequate budgetary allocations for international cooperation should be based on the States Parties' needs, and how the programme addresses these needs, bearing in mind overall resource constraints;
- (f) **emphasised** how important it is that the OPCW coordinate its activities with those of other relevant international and regional organisations, as appropriate, in order to build on existing competencies, develop synergies, and avoid duplication of efforts. The OPCW should further integrate itself as a partner in the establishment of international programme-coordination mechanisms in the field of international cooperation, assistance, and capacity-building related to the peaceful uses of chemistry;
- (g) **encouraged** the OPCW to continue to establish relations and partnerships, as appropriate, with relevant regional and international organisations, including chemical industry associations and civil society, in order to promote universal adherence and awareness of the objectives and purposes of the Convention; and
- (h) **encouraged** the OPCW to continue to develop its relationship with the private sector and in particular maintain, through the States Parties concerned, a productive and lasting partnership with the chemical industry, *inter alia* so that the industry the world over stays aware of the Convention and remains committed to its full implementation.
- 7.109 The First Review Conference **concluded** that there was a need to develop guiding principles to be applied when determining international-cooperation programmes. These guiding principles should then be taken into account by the Secretariat when it is further developing proposals for such programmes. The Council should elaborate such guidelines on international cooperation programmes, and apply them when evaluating both reports by the Secretariat on existing programmes, and proposals it makes for new ones.

Agenda item 7(c)(ix): Final clauses: Articles XII to XXIV

7.110 The First Review Conference **reaffirmed** the continued relevance of the provisions of Articles XII through XXIV of the Convention.

Agenda item 7(c)(x): The protection of confidential information

7.111 The First Review Conference **reiterated** the importance that it attaches to the need for the OPCW to thoroughly protect confidential information, in accordance with the provisions of the Convention. The OPCW remains strongly committed to the principles and provisions set out in the Convention in relation to the protection of confidentiality, in particular in the Confidentiality Annex. The First Review

- Conference **recalled**, in this context, the important role of the Director-General in ensuring the protection of confidential information, as well as the responsibility of each staff member of the Secretariat to comply with all rules and regulations pertaining to the protection of confidential information.
- 7.112 The First Review Conference **noted** that the Secretariat continues to improve the implementation of the confidentiality regime in order to avoid breaches of confidentiality. There have been incidents, but these have not compromised the effectiveness of the OPCW's regime to protect confidentiality. The strict implementation of the OPCW's confidentiality procedures should, however, be further improved.
- 7.113 Proper conduct on the part of staff is essential to the effective implementation of a robust confidentiality regime, and the First Review Conference **underlined** the need for adequate training.
- 7.114 The First Review Conference **stressed** the importance of the procedures to be applied in cases of alleged breaches of confidentiality. The First Review Conference **reaffirmed, furthermore,** the important role of the Commission for the settlement of disputes related to confidentiality (hereinafter "the Confidentiality Commission") in settling any dispute related to breaches in confidentiality and involving both a State Party and the OPCW.
- 7.115 The First Review Conference **noted** that only 44 States Parties had, as required by the Confidentiality Annex, provided details, at the request of the OPCW, on their handling of information it had provided to them. The First Review Conference **urged** States Parties to provide that information expeditiously, as requested by the Secretariat.
- 7.116 The First Review Conference **took cognisance** of the fact that 85% of the information submitted to the Secretariat had been classified as confidential by the originating States Parties. The First Review Conference **requested** the Council, assisted by the Secretariat, to study the situation in relation to the classification of information held by the OPCW. The First Review Conference **encouraged** the Secretariat and the States Parties to review their respective practices in assigning levels of classification to such information, and if possible, and in accordance with the State Party's confidentiality procedures, to reduce the classification level they assign to such information, in order to increase work efficiency and ensure the smooth functioning of the system to protect confidentiality.
- 7.117 The First Review Conference **recalled** that, following an external security audit, the Secretariat was operating a Secure Critical Network (SCN) for the processing and storage of confidential information related to the verification activities of the OPCW. With the support of States Parties, and taking account of the advice rendered by the external security audit team, the Secretariat is continuing its work towards the development of a relational-database management system to be operated on the SCN to support verification activities. The First Review Conference **noted** the security audit team recommendation to adopt the ISO-17799 information-security management standard, and **requested** the Secretariat to evaluate what resources would be required to do this, and to inform the Council of its findings.

- 7.118 The First Review Conference **noted** that current confidentiality guidelines provide neither for the destruction of confidential documents and other data, including those kept on the Secretariat's SCN, nor for the downgrading of their classification levels over the long term. The First Review Conference **encouraged** the OPCW to take steps to reach agreement on developing and implementing guidelines regarding the long-term handling of confidential information.
- 7.119 The First Review Conference **noted** the need to ensure that the conditions in relation to the protection of confidentiality of information are met when the OPCW proceeds to the submission of declarations in electronic form (e.g., on CD-ROM; see also paragraph 7.39(f) above).
 - Agenda item 7(d): The functioning of the Organisation for the Prohibition of Chemical Weapons
- 7.120 The States Parties have established the OPCW to achieve the object and purpose of the Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among the States Parties. Its effective functioning has a direct impact on the operation of the Convention.
- 7.121 The work of the policy-making organs is an important aspect of the OPCW's effective functioning. They provide policy guidance to the OPCW, and the effectiveness of their work is essential to the involvement of all States Parties in the work of the OPCW. The First Review Conference **called upon** all States Parties to fully participate in the activities of the OPCW's policy-making organs.
- 7.122 The Council, as part of its powers and functions under the Convention, promotes the effective implementation of the Convention and compliance with it, supervises the activities of the Secretariat, cooperates with the National Authorities of the States Parties, facilitates consultation and cooperation among them, and reports to the Conference. It is therefore especially important that the Council function effectively. The First Review Conference **noted** how important it was for the Chairperson and Vice-Chairpersons of the Council to be engaged with the work of the facilitation groups. The First Review Conference **also noted** that focused agendas for both the formal meetings and the intersessional consultations of the Council were required in order for the Council to make decisions effectively.
- 7.123 The First Review Conference **expressed concern** about delays in the Council's implementation of Conference decisions on the resolution of unresolved issues. The First Review Conference **noted** that the Council had included important, long-standing, unresolved issues in its work programme, and **urged** it to increase momentum and strive to conclude all unresolved issues.
- 7.124 The First Review Conference **reviewed** the functioning of the subsidiary advisory bodies, and **noted** the following:
 - (a) The Confidentiality Commission has been established in accordance with the Convention's Confidentiality Annex and the OPCW Policy on Confidentiality

- to consider any cases of disputes concerning breaches or alleged breaches of confidentiality involving both a State Party and the OPCW. No such disputes have been brought before the Confidentiality Commission since entry into force. The First Review Conference **stressed** the need for the Confidentiality Commission to be fully operational at all times, and **requested** the Secretariat to ensure that all necessary support is provided for this purpose.
- (b) The SAB was established by the Director-General following the direction given by the Conference on this matter, to enable him, in the performance of his functions, to render specialised advice in areas of science and technology relevant to the Convention, to the Conference, to the Council, or to the States Parties. The SAB has met in regular annual sessions since 1998, and its work has been supported by temporary working groups on a number of issues submitted to it for its consideration. The First Review Conference **noted** the advice rendered to the States Parties by the Director-General, following contributions made by the SAB, and **recommended** that the interaction between the SAB and delegations should continue and be further enhanced, in the context of the Council's facilitation process. The First Review Conference **noted, furthermore,** that the SAB had prepared a report to the First Review Conference on relevant scientific and technological developments that the States Parties should take into account in their review.
- (c) The Advisory Body for Administrative and Financial Matters (ABAF) has been established as a panel of experts of recognised standing to provide expert advice to the OPCW on administrative and financial matters. It has made valuable contributions to the work of the OPCW and prepared recommendations on financial and administrative matters on a regular basis.
- 7.125 The Secretariat assists the Conference and the Council in performing their functions, and carries out the verification measures provided for in the Convention, and other functions entrusted to it under the Convention, as well as those functions delegated to it by the Conference or the Council. The First Review Conference **noted with satisfaction** the dedication of Secretariat staff. The OPCW has at its disposal qualified and trained staff, and equipment and procedures fit for the tasks to be fulfilled under the Convention. Possible future improvements have been **identified** in the review by the First Review Conference of the operation of the Convention, and are recorded in different parts of this report.
- 7.126 The First Review Conference **stressed** the responsibility of the Director-General, as the head and chief administrative officer of the Secretariat, for the appointment of staff and for the organisation and functioning of the Secretariat. The First Review Conference, furthermore, **recalled** the provisions of paragraph 44 of Article VIII.
- 7.127 The First Review Conference **considered** the budgetary and financial mechanisms of the OPCW as they have evolved since entry into force. The First Review Conference **stressed** the need for the Council, with the support of the Secretariat, to continue monitoring and improving the implementation of these mechanisms. The First Review Conference **underlined** the importance of putting in place a more effective budgetary process, based on early consultations between the Secretariat and the States Parties, on thoughtful consideration and prioritisation of the programme objectives,

- and on regular assessments of whether these objectives are being met. The First Review Conference **encouraged** the Director-General to move ahead with the stepwise introduction of results-based budgeting. Furthermore, the First Review Conference **noted** the need for the Council to accelerate its deliberations on the outstanding issues in relation to the OPCW's Financial Rules.
- 7.128 The First Review Conference **welcomed** the decision by the Council on the effective starting date of tenure of staff, and **recalled** the Conference's decision at its Second Special Session on 30 April 2003 (C-SS-2/DEC.1, dated 30 April 2003). These decisions will now be implemented, and the First Review Conference **stressed** the need to monitor the implementation of the OPCW's tenure policy, and the need for regular reporting by the Director-General to the Council on its implementation, and in particular on the implementation of the guiding principles in effecting the turnover of staff. The First Review Conference **also noted** that the issue of the OPCW's Staff Rules and amendments to Staff Regulation 3.3, and the issue of the classification of posts, remain within the purview of the Council and should be resolved without delay.
- 7.129 The First Review Conference **reaffirmed** the importance to the effective functioning of the Secretariat of the principles set out in the Convention on the employment of staff. The First Review Conference **reaffirmed** that the paramount consideration in the employment of staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to the minimum necessary for the proper discharge of the responsibilities of the Secretariat.
- 7.130 The First Review Conference **stressed** that Secretariat staff, and in particular its inspectors, need to keep abreast with developments in science and technology in order to maintain professional excellence and to efficiently discharge their responsibilities. The First Review Conference **requested** that the Director-General bear these requirements in mind when identifying the future training needs of the Secretariat.
- 7.131 The First Review Conference **stressed** that the Secretariat should seek to apply information technology more efficiently to improve the functioning of the OPCW.
- 7.132 The First Review Conference **also recalled** the Conference's decision on the equal treatment of all official OPCW languages, and **requested** the Secretariat to continue its efforts to fully implement this decision.
- 7.133 The First Review Conference **expressed its satisfaction** at the excellent relations between the OPCW and the Host Country. The First Review Conference **invited** the Director-General to report to the Council, as appropriate, on this relationship.
- 7.134 The First Review Conference **noted** the evolving relationships between the OPCW and other international, regional, and sub-regional organisations, and in particular **stressed** the importance of the relationship with the UN, as provided for by the Agreement concerning the Relationship between the UN and the Organisation for the Prohibition of Chemical Weapons (EC-MXI/DEC.1, dated 1 September 2000, and C-VI/DEC.5, dated 17 May 2001).

8. AGENDA ITEM EIGHT - Reports of subsidiary bodies

Committee of the Whole

8.1 The First Review Conference **noted** the report of the Committee of the Whole on the results of its consideration of the agenda item referred to it on the recommendation of the General Committee (RC-1/CoW.1, dated 9 May 2003), and **took action** as required.

General Committee

8.2 The First Review Conference **noted** the reports of the General Committee, and **took action** as required.

Credentials Committee

8.3 The report of the Credentials Committee (RC-1/2 dated 7 May 2003) was presented by its Chairwoman, Mrs Maria Dulce Silva Barros of Brazil. The Chairwoman orally reported that, following the close of the Credentials Committee meeting, formal credentials were received for the representatives of Albania, Costa Rica, Czech Republic, Italy, Jordan, Kenya and Mongolia, and faxes or copies of credentials in the form required by Rule 26 of the Rules of Procedure of the Conference were received from Namibia, Senegal and Tunisia. Formal credentials would be submitted for the latter in due course. The First Review Conference **noted** this additional information and **approved** the report. The First Review Conference **also remarked** on the number of Member States that had failed to submit credentials for their representatives on time, and **urged** adherence in future sessions to the requirements of Rule 26 of the Rules of Procedure of the Conference. Under that Rule, the Director-General should receive credentials preferably one week in advance of a given session.

9. AGENDA ITEM NINE – Any other business

10. AGENDA ITEM TEN – Adoption of the final documents of the First Review Conference

- 10.1 The First Review Conference **adopted** the Political Declaration of the First Review Conference (RC-1/3, dated 9 May 2003).
- 10.2 The First Review Conference considered and **adopted** the report of the First Review Conference.

11. AGENDA ITEM ELEVEN – Closure

The Chairman closed the First Review Conference at 23:33 on 9 May 2003.



Conference of the States Parties

Second Review Conference 7 – 18 April 2008

RC-2/4 18 April 2008 Original: ENGLISH

REPORT OF THE SECOND SPECIAL SESSION OF THE CONFERENCE OF THE STATES PARTIES TO REVIEW THE OPERATION OF THE CHEMICAL WEAPONS CONVENTION (SECOND REVIEW CONFERENCE) 7 – 18 April 2008

1. AGENDA ITEM ONE – Opening of the Second Review Conference

- 1.1 The Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter "the Second Review Conference") was opened at 15:12 on 7 April 2008 by the Chairperson of the Twelfth Session of the Conference of the States Parties (hereinafter "the Conference"), Ambassador Abuelgasim Abdelwahid Shiekh Idris of Sudan. It received a message from the Secretary-General of the United Nations (UN), delivered by his special representative, Mr Tim Caughley, Director of the Geneva Branch, Office for Disarmament Affairs and Deputy Secretary-General of the Conference on Disarmament (RC-2/2, dated 7 April 2008).
- 1.2 The following 114 States Parties participated in the Second Review Conference: Afghanistan, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Eritrea, Estonia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Viet Nam, Yemen, Zambia, and Zimbabwe
- 1.3 In accordance with Rule 29 of the Rules of Procedure of the Conference, the following Signatory States participated in the Second Review Conference as observers: Guinea-Bissau and Israel.

- 1.4 In accordance with Rule 30 of the Rules of Procedure of the Conference, and pursuant to decision RC-2/DEC.1, dated 7 April 2008, Angola, Iraq, Lebanon were accorded observer status.
- 1.5 The Second Review Conference, in decision RC-2/DEC.2, dated 7 April 2008, **approved** the participation of five international organisations, specialised agencies, and other international bodies in its Session.
- 1.6 The Second Review Conference, in decision RC-2/DEC.3, dated 7 April 2008, **approved** the participation of 28 non-governmental organisations in its Session.

2. AGENDA ITEM TWO – Election of the Chairperson

In accordance with Rule 8(b) of the Rules of Procedure of the Conference, the Second Review Conference, by acclamation, **elected** as its Chairperson Ambassador Waleed Ben Abdel Karim El Khereiji of Saudi Arabia.

3. AGENDA ITEM THREE – Election of Vice-Chairpersons and other officers

- 3.1 In accordance with Rule 8(b) of the Rules of Procedure of the Conference, the Second Review Conference **elected** representatives of the following 10 States Parties as Vice-Chairpersons of the Conference: China, Costa Rica, Czech Republic, France, Iran (Islamic Republic of), Kenya, Nigeria, Russian Federation, United States of America, and Uruguay.
- 3.2 Also, in accordance with Rule 8(b) of the Rules of Procedure of the Conference, the Second Review Conference **elected** as Chairperson of the Committee of the Whole, Ambassador Benchaâ Dani of Algeria.

4. AGENDA ITEM FOUR – Adoption of the agenda

- 4.1 The provisional agenda for the Second Review Conference was circulated under cover of RC-2/1, dated 11 March 2008.
- 4.2 On the recommendation of the General Committee, the Second Review Conference **adopted** the following agenda:

AGENDA ITEM ONE – Opening of the Second Review Conference

AGENDA ITEM TWO – Election of the Chairperson

AGENDA ITEM THREE – Election of Vice-Chairpersons and other officers

AGENDA ITEM FOUR – Adoption of the agenda

AGENDA ITEM FIVE - Organisation of work and establishment of subsidiary bodies

AGENDA ITEM SIX – Statement by the Director-General

AGENDA ITEM SEVEN – Report of the Chairperson of the Executive Council on the preparations for the Second Review Conference

AGENDA ITEM EIGHT - General debate

AGENDA ITEM NINE – Review of the operation of the Chemical Weapons Convention as provided for in paragraph 22 of Article VIII, taking into account any relevant scientific and technological developments:

- (a) the role of the Chemical Weapons Convention in enhancing international peace and security and in achieving the objectives as set forth in the preamble of the Convention;
- (b) ensuring the universality of the Chemical Weapons Convention;
- (c) implementation of the provisions of the Chemical Weapons Convention relating to:
 - (i) general obligations and declarations related thereto;
 - (ii) destruction of chemical weapons and destruction or conversion of chemical weapons production facilities;
 - (iii) verification activities of the OPCW;
 - (iv) activities not prohibited under the Chemical Weapons Convention;
 - (v) national implementation measures;
 - (vi) consultations, cooperation, and fact-finding;
 - (vii) assistance and protection against chemical weapons;
 - (viii) economic and technological development;
 - (ix) Articles XII to XV and final clauses; and
 - (x) the protection of confidential information;
- (d) the general functioning of the Organisation for the Prohibition of Chemical Weapons.

AGENDA ITEM TEN - Reports of subsidiary bodies

AGENDA ITEM ELEVEN – Any other business

AGENDA ITEM TWELVE – Adoption of the final documents of the Second Review Conference

AGENDA ITEM THIRTEEN - Closure

5. AGENDA ITEM FIVE – Organisation of work and establishment of subsidiary bodies

- 5.1 The Second Review Conference **considered** and **adopted** the recommendations of the General Committee reported to it in accordance with Rule 43 of the Rules of Procedure of the Conference.
- 5.2 The Second Review Conference **adopted** the recommendation of the General Committee that it be closed on 18 April 2008.

Appointment of the Credentials Committee

5.3 In accordance with Rule 27 of the Rules of Procedure of the Conference, the Second Review Conference, on the recommendation of its Chairperson, **appointed** the following 10 members of the Credentials Committee: Austria, Bolivia, Brazil, Bulgaria, Cameroon, Finland, Namibia, Poland, Sri Lanka, and Thailand.

6. AGENDA ITEM SIX – Statement by the Director-General

The Second Review Conference **noted** the opening statement by the Director-General (RC-2/DG.2, dated 7 April 2008).

7. AGENDA ITEM SEVEN – Report of the Chairperson of the Executive Council on the preparations for the Second Review Conference

The Chairperson of the Executive Council (hereinafter "the Council"), Ambassador Romeo A. Arguelles of the Philippines, reported to the Second Review Conference on the work of the Council in preparation for the Second Review Conference. At his request, the Chairperson of the open-ended working group for the preparation of the Second Review Conference, Ambassador Lyn Parker of the United Kingdom of Great Britain and Northern Ireland, reported to the Second Review Conference on the work of the open-ended working group and submitted to the Second Review Conference the Chairperson's provisional text for agenda item nine of the Provisional Agenda of the Second Review Conference (RC-2/CRP.1, dated 31 March 2008).

8. AGENDA ITEM EIGHT – General debate

The following delegations made statements during the general debate: Slovenia (on behalf of the European Union and associated countries), Netherlands, Cuba (on behalf of the Non-Aligned Movement and China), South Africa (on behalf of the African Group), Kyrgyzstan (on behalf of the Commonwealth of Independent States), United States of America, Saudi Arabia, China, Russian Federation, Singapore, Japan, Pakistan, Iran (Islamic Republic of), Serbia, Switzerland, Mexico, Algeria, Canada, New Zealand, South Africa (in its national capacity), Ukraine, Indonesia, Turkey, Bangladesh, Malaysia, Peru, Republic of Korea, Australia, Brazil, Tunisia, Yemen, Norway, Sudan, El Salvador, Mongolia, India, Colombia, Nigeria, Albania, Libyan Arab Jamahiriya, Thailand, Kuwait, United Arab Emirates, Qatar, Zambia, Uganda, Belarus, Morocco, China (Hong Kong Special Administrative Region), and Argentina.

9. AGENDA ITEM NINE – Review of the operation of the Chemical Weapons Convention as provided for in paragraph 22 of Article VIII, taking into account any relevant scientific and technological developments:

Agenda item 9(a): the role of the Chemical Weapons Convention in enhancing international peace and security and in achieving the objectives as set forth in the preamble of the Convention

- 9.1 The Second Review Conference welcomed the fact that eleven years after its entry into force, the Chemical Weapons Convention (hereinafter "the Convention") remains a unique multilateral agreement banning an entire category of weapons of mass destruction in a non-discriminatory and verifiable manner under strict and effective international control. The Second Review Conference noted with satisfaction that implementation of the Convention makes a major contribution to international peace and security through the elimination of existing stockpiles of chemical weapons, the prohibition of the acquisition or use of chemical weapons, and provides for assistance and protection in the event of use, or threat of use, of chemical weapons and for international cooperation for peaceful purposes in the field of chemical activities. The Convention sets new standards for global disarmament and non-proliferation through verification in a non-discriminatory and multilateral manner.
- 9.2 The Second Review Conference noted with satisfaction that since the First Review Conference in 2003 the total number of States Parties has risen from 151 to 183, leaving only 12 states still to join the Convention. This high level of participation signifies that an overwhelming majority of states consider chemical weapons and their use under any circumstances by any state, group or individual to be illegal and prohibited. The Second Review Conference categorically condemned the use of chemical weapons as defined in the Convention. The Second Review Conference reaffirmed the undertaking of States Parties not to use riot control agents as a method of warfare. The Second Review Conference also underlined the essential contribution that the Convention has made to confidence building and cooperation among States Parties, as well as to their national security.
- 9.3 The Second Review Conference strongly reaffirmed the commitment of all States Parties to comply with all obligations under the Convention, and the importance of this commitment in upholding the Convention's integrity and maximising its contribution to international peace and security. The Second Review Conference also stressed the important respective roles assigned by the Convention to the Council in promoting, and to the Conference in ensuring, that all States Parties comply with their obligations.
- 9.4 The Second Review Conference reaffirmed that complete destruction of chemical weapons, and conversion or complete destruction of chemical weapons production facilities (CWPFs), is essential for the realisation of the object and purpose of the Convention. The Second Review Conference also reaffirmed the importance of the obligation of the possessor States Parties to complete the destruction of their chemical weapons stockpiles within the final extended deadlines as established by the Conference at its Eleventh Session. The Second Review Conference welcomed the statements of possessor States Parties reiterating their commitment to meeting the final, extended deadlines established under the Convention by the Eleventh Session of

the Conference. The Second Review Conference noted the significant progress made so far by possessor States Parties in the destruction of chemical weapons, as well as the recent completion by Albania of the destruction of its entire stockpile and commended the progress made by those States Parties which are close to achieving complete destruction of their stockpiles. The Second Review Conference noted that by 1 April 2008, over 38% of the total stockpiles of 70,000 tonnes of Category 1 chemical weapons initially declared by States Parties had been destroyed. However, the Second Review Conference expressed its concern that more than 60% of stockpiles still remained to be destroyed.

- 9.5 The Second Review Conference noted with satisfaction that the OPCW has established an effective verification system with a view to achieving the non-proliferation and confidence building aims of the Convention.
- 9.6 The Second Review Conference reaffirmed the right of the States Parties, subject to the provisions of the Convention and without prejudice to the principles and applicable norms of international law, to use chemicals for purposes not prohibited by the Convention. The Second Review Conference affirmed that the OPCW continues to provide a forum for consultation and cooperation related to the observance of this right among States Parties.
- 9.7 The Second Review Conference reaffirmed the importance that the Convention attaches to fostering international cooperation in the field of peaceful chemical activities of the States Parties, and the objective of implementing the Convention in a manner that avoids hampering their economic and technological development and international cooperation in the field of chemical activities for purposes not prohibited by the Convention. The Second Review Conference reaffirmed the right of the States Parties, subject to the provisions of the Convention and without prejudice to the principles and applicable rules of international law, to use chemicals for purposes not prohibited by the Convention, and their determination to undertake to facilitate the fullest possible exchange of chemicals, equipment, and scientific and technical information relating to the development and application of chemistry for purposes not prohibited by the Convention.
- 9.8 The Second Review Conference reaffirmed that the full and effective national implementation of the obligations under the Convention is essential for the realisation of the object and purpose of the Convention. It welcomed the considerable progress made in national implementation since the Conference at its Eighth Session adopted the plan of action for the implementation of Article VII obligations (C 8/DEC.16, dated 24 October 2003), while also recognising that there remain a sizeable number of States Parties that still need to take some or all of the necessary measures to implement their Article VII obligations, and that a number of these States Parties still require assistance and technical support.
- 9.9 The Second Review Conference reiterated that the implementation of the Convention's provisions on assistance and protection against chemical weapons makes a significant contribution to countering the threats associated with the possible use of chemical weapons. It stressed that, in a case of use of chemical weapons, the Convention makes provision for immediate assistance by the OPCW, subject to the requirements and procedures laid down in the Convention. For this purpose, the

OPCW may cooperate with the requesting State Party and other States Parties and relevant international organisations. The Second Review Conference furthermore emphasised the need for the OPCW as well as the States Parties to achieve an effective capability to meet the requirements of Article X in order to provide timely and necessary assistance and protection against the use, or threat of use, of chemical weapons, and for the capacity building activities of the Technical Secretariat (hereinafter "the Secretariat").

- 9.10 The Second Review Conference noted with concern that, along with the continued threat of the possible use of chemical weapons by States under any circumstances, the international community also faces the increased danger of the use of chemical weapons by terrorists or other non-state actors. In this context, the Second Review Conference recalled the decision of the Council concerning the OPCW's contribution to global anti-terrorist efforts (EC-XXVII/DEC.5, dated 7 December 2001) and affirmed its continuing relevance.
- 9.11 The Second Review Conference noted the impact of scientific and technological progress on the effective implementation of the Convention and the importance for the OPCW and its policy-making organs of taking due account of such developments. In that context, it stressed that the Scientific Advisory Board should continue to play an objective and balanced role in advising the Director-General. The Second Review Conference reaffirmed the commitment by all States Parties to achieving the object and purpose of the Convention, as set out in its Preamble and provisions.

Agenda item 9(b): ensuring the universality of the Chemical Weapons Convention

- 9.12 The Second Review Conference reiterated that the universality of the Convention is essential to achieve its object and purpose and enhance international peace and security. The Second Review Conference underlined that the goal of universality shall be pursued by the Secretariat as well as States Parties as a matter of high priority.
- 9.13 The Second Review Conference noted with satisfaction the substantial progress achieved since the adoption by the Council on 24 October 2003 of the Action Plan for the Universality of the Chemical Weapons Convention (EC-M-23/DEC.3, dated 24 October 2003) and subsequent decisions adopted by the Council and the Conference of the States Parties. It also acknowledged the efforts made collectively by the States Parties, the policy-making organs, the Secretariat, and the Director-General to this end. It welcomed the fact that, of the 40 States not Party when the Action Plan was adopted, more than two-thirds (including one possessor State) have since joined the Convention. However, it noted that there remain 12 States not Party to the Convention, including five signatory States and seven non-signatory States. It recalled in particular that among the States not Party there are some whose non-adherence is a matter of serious concern.
- 9.14 The Second Review Conference underlined the important political, economic, and security benefits of becoming a State Party to the Convention, recognised the positive contribution of cooperation among the States Parties and the OPCW to the achievement of universality, and recalled that States that remain outside the

- Convention are not able to take advantage of the benefits that it offers to States Parties.
- 9.15 The Second Review Conference underlined that the objectives of the Convention will not be fully realised as long as there remains even a single state not party that could possess or acquire such weapons. It stressed that the continued absence from the Convention of any country keeps open the risk that chemical weapons could be developed, acquired, transferred or used.
- 9.16 The Second Review Conference therefore strongly urged all 12 remaining States not Party to the Convention (Angola, the Bahamas, the Democratic People's Republic of Korea, the Dominican Republic, Egypt, Guinea-Bissau, Iraq, Israel, Lebanon, Myanmar, Somalia, and the Syrian Arab Republic) to ratify or accede to it as a matter of urgency and without preconditions, in the interests of enhancing their own national security as well as affirming their commitment to global peace and security and to the object and purpose of the Convention. In this connection, the Second Review Conference welcomed efforts by Guinea-Bissau, Iraq and Lebanon who are well advanced in the process of accession to the Convention, and requested the Secretariat to continue to support their ongoing efforts aimed at adherence.
- 9.17 The Second Review Conference expressed its conviction that universality matched by full implementation by all States Parties of their obligations under the Convention is essential to achieve the aims of the Convention.
- 9.18 The Second Review Conference called upon the Secretariat, the Director-General, policy-making organs and all States Parties in a position to do so to intensify further their efforts with States not Party with a view to achieving full universality at the earliest possible date. It encouraged them to make full use of all available opportunities and resources to pursue this goal at all levels. It welcomed the decision of the Twelfth Session of the Conference to continue with the Action Plan on Universality (C-12/DEC.11, dated 9 November 2007), and its intention to review the results and implementation of that plan at its Fourteenth Session and to take any decision it deems necessary addressing, in particular, the status of those States not Party whose non-adherence is a cause for serious concern.

Agenda item 9(c)(i): general obligations and declarations related thereto

- 9.19 The Second Review Conference reaffirmed the commitment of the States Parties to comply with the obligations that they have undertaken under Article I of the Convention.
- 9.20 The Second Review Conference underlined the obligations of all the States Parties to adopt in accordance with their constitutional processes the necessary measures to implement their obligations under the Convention, including the obligation to prohibit natural and legal persons within their territory and in any other place within their jurisdiction, from undertaking any activity prohibited to a State Party under the Convention.

- 9.21 The Second Review Conference also reaffirmed the continued relevance of the definitions contained in Article II of the Convention, which ensure the comprehensive nature of the prohibition of chemical weapons under the Convention.
- 9.22 The Second Review Conference considered the impact of developments in science and technology on the Convention's prohibitions. The definitions contained in Article II, in particular, of the terms "chemical weapons", "chemical weapons production facility", were found to adequately cover these developments and to provide for the application of the Convention's prohibitions to any toxic chemical, except where such a chemical is intended for purposes not prohibited by the Convention, and as long as the types and quantities involved are consistent with such purposes.
- 9.23 The Second Review Conference stressed the importance of the timely, complete, and accurate submission of the initial declarations required of each State Party under Article III. It noted that, by the end of 2007, all but 13 States Parties had submitted their initial declarations under Article III of the Convention. The Second Review Conference called upon those States Parties that had yet to submit their Article III declarations to do so as a matter of urgency. It requested the Secretariat to keep the Council informed of progress, and encouraged the Secretariat and the States Parties to provide assistance to present and future States Parties, if requested, in the preparation and submission of timely declarations and amendments.
- 9.24 The Second Review Conference reiterated the call of the First Review Conference upon the Council to reach agreement on the declaration criteria for former chemical weapons development facilities, required to be declared under the provisions of Article III, subparagraph 1(d), with a view towards promoting confidence among States Parties.
 - Agenda item 9(c)(ii): destruction of chemical weapons and destruction or conversion of chemical weapons production facilities
- 9.25 The Second Review Conference reaffirmed that each State Party has undertaken to destroy chemical weapons it owns or possesses or which are located in any place under its jurisdiction or control and to destroy or convert any CWPFs in accordance with the provisions of the Convention.
- 9.26 The Second Review Conference reaffirmed that complete destruction of chemical weapons, and conversion or complete destruction of CWPFs, is essential for the realisation of the object and purpose of the Convention. The Second Review Conference also reaffirmed the importance of the obligation of the possessor States Parties to complete the destruction of their chemical weapons stockpiles within the final extended deadlines as established by the Conference at its Eleventh Session.
- 9.27 The Second Review Conference welcomed the statements of possessor States Parties reiterating their commitment to meeting the final, extended deadlines established under the Convention by the Eleventh Session of the Conference. The Second Review Conference noted the significant progress made so far by possessor States Parties in the destruction of chemical weapons, as well as the recent completion by Albania of the destruction of its entire stockpile and commended the progress made

- by those States Parties which are close to achieving complete destruction of their stockpiles
- 9.28 The Second Review Conference noted that by 1 April 2008, over 38% of the total stockpiles of 70,000 tonnes of Category 1 chemical weapons initially declared by States Parties had been destroyed. However, the Second Review Conference expressed its concern that more than 60% of stockpiles still remained to be destroyed.
- 9.29 The Second Review Conference called upon the possessor States Parties to destroy their remaining chemical weapons within the extended final deadlines.
- 9.30 In this connection, the Second Review Conference noted that the obligation and responsibility for the destruction of chemical weapons lies solely with the possessor States Parties. At the same time it welcomed the assistance of other States Parties in providing support to destruction efforts, and reaffirmed the value of the continuation of such support offered by those States Parties that are in a position to do so.
- 9.31 The Second Review Conference underlined the responsibilities of the possessor States Parties to provide detailed annual chemical weapons destruction plans, updated as necessary, and of the policy-making organs to monitor their progress towards complete chemical weapons destruction in accordance with the provisions of the Convention, including their extended deadlines.
- 9.32 The Second Review Conference recalled the decision adopted by the Conference at its Eleventh Session on visits by representatives of the Council (C-11/DEC.20, dated 8 December 2006). In accordance with this decision, a visit to the Anniston chemical agent disposal facility in Alabama, United States, took place in October 2007 by the representatives of the Council. The Second Review Conference reaffirmed that nothing in visit reports shall in any way affect the obligation of possessor States Parties to destroy all their chemical weapons by the extended deadlines under the terms of the Convention.
- 9.33 The Second Review Conference recognised the decrease in the number of remaining Chemical Weapons storage facilities but reiterated the conclusion of the First Review Conference on the importance of possessor States Parties implementing appropriate measures to secure such storage facilities and to prevent movement of their chemical weapons out of the facilities, with the exception of removal for destruction or (in accordance with the provisions of the Convention) withdrawal of Schedule 1 chemicals for use for research, medical, pharmaceutical, or protective purposes.
- 9.34 The Second Review Conference also reaffirmed that declarations provided by States Parties under Article III, which establish a baseline for measuring progress in the elimination of chemical weapons stockpiles, need to be comprehensive and accurate. The Second Review Conference reminded States Parties to ensure that their declarations under Article III are updated in a timely manner, if and when new information becomes available. It called upon the Secretariat to continue rendering, when requested, technical assistance to States Parties on the preparation of declarations. The Second Review Conference also encouraged States Parties that are in a position to do so to assist other States Parties, at their request, in the preparation and submission of declarations and amendments.

- 9.35 The Second Review Conference reaffirmed the importance of the verification of chemical weapons stockpiles as well as of their destruction in accordance with the Convention. This is one of the main activities of the Secretariat and will remain so until stockpile destruction has been completed. It recalled the obligation of possessor States Parties to pay Article IV and V verification costs. It called on the relevant States Parties to pay assessed costs in full and without delay, and to avoid accumulating arrears in future.
- 9.36 The Second Review Conference reaffirmed the obligation to destroy or otherwise dispose of old chemical weapons in accordance with the Convention, and requested the Council, assisted by the Secretariat, to address the issue of new discoveries of old chemical weapons. It encouraged close cooperation among those States Parties concerned in relation to future discoveries of old or abandoned chemical weapons including over any necessary research and development to ensure the safe recovery and destruction of such weapons.
- 9.37 The Second Review Conference reaffirmed the undertaking of each State Party to destroy all chemical weapons it abandoned on the territory of another State Party in accordance with the provisions of the Convention. It welcomed the existing cooperation between territorial and abandoning States Parties, and noted with concern that a large amount of abandoned chemical weapons remain to be destroyed. The Second Review Conference called upon abandoning States Parties to make the fullest possible efforts to complete destruction as soon as possible with the appropriate cooperation provided by the territorial States Parties. It commended the active and positive role that has been played by the Secretariat in this process, and encouraged it to continue to play such a role in future.
- 9.38 The Second Review Conference reviewed progress in relation to the destruction or conversion of CWPFs as required by Part V of the Verification Annex. The Second Review Conference expressed its concern that full conversion or destruction of all facilities had not been completed within the deadlines set by the Convention. It also noted that additional CWPFs had been declared since the First Review Conference. The Second Review Conference urged all relevant States Parties to complete the destruction or conversion of such facilities as soon as possible, in accordance with the decisions of the Conference of the States Parties. The Second Review Conference requested the Council to continue to oversee completion of destruction or conversion.
- 9.39 The Second Review Conference recalled that, in accordance with the provisions of the Convention, converted facilities shall be no more capable of being reconverted into a CWPF than any other facility used for industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes. The Second Review Conference noted that States Parties with converted facilities are required to report annually on activities at those facilities and that converted facilities remain liable to on-site inspection, in accordance with paragraph 85 of Part V of the Verification Annex, for a period of 10 years after completion of certification by the Director-General of their conversion for purposes not prohibited.
- 9.40 Upon completion of the 10-year period following the completion of conversion, the Council shall decide on the nature of continued verification activities. The Second Review Conference reaffirmed that future planning of verification measures needs to

take account of these requirements for the verification of converted CWPFs, and requested the Council to decide on the nature of continued verification at those facilities and to consider proposals for recommendations or decisions that may be needed.

Agenda item 9(c)(iii): verification activities of the OPCW

- 9.41 The verification system is one of the most important elements of the Convention. It provides for systematic verification with continuous on-site monitoring of the destruction of chemical weapons and systematic verification of the elimination of CWPFs. It also provides for the verification of activities not prohibited under the Convention.
- 9.42 The Second Review Conference noted with satisfaction that the OPCW has established a verification system that has been effective in meeting the requirements of the Convention and which continues to gain effectiveness and efficiency. It further noted that the verification system will need to continue to be improved in a manner consistent with the Convention in response to advances in science and technology. The Second Review Conference also recognised the continued need for the OPCW to have up-to-date verification technologies at its disposal.
- 9.43 The Second Review Conference noted that the Secretariat and the States Parties have acquired considerable experience with the conduct of more than 3000 inspections at over 1080 chemical weapons-related and industrial sites in 80 States Parties since the entry into force of the Convention. The Second Review Conference noted with satisfaction that no case of non-compliance had been brought to the attention of the Council.
- 9.44 The verification system of the Convention is based upon declarations from States Parties. The Second Review Conference therefore noted the importance of the timely and accurate submission of declarations in accordance with the Convention. The Second Review Conference noted the efforts made by the States Parties in collecting and updating declaration data and submitting this information to the Secretariat in accordance with Convention timelines, as well as continued improvements in the degree of standardisation of declaration data. It stressed that there is a need for further improvement in this area.
- 9.45 The Second Review Conference recognised the efforts of the Secretariat, consistent with its responsibilities under the Convention, to cooperate with the States Parties in ensuring that declarations submitted in accordance with the Convention are complete and accurate by, *inter alia*, clarifying ambiguities and discrepancies and providing technical assistance and technical evaluation to States Parties in the implementation of the provisions of the Convention. It encouraged the Secretariat to continue these efforts, in close consultation with the States Parties, and to provide appropriate assistance upon request to any State Party with a view to meeting its declaration obligations. The Second Review Conference also requested the Secretariat to ensure that the latest information provided by States Parties in their declarations is accurately captured, so that the most up to date information is used for planning inspections.

- 9.46 The Second Review Conference welcomed the progress made in introducing the Verification Information System, including the option of submitting declarations in electronic form. The Second Review Conference encouraged States Parties' National Authorities to avail themselves of this possibility. It requested the Secretariat to provide them, on request, with appropriate training and assistance. The Second Review Conference reiterated the need to ensure that confidential data is effectively protected at all times, in accordance with the requirements of the Convention.
- 9.47 The implementation by all States Parties of the standing arrangements required by the Convention for the conduct of inspections is important. Noting that some OPCW inspections still encountered difficulties in these areas, the Second Review Conference urged all States Parties to implement these measures without delay and in a manner fully consistent with the requirements of the Convention.
- 9.48 The Second Review Conference noted the progress made by the Secretariat in optimising verification procedures with the aim of increasing cost-effectiveness as well as the steps made by States Parties in this regard. It welcomed the constructive role that States Parties have played in this effort, and encouraged them to continue to cooperate with the Secretariat in identifying and implementing optimisation measures. It requested the Council to continue to monitor the optimisation process to ensure that the stringent verification requirements of the Convention are strictly preserved. It requested the Secretariat to continue to look for further improvements, particularly as additional chemical weapons destruction facilities come into operation in the years ahead, and also in light of the accumulated experience of the range of industrial inspections.
- 9.49 The Second Review Conference noted the experience gained as a result of the Secretariat's recent trial of sampling and analysis for verification purposes during Schedule 2 site inspections. The Second Review Conference welcomed the recent Note by the Director-General on this experience (S/688/2008, dated 10 April 2008), encouraged States Parties to review this carefully, and encouraged the Council to discuss this matter further, as appropriate.
- 9.50 The Second Review Conference requested the Council to resume, as a matter of priority, the consultations on the unresolved issues pertaining to the verification regime of the OPCW with the view of developing appropriate recommendations.
- 9.51 The Second Review Conference reaffirmed the importance of factual reporting by the Secretariat to the Council and the States Parties on verification results, in the interests of transparency and continued assurance of States Parties' compliance. It encouraged the Secretariat to continue its efforts to improve verification reporting and urged States Parties to avail themselves of this information, as well as availing themselves of their right to receive and examine declaration data from other States Parties, in accordance with the relevant provisions of the Convention.
 - Agenda item 9(c)(iv): activities not prohibited under the Chemical Weapons Convention
- 9.52 The Second Review Conference reaffirmed the right of the States Parties, subject to the provisions of the Convention, to develop, produce, otherwise acquire, retain,

transfer, and use toxic chemicals and their precursors for purposes not prohibited under the Convention. The provisions of Article VI shall be implemented in a manner which avoids hampering the economic or technological development of States Parties, and international cooperation in the field of chemical activities for purposes not prohibited under the Convention including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for purposes not prohibited under the Convention.

- 9.53 The Second Review Conference reaffirmed the obligation of the States Parties to adopt the necessary measures, including legislative and administrative steps, to ensure that toxic chemicals and their precursors are developed, produced, otherwise acquired, retained, transferred, or used within their territories or in any other places under their jurisdiction or control only for purposes not prohibited by the Convention.
- 9.54 The Second Review Conference noted that the Annex on Chemicals of the Convention clearly sets out the different levels of risk posed by scheduled chemicals to the Convention's object and purpose and the Verification Annex sets out distinctive verification regimes for different types of facilities. In this context, the Second Review Conference recalled that the selection of a particular facility or plant site for inspection shall take into account, besides the risk posed by the relevant chemical, inter alia, the characteristics of the facility and the nature of the activities carried out there. In this regard, the Second Review Conference further noted that:
 - (a) Schedule 1 chemicals pose a high risk to the object and purpose of the Convention and Schedule 1 facilities shall be subject to systematic verification as required by paragraph 22 and paragraph 29 of Part VI of the Verification Annex.
 - (b) Schedule 2 chemicals pose a significant risk to the object and purpose of the Convention and Schedule 2 facilities shall be subject to initial inspections and subsequent inspections as required by paragraph 14 of Part VII of the Verification Annex.
 - (c) Schedule 3 chemicals poses otherwise a risk to the object and purpose of the Convention and Schedule 3 facilities shall be randomly selected for inspection as required by paragraph 14 of Part VIII of the Verification Annex.
 - (d) Other Chemical Production Facilities shall be randomly selected for inspection as required by paragraph 11 of Part IX of the Verification Annex.
- 9.55 The Second Review Conference noted that between the entry into force of the Convention and 31 December 2007, the following inspections had been carried out:
 - (a) 182 Schedule 1 inspections were conducted, at an average frequency of 6.7 inspections per declared facility over a period of 10 years;
 - (b) 405 Schedule 2 inspections were conducted, at an average frequency of 2.5 inspections per facility over a period of 10 years;

- (c) 218 Schedule 3 inspections were conducted, covering 50.2% of declared inspectable facilities; and
- (d) in total, 521 other chemical production facilities (OCPFs) producing discrete organic chemicals (around 11.4% of the inspectable total) had been inspected after OCPF inspections commenced in 2000, as provided for by the Convention.
- 9.56 The Second Review Conference recalled the decision taken by the Council at its Twenty-Sixth Meeting to undertake discussions, under the industry cluster, in 2007, with the assistance of relevant experts of the Secretariat and States Parties, on the main issues related to the implementation of the verification regime established by Article VI of the Convention, including, *inter alia*, the frequency of inspections of the different categories of the facilities to be inspected as required by the Convention. The Second Review Conference urged States Parties to continue their ongoing discussions concerning the question of frequency of inspections of all plant sites.
- 9.57 The Second Review Conference underlined the need for comprehensive, effective, and efficient verification and recalled that such verification shall avoid undue intrusion into the States Parties chemical activities for purposes not prohibited under the Convention. The Second Review Conference noted that the Article VI verification system had been strengthened since the First Review Conference: the number of inspections of chemical industry facilities had been increased, further experience had been gathered in conducting such inspections effectively, and important decisions had been taken on industry declarations. The Second Review Conference stressed that there is still room for improvement and therefore efforts to strengthen the implementation of the Article VI verification system should continue, including increasing its efficiency and effectiveness.
- 9.58 The Second Review Conference noted that the Director-General, in his Note (WGRC-2/S/1, dated 27 November 2007 and Corr.1, dated 25 January 2008) refers to developments in science and technology since the First Review Conference and requested the Council to consider these issues.
- 9.59 The Second Review Conference encouraged States Parties to share their experiences about the most effective ways to implement the Convention, and to cooperate in the resolution of issues they may encounter in their implementation of these provisions and measures. It encouraged the Secretariat to continue to provide technical assistance to States Parties, on request, for the submission of Article VI declarations, the receipt of OPCW inspections, and other technical questions that may arise in the implementation of provisions related to activities not prohibited under the Convention. It also encouraged further development of existing fora, such as the annual, regional and subregional meetings of National Authorities, to facilitate exchanges on specific aspects of implementation including the early identification of annual themes.
- 9.60 The Second Review Conference stressed the importance of the timely submission of initial declarations and annual declarations in an accurate and complete manner by all States Parties under Article VI (facilities, aggregate national data, and notifications and declarations of transfers of Schedule 1 chemicals) in accordance with the

- timelines in the Convention. It encouraged the Secretariat to continue to provide support to States Parties in connection with the preparation and submission of declarations. It stressed the importance of the Secretariat's continuing to report to the Council in accordance with the decision of the Council (EC-51/DEC.1, dated 27 November 2007), with the aim of allowing the Secretariat to efficiently and effectively carry out its verification activities.
- 9.61 The Second Review Conference encouraged the Secretariat to continue to develop and periodically update existing databases on declarable chemicals, under the guidance of the Council, thus providing practical help to companies for identification of declarable chemicals. It noted the continued importance of providing practical help to States Parties and industry to enable them to identify all declarable facilities and activities. It also expressed appreciation for the ongoing project of the OPCW with the European Chemical Industry Council (CEFIC) aimed at extending the Chemical Abstracts Service (CAS) registry numbers to all declarable chemicals. It requested that, as recommended by the Scientific Advisory Board, the OPCW Declaration Handbook should provide references to the various CAS numbers corresponding to the entries in the Schedules.
- 9.62 The Second Review Conference recalled the decision of the First Conference of States Parties requesting States Parties to implement, on a voluntary basis, the recommendation of the Conference at its First Session (C-I/DEC. 38, dated 16 May 1997) that they inform the Secretariat when plants or plant sites that have been declared as undertaking activities in relation to Schedule 2 or Schedule 3 chemicals cease to do so. It further recalled that the First Review Conference had requested the Council to consider whether to require such submissions from States Parties, and noted that the Council had not yet taken up this issue. In this regard, the Second Review Conference requested the Secretariat to include, in the Declaration Handbook, a standard form for the submission of such notifications.
- 9.63 The Second Review Conference noted with concern that the issue of low concentrations in relation to Schedule 2A/2A* chemicals has not yet been resolved. It urged the Council to resume work promptly, with the support of the Secretariat, towards the earliest resolution of the issue in accordance with the requirements of the Convention (Verification Annex, Part VII, paragraph 5).
- 9.64 The Second Review Conference recalled that the Council had at its Fiftieth Session taken note of the modification announced by the Director-General to the Secretariat's OCPF site-selection methodology as reflected in the Note (S/641/2007, dated 25 May 2007, and Corr.1, dated 4 June 2007). The Council acknowledged that it will only be an interim measure. The Second Review Conference reiterated the request made by the Council for early resumption of consultations on the OCPF site selection methodology with a view to reaching a decision by States Parties, in accordance with Part IX, paragraphs 11 and 25, of the Verification Annex to the Convention. The Second Review Conference noted the Council's request to the Director-General to report to it on the performance of the modified methodology at the end of the first year of its implementation.

- 9.65 In relation to declaration and inspection of OCPFs (Part IX of Verification Annex of the Convention) the Second Review Conference noted the desirability of directing inspections towards facilities of greater relevance to the object and purpose of the Convention and of removing irrelevant facilities from the declarations and inspections. The Second Review Conference requested the Director-General to examine the options for achieving the above objectives without imposition of any additional declaration obligations and strictly in accordance with the relevant provisions of Part IX of the Verification Annex of the Convention and to submit his findings to the Council for its consideration.
- 9.66 The Second Review Conference noted the Director-General's view expressed in RC-2/S/1*, dated 31 March 2008, concerning the present level of assurance with respect to OCPFs. The Second Review Conference confirmed that any changes in the frequency of OCPF inspections, if required, should take into account any refinements to the OCPF inspection regime or improvements in site selection methodology, and should be based on a thorough discussion and a decision of the policy-making organs.
- 9.67 The Second Review Conference concluded that the allocation of resources to the verification regime for the chemical industry needed to be further optimised, taking due account of the nature of the declared facilities, the inspection experience gathered, developments in science and technology, and based on the principles set out in Article VI. To this end, it encouraged the Council and the Secretariat to work toward continued progress in those areas identified by paragraph 7.71 of the Report of the First Review Conference (RC-1/5, dated 9 May 2003), as well as:
 - (a) improving OPCW classified verification reporting by providing more information (consistent with confidentiality requirements) about sites inspected and issues that have arisen; through more precise classification of portions of text; and by making charts and tables available in spreadsheet form to facilitate analysis by States Parties;
 - (b) improving the submission and handling of industry declarations (in particular, through encouraging the submission of declaration data in electronic form). In this connection, the Second Review Conference encouraged States Parties to develop national projects that would allow the submission of declarations in electronic form and encouraged the Secretariat to explore what support it might be able to provide to States Parties wishing to move to electronic submissions; and
 - (c) consideration of the report to be produced by the Secretariat on the further development of the OCAD.
- 9.68 It also noted that an increasing number of States Parties had put in place the necessary measures on transfers of scheduled chemicals.
- 9.69 In relation to transfers of scheduled chemicals to or from States not Party, the Second Review Conference recalled the prohibitions on any such transfers of Schedule 1 chemicals and, from 29 April 2000, of Schedule 2 chemicals. It also noted that an increasing number of States Parties had put in place the necessary measures on transfers of scheduled chemicals. It urged all States Parties to implement the

- necessary legislative and administrative measures, and to share experiences about the implementation of these provisions.
- 9.70 The Second Review Conference considered the decision on measures regarding the transfers of Schedule 3 chemicals to States not Party to the Convention (EC-47/DEC.8, dated 8 November 2006) and reaffirmed this decision.
- 9.71 The Second Review Conference expressed concerns that the discrepancies between transfers declared by States Parties are of considerable magnitude and encouraged the continuing consultation efforts under the cluster of chemical industry and other Article VI issues. The Second Review Conference requested the Secretariat to continue working with the States Parties concerned on analysing persisting discrepancies between exporting and importing States Parties, with a view to identifying the factors that cause problems, and to recommend possible solutions.

Agenda item 9(c)(v): national implementation measures

- 9.72 The Second Review Conference reaffirmed that the full and effective national implementation of the obligations under the Convention is essential for the realisation of the object and purpose of the Convention.
- 9.73 National implementation also contributes in an important manner to the Convention's ability to deal with changes in the security environment or in science and technology that may affect its operation. It contributes to meeting new challenges, including the threat or possible use of chemical weapons, as defined by the Convention, by non-state actors such as terrorists.
- 9.74 The Second Review Conference welcomed the significant progress made in the implementation of Article VII since the First Review Conference and commended the efforts of the States Parties, the Director-General, and the Secretariat in assisting with national implementation of the Convention through the Article VII Action Plan and follow-up decisions. The Second Review Conference encouraged the States Parties and the Secretariat to continue to support the implementation of the decision of the Conference (C-12/DEC.9, dated 9 November 2007) to achieve full implementation of Article VII obligations. In this connection, the Second Review Conference noted that seven States Parties have yet to designate or establish National Authorities. It reaffirmed the need to continue efforts, including encouragement and cooperation, to secure the designation or establishment of National Authorities by all States Parties without further delay.
- 9.75 The Second Review Conference highlighted the need for a comprehensive approach to the enactment of implementing legislation in line with each State Party's constitutional requirements, to filling gaps in legislation, and to ensuring that legislation reflects fully the Convention's prohibitions. The Second Review Conference expressed concern that 10% of submissions under Article VII, paragraph 5, are still outstanding. The Second Review Conference expressed concern that 101 States Parties, including over half of the original Parties to the Convention at its entry into force, have not yet fully enacted comprehensive implementing legislation. It recognised that 44 out of these 101 States Parties have informed the OPCW of some legislative or administrative measures taken to implement the Convention and that a

- further 45 States Parties have informed the OPCW that they are currently developing draft legislation.
- 9.76 The adoption of implementing legislation in accordance with each State Party's constitutional processes (including penal legislation, and other measures necessary to implement the Convention) is an important responsibility of each State Party. In light of the success of the Article VII Action Plan in assisting States Parties towards full implementation, the Second Review Conference recalled that the Conference at its Twelfth Session had requested the Council to submit to its next session a report to be prepared by the Secretariat along with its own recommendations, as appropriate, for consideration concerning those States Parties that have not submitted any information in accordance with paragraph 1 of that decision (C-12/DEC 9). The Second Review Conference recognised the distinctive characteristics of different States Parties' legislative processes in the context of the implementation of Article VII.
- 9.77 The Second Review Conference reaffirmed that raising the awareness of all stakeholders about the prohibitions and requirements of the Convention would benefit national implementation. The Second Review Conference noted that voluntary measures by relevant industry and scientific communities to promote responsible conduct can also help to guard against chemical weapons, as defined in the Convention, being used.
- 9.78 The Second Review Conference welcomed the efforts made by States Parties to assist each other upon request in their national implementation measures. It noted again the value of bilateral assistance and networking within and among regions, especially for States Parties with limited resources who may need particular assistance. It encouraged strengthened learning, communication, and mutual cooperation through further engagement by the Secretariat, by National Authorities, and as appropriate, with parliamentary representatives. The Second Review Conference encouraged the Director-General to make further recommendations in this regard to the Council as necessary.
- 9.79 The Second Review Conference noted with appreciation the ongoing programme for implementation support developed by the Secretariat, which provides technical assistance and technical evaluation in the implementation of the provisions of the Convention to States Parties upon request. The Second Review Conference encouraged States Parties and the Secretariat to continue to consult in order to enhance further the utility and effectiveness of these programmes, and it requested the Secretariat to evaluate the programme and report to the Council.
- 9.80 Having reviewed implementation of the Action Plan and subsequent decisions, in particular the decision of the Twelfth Session of the Conference (C-12/DEC.9), the Second Review Conference:
 - (a) Reaffirmed the approach contained in C-12/DEC.9 and called upon States Parties and the Secretariat to continue along those lines;
 - (b) Requested the Secretariat to keep current a progress report on the external server of the OPCW; and,

(c) Requested the Conference at its annual sessions to continue to review progress towards the full and effective national implementation of obligations under the Convention and to encourage further progress.

Agenda item 9(c)(vi): consultations, cooperation, and fact-finding

- 9.81 The Second Review Conference reaffirmed the commitment of the States Parties to consult and cooperate directly among themselves or through the OPCW, or by using other appropriate international procedures, including those within the framework of the United Nations and in accordance with its Charter, on any matter that may be raised relating to the object and purpose of the Convention or the implementation of its provisions in accordance with the Convention.
- 9.82 The Second Review Conference reaffirmed that, without prejudice to the right of any State Party to request a challenge inspection in line with Article IX of the Convention, States Parties should, whenever possible, first make every effort to clarify and resolve, through the exchange of information and consultation among themselves, any matter that might cause doubt about compliance with the Convention, or which gives rise to concerns about a related matter that may be considered ambiguous.
- 9.83 The Second Review Conference also emphasised the value and importance of bilateral consultations to clarify and to resolve issues regarding possible non-compliance with the provisions of the Convention. The Second Review Conference encouraged the States Parties to make full use of this bilateral consultation mechanism
- 9.84 The Second Review Conference noted with satisfaction that the Council had received no clarification requests under paragraphs 3 to 7 of Article IX since entry into force. It reiterated the fact that the Convention provides for all necessary arrangements to receive and deal expeditiously with any clarification request that a State Party may decide to submit in accordance with the applicable provisions of Article IX.
- 9.85 The Second Review Conference also noted with satisfaction that no challenge inspection or investigation of alleged use had been requested since the entry into force of the Convention. It reaffirmed the right of any State Party to request an on-site challenge inspection, in accordance with the Convention, for the sole purpose of clarifying and resolving any questions concerning possible non-compliance with the provisions of the Convention.
- 9.86 The Second Review Conference also reaffirmed the right and obligation of any inspected State Party to make every reasonable effort to demonstrate its compliance, its obligation to provide access (in accordance with provisions of the Convention) within the requested site for the sole purpose of establishing facts relevant to possible non-compliance, and its right to take measures to protect sensitive installations and to prevent disclosure of confidential information and data not related to the Convention.
- 9.87 The Second Review Conference recalled the provisions of the Convention intended to avoid abuse of the mechanism for challenge inspections and expressed its confidence that the States Parties will continue to uphold the value of the challenge-inspection mechanism for compliance and compliance assurance, while at the same time,

- keeping any request for a challenge inspection by States Parties within the scope of the Convention. States Parties shall refrain from requests that are unfounded or abusive in order not to undermine the integrity of the Convention.
- 9.88 The Second Review Conference noted that a number of issues related to challenge inspections still remained to be resolved and that their resolution is important for challenge inspections. It requested the Council to continue its deliberations in order to resolve them expeditiously.
- 9.89 The Second Review Conference noted the preparations that the Secretariat had undertaken since entry into force in order to respond swiftly and effectively to any request for a challenge inspection or investigation of alleged use. It recalled with appreciation the support provided by States Parties for challenge inspection exercises.
- 9.90 The Second Review Conference requested the Secretariat to continue to maintain a high standard of readiness to conduct a challenge inspection or investigation of alleged use in accordance with the provisions of the Convention, *inter alia*, through the use of tabletop exercises and mock inspections, as well as keeping the Council informed about its readiness and reporting any problems that may arise in relation to maintaining the necessary level of readiness to conduct a challenge inspection. The Second Review Conference requested the Secretariat to maintain competence in the light of scientific and technological developments.

Agenda item 9(c)(vii): assistance and protection against chemical weapons

- 9.91 The Second Review Conference re-emphasised the continuing relevance and importance of the provisions of Article X of the Convention and welcomed the activities of the OPCW in relation to assistance and protection against chemical weapons. It recognised that the assistance available under Article X could be a motivating factor for states to join the Convention. It recalled the definition of assistance contained in paragraph 1 of Article X and reaffirmed the right of States Parties to conduct research into, develop, produce, acquire, transfer, or use means of protection against chemical weapons for purposes not prohibited under the Convention.
- 9.92 The Second Review Conference also reaffirmed the undertaking of the States Parties to provide assistance through the OPCW and their undertaking to facilitate as well as their right to participate in the fullest possible exchange of equipment, material, and scientific and technological information concerning means of protection against chemical weapons. The Second Review Conference welcomed the progress that had been made on Article X since the First Review Conference but noted that there was scope for further efforts both by Member States and the Secretariat in order to achieve and maintain the high level of readiness of the OPCW.
- 9.93 The Second Review Conference appreciated the Secretariat's efforts in providing expert advice to States Parties that wish to establish or further develop their emergency-response capacity. The Second Review Conference also welcomed the effectiveness and efficiency of the increased focus on making full use of regional and subregional capacities and expertise, including taking advantage of training centres. The Second Review Conference called on the Secretariat to evaluate the effectiveness

- of current programmes undertaken under Article X and to assess to what extent and how efficiently they meet the current and future needs of States Parties.
- 9.94 The Second Review Conference reaffirmed concerns expressed at the First Review Conference that chemical facilities may become subject to attacks or other incidents that could lead to the release or theft of toxic chemicals. The Second Review Conference welcomed the fact that some States Parties had taken measures to minimise such risks and encouraged States Parties to exchange experiences and discuss related issues. It noted the value of Article X in this respect and the role of the OPCW as a forum for consultation and cooperation among the States Parties. The Second Review Conference recognised the need for close cooperation with other relevant international organisations and agencies active in this field.
- 9.95 The Second Review Conference, noting the possibility of the use of chemical weapons, as defined by the Convention, by non-state actors such as terrorists, the Second Review Conference underlined the importance of the implementation of Article X in this regard by the States Parties and the Secretariat.
- 9.96 The Second Review Conference recalled that the Conference at its Ninth Session had adopted a format for States Parties to provide information to the Secretariat annually on national programmes for protective purposes in accordance with paragraph 4 of Article X (C-9/DEC.10, dated 30 November 2004). The Second Review Conference welcomed the progress made in this area but noted with concern that the number of submissions under paragraph 4 of Article X by States Parties since the entry into force of the Convention remained low. It noted that there were 75 such declarations in 2006 but only 62 in 2007.
- 9.97 Recalling States Parties' obligation to provide information on their national programmes for protective purposes, which is intended to increase transparency and build confidence among States Parties, and bearing in mind the potential relevance of such information for the coordination of assistance and protection among States Parties, the Second Review Conference urged all States Parties, particularly those that have not yet done so, to make their annual submissions of information in a timely fashion, and requested the Secretariat to assist States Parties with the timely completion of their submissions.
- 9.98 The Second Review Conference noted the progress made on setting up the OPCW data bank on protection and encouraged the Secretariat to update the information available on it regularly concerning assistance, protection equipment and knowledge offered by States Parties. The Second Review Conference requested the Secretariat to report periodically to the Council on the content of the data bank and its use.
- 9.99 The Second Review Conference requested the Secretariat to review and keep up to date its current lists of experts, both from within the Secretariat and from States Parties (including those in the Protection Network). This would enable it 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 capacity against chemical weapons, pursuant to Article X paragraph 5, and/or to participate in investigations of alleged use pursuant to the Verification Annex, Part XI, paragraph 7.

- 9.100 The Second Review Conference requested the Secretariat to make proposals to the Council on how to make best use of these resources, taking into account the options for assistance and protection made possible by advances in science and technology.
- 9.101 The Second Review Conference noted with appreciation the offers by States Parties, in accordance with paragraph 7 of Article X, of assistance in the event of the use or threat of use of chemical weapons, as well as national contributions to the voluntary fund for assistance, while also noting that the overall number of assistance offers, bilateral agreements, or contributions to the voluntary fund by States Parties still fall short of the requirements of Article X.
- 9.102 The Second Review Conference urged all States Parties that have yet to make offers of assistance to the OPCW to do so 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. It requested the Secretariat to evaluate the assistance offers already made in order to identify complementarities and synergies and to engage with States Parties to identify what further offers can be made to help optimise the use of OPCW resources.
- 9.103 The Second Review Conference requested the Secretariat to keep the policy-making organs informed about the status of pledges for assistance by States Parties and about any problems requiring attention and resolution. It also noted the necessity of regional coordination in speeding up response mechanisms and welcomed the Secretariat's efforts for capacity building at a regional and subregional level. In this connection, it welcomed the new focus on regional and subregional training programmes and encouraged the Secretariat to build on the experience gained from such programmes as the three-year training project in Central Asia. It also encouraged the Secretariat to maintain the flexibility to address capacity building for public events where the consequence of chemical attack could be considerable for States Parties. It emphasised the usefulness of the annual report on the status of implementation of Article X in keeping the Council informed of progress, and encouraged greater follow-up to assess and build on the results of these efforts.
- 9.104 The Second Review Conference noted that at its Twelfth Session the Conference stressed the importance of achieving and maintaining a high level of readiness of the Secretariat, as well as States Parties, with respect to providing timely and needed assistance and protection against the use or threat of use of chemical weapons, and that it had requested the Council to conduct intensive deliberations to develop measures for emergency assistance to States Parties, including with regard to the victims of the use of chemical weapons, as provided for in Article X of the Convention.
- 9.105 The Second Review Conference stressed the importance of investigations of alleged use or threat of use of chemical weapons involving States Parties. For such situations, the OPCW must have the capacity and be ready at all times to investigate the need for follow-on action by the OPCW, as well as to facilitate the delivery of assistance. In this context, the Second Review Conference noted the Scientific Advisory Board's work on the analysis of bio-medical samples and requested the Director-General to present a proposal to develop this capability as foreseen by the Council at its Forty-Fourth Session (EC-44/2, dated 17 March 2006).

- 9.106 The Second Review Conference noted that, since the First Review Conference, the Secretariat had taken steps towards the implementation of the First Review Conference's recommendations with regard to an assistance response mechanism and requested the Council to monitor further development of an Assistance Response System to facilitate responses to requests for assistance and protection; had developed and trained the Assistance, Coordination, and Assessment Team (ACAT); and had participated in several field exercises with different international organisations. The Second Review Conference noted the importance of exercises to ensure effective coordination with States Parties and other international agencies in an emergency-response situation, and urged the Secretariat to apply the lessons learned from them and to keep the Council updated on this matter.
- 9.107 In this connection, the Second Review Conference reaffirmed three principles highlighted in paragraph 7.100 of the Report of the First Review Conference (RC-1/5, dated 9 May 2003).
- 9.108 The Second Review Conference requested the Conference of the States Parties to ensure the availability of adequate resources to be placed at the disposal of the Director-General to enable him to take emergency measures of assistance to victims of use of chemical weapons in accordance with paragraph 11 of Article X.
- 9.109 The Second Review Conference encouraged States Parties to make equipment related to the means of protection against the use of chemical weapons available, without undue restrictions, to other States Parties.

Agenda item 9(c)(viii): economic and technological development

- 9.110 The Second Review Conference re-emphasised the importance of the provisions of Article XI of the Convention on the economic and technological development of States Parties and recalled that the full, effective and non-discriminatory implementation of Article XI is essential for the realisation of the object and purpose of the Convention.
- 9.111 The Second Review Conference reaffirmed that the provisions of the Convention shall be implemented in a manner that avoids hampering the economic or technological development of States Parties and international cooperation in the field of chemical activities for purposes not prohibited under the Convention, including the international exchange of scientific and technical information, and chemicals and equipment for the production, processing, or use of chemicals for purposes not prohibited under the Convention.
- 9.112 The Second Review Conference reaffirmed that States Parties have the obligation, subject to the provisions of the Convention and without prejudice to the principles and applicable rules of international law, to facilitate, and have the right to participate in the fullest possible exchange of chemicals, equipment, and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under the Convention.

- 9.113 The Second Review Conference reaffirmed the provision of Article XI that the States Parties shall, *inter alia*:
 - (a) not maintain among themselves any restrictions, including those in international agreements, incompatible with the obligations undertaken under the Convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical, and other peaceful purposes;
 - (b) not use the Convention as grounds for applying any measures other than those provided for, or permitted, under the Convention nor any other international agreement for pursuing an objective inconsistent with the Convention; and
 - (c) undertake to review their existing national regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of the Convention.
- 9.114 The Second Review Conference called upon the States Parties to fully implement these provisions of the Convention. It also urged the Council to continue its facilitation efforts to reach early agreement on the issue of the full implementation of Article XI, taking into account earlier and recent proposals submitted.
- 9.115 The Second Review Conference stressed the importance of the international cooperation programmes of the OPCW. While noting the substantial strengthening of Article XI-related programmes and the growth in the budget of the International Cooperation and Assistance Division since the First Review Conference, it also noted the increase in the membership of the OPCW and the increase in demand of international cooperation and assistance programmes for capacity building. In this regard, the Second Review Conference also called for the adequate funding for the OPCW's international cooperation and assistance programmes, through the regular budget and voluntary funding.
- 9.116 The Second Review Conference stressed the importance of a focussed and well-evaluated programme of international cooperation and assistance to the promotion of the object and purpose of the Convention as a whole, including its contribution to universality. In this context, the Second Review Conference:
 - (a) underlined its commitment to promote international cooperation for purposes not prohibited in the field of chemical activities, and its desire to promote free trade in chemicals as well as international cooperation, and the fullest possible exchange of scientific and technical information in the field of chemical activities;
 - (b) stressed again the importance of cooperation projects among States Parties in areas related to the purposes not prohibited. The OPCW should continue to facilitate the provision, upon request, of expert advice on the peaceful uses of chemistry to and among States Parties;

- (c) underlined the importance of assistance and national capacity building in the field of chemical activities for purposes not prohibited, particularly as it applies to the implementation of the Convention, and recalled that an important component of these activities involves facilitating the provision of direct support on-site to assist National Authorities with specific implementation tasks, whether bilaterally, regionally, or through or by the OPCW, and whether by experts from other States Parties or from the Secretariat. The Secretariat, in consultation with States Parties, is requested to continue to review and develop relevant programmes for requesting States Parties.
- (d) noted the benefits of the existing International Cooperation and Assistance programmes, as well as programmes focussed on capacity building and transfer of skills, and recalled that all OPCW programmes should be improved through evaluation of their effectiveness with a view to ensuring that they are responsive to the needs of beneficiary States Parties, in order to optimise resource use and effectiveness. This should involve consultations between the States Parties and the Secretariat, aimed at achieving a clear understanding of the competencies available, the needs of the States Parties, and the requirements of the Convention. The Secretariat should develop further its own capacity to measure the quality and impact of all the OPCW's international cooperation and assistance programmes;
- (e) recognised the need for ensuring the provision of adequate resources and concluded that decisions on budgetary allocations for international cooperation should be based on an objective assessment of States Parties' needs and how the programme addresses these needs, bearing in mind overall resource constraints:
- (f) stressed the importance of coordination between the Secretariat and States Parties in a position to provide voluntary contributions, in terms of both financial and human resources. In this context, the Second Review Conference also welcomed the wide range of voluntary contributions by States Parties individually or collectively;
- (g) emphasised how important it is that the OPCW coordinates its activities with those of other relevant international and regional organisations as appropriate, in order to build on existing competencies, develop synergies, and avoid duplication of efforts. The OPCW should further integrate itself as a partner in the establishment of international programme coordination mechanisms in the field of international cooperation, assistance, and capacity building related the peaceful uses of chemistry;
- (h) encouraged the OPCW to continue to develop relations and partnerships as appropriate with relevant regional and international organisations including international organisations related to chemical safety, chemical industry associations, the private sector and civil society, in order to promote universality and awareness of the objectives and purposes of the Convention. The Second Review Conference welcomed the interest of such groups in the work of the OPCW, including the active engagement of chemical industry.

- 9.117 The Second Review Conference also recalled the decision of the Conference at its Twelfth Session (C-12/DEC.10, dated 9 November 2007) to request the States Parties and the Secretariat to continue actively to implement its previous decision at its Tenth Session (C-10/DEC.14, dated 11 November 2005) on the full implementation of Article XI, which identified steps towards the full implementation of Article XI to foster international cooperation for peaceful purposes in the field of chemical activities and requests and to request the Council to continue its intensive consultations at regular intervals to develop concrete measures within an agreed framework to ensure the full implementation of Article XI, and to report back to the Conference at its Thirteenth Session for consideration.
- 9.118 The Second Review Conference called upon States Parties, especially developed countries, to increase, their scientific and technological cooperation, with developing countries, in the peaceful uses of chemistry on a non-discriminatory basis.
 - Agenda item 9(c)(ix): Articles XII to XV and final clauses
- 9.119 The Second Review Conference reaffirmed the continued relevance of the provisions of Articles XII to XV.
 - Agenda item 9(c)(x): the protection of confidential information
- 9.120 The Second Review Conference reiterated the importance of the protection of OPCW confidential information, in accordance with the provisions of the Convention in view of the fact that the verification provisions of the Convention require States Parties to disclose potentially sensitive information to the Secretariat. Confidence in the OPCW's ability to protect confidential information is thus essential. The Second Review Conference noted that the verification provisions of the Convention require States Parties to disclose potentially sensitive information to the Secretariat through declarations and inspections.
- 9.121 The Second Review Conference emphasised the important role of the Director-General in ensuring the protection of confidential information, as well as the responsibility of each staff member of the Secretariat to comply with all rules and regulations pertaining to the protection of confidential information. Proper conduct on the part of staff is essential to the effective implementation of a robust confidentiality regime, and the Second Review Conference underlined the need for encouraging staff awareness of relevant procedures, as well as adequate and sustained training within existing resources.
- 9.122 The Second Review Conference stressed the importance of the procedures to be applied in cases of alleged breaches of confidentiality. It reaffirmed the important role of the Confidentiality Commission in settling any dispute related to breaches or alleged breaches of confidentiality involving both a State Party and the OPCW, while noting with satisfaction that the Commission has had no such disputes brought before it since entry into force.
- 9.123 The Second Review Conference recalled that the First Review Conference had urged States Parties expeditiously to provide details of their handling of the information provided to them by the OPCW. The Second Review Conference noted a significant

- increase in the number of States Parties providing the details required since the First Review Conference but again urged all States Parties to provide this information expeditiously.
- 9.124 The First Review Conference encouraged the Secretariat and the States Parties to review their respective practices in assigning levels of classification to such information, and if possible, and in accordance with the States Party's confidentiality procedures, to adjust the classification level they assign to such information, in order to increase work efficiency and ensure the smooth functioning of the system to protect confidentiality. The Second Review Conference welcomed the improvements made in implementing the confidentiality regime since the First Review Conference, including the completion of the Confidentiality Supplement in 2006, which is to be issued with the next version of the Declarations Handbook, and the adoption of the latest version of the ISO information security management standard (ISO 27001).
- 9.125 The Second Review Conference noted that no agreement had yet been reached on the issue of developing and implementing guidelines regarding the long-term handling of confidential information. It recommended that the Secretariat make a report to the Council proposing solutions before the next Conference.
 - Agenda item 9(d): the general functioning of the Organisation for the Prohibition of Chemical Weapons
- 9.126 The Second Review Conference noted with satisfaction that the OPCW has matured in the 11 years since the Convention's entry into force and has developed into a well-established multilateral organisation for achieving the object and purpose of the Convention. The Second Review Conference reaffirmed that the work of the policy-making organs is important for the OPCW's effective functioning, which contributes directly to the aims of the Convention. The Second Review Conference welcomed the way in which the policy-making organs have developed a sustainable pattern of work since the First Review Conference and stressed again the need for all States Parties to participate fully in their activities.
- 9.127 The Second Review Conference reaffirmed that decision making by consensus by the policy-making organs plays an important role in achieving common goals and in ensuring strong support for and preserving the integrity of decisions. It noted the need for focussed agendas for both the formal meetings and intersessional consultations of the Council in order for it to take decisions effectively. The Second Review Conference reaffirmed the importance of the Chairperson and Vice-Chairpersons of the Council being engaged with the work of the facilitation groups. While noting improvements since the First Review Conference, the Second Review Conference also reaffirmed the importance of continued efforts by the Secretariat to provide documents in a timely fashion.
- 9.128 The Second Review Conference noted the Director-General's initiative regarding the OPCW Programme to Strengthen Cooperation with Africa with a view to assisting States Parties with their implementation of the Convention. It called upon the Secretariat to implement the Programme as soon as possible as well as to provide feedback on a regular basis on the activities and progress made in this regard.

- 9.129 The Second Review Conference underlined the importance for the OPCW of keeping abreast of the developments in science and technology in order to achieve the object and purpose of the Convention.
- 9.130 The Scientific Advisory Board continues to play a valuable role in enabling the Director-General to render specialised advice to the policy-making organs and the States Parties in areas of science and technology relevant to the Convention.
- 9.131 The Second Review Conference concluded that consideration should be given, through negotiations in the regular budget process, to meeting the cost of two meetings of the Scientific Advisory Board and two meetings of temporary working groups per year. It noted that, based on current activity levels, this would also still require additional funding through voluntary contributions to the Scientific Advisory Board trust fund.
- 9.132 The Second Review Conference encouraged States Parties generally to consider supporting the work of the Scientific Advisory Board by making voluntary contributions to the Scientific Advisory Board trust fund.
- 9.133 The Second Review Conference requested the Council, through a meeting of governmental experts open to all States Parties, to consider the report by the Scientific Advisory Board which the Director-General had forwarded to the Second Review Conference.
- 9.134 The Second Review Conference, in order to facilitate consideration of the specialised advice the Director-General provides to the policy-making organs and to States Parties on the basis of the advice he receives from the Scientific Advisory Board, invited the Director-General to provide considered advice to the Council on how to enhance the interaction between the Scientific Advisory Board and States Parties as well as the policy-making organs, making best use of governmental experts.
- 9.135 In reviewing the functioning of other subsidiary advisory bodies, the Second Review Conference noted the valuable contributions to the work of the OPCW made by the Advisory Body for Administrative and Financial Matters (ABAF) and stressed the importance of its membership, which comprises experts of recognised standing.
- 9.136 The Second Review Conference welcomed recent experience of interactions between National Authorities and other stakeholders in the OPCW from governments and the private sector. It underlined the importance of the involvement of all stakeholders, including the chemical industry and the scientific community in the promotion of the Convention's goals and in supporting national implementation. It encouraged the development of such cooperation, with due regard to the role and responsibilities of States Parties and their National Authorities, on the broadest possible geographical basis.
- 9.137 The Second Review Conference reaffirmed the autonomous and independent status of the OPCW and took cognisance of the resolutions of the United Nations on combating terrorism. The Second Review Conference, in this regard, invited States Parties to consult and cooperate both bilaterally and regionally on ways to prevent terrorists

- from acquiring and/or using chemical weapons. The Second Review Conference also took note of the work of the OPCW Open-Ended Working Group on Terrorism.
- 9.138 The Second Review Conference recognised the continued dedication, competence, and integrity of Secretariat staff under the leadership of the Director-General. It noted that the OPCW has at its disposal qualified and trained staff, equipment, and procedures fit for the tasks it must fulfil under the Convention. Cognisant of the implementation of the tenure policy, it reaffirmed that the paramount consideration in the employment of staff remains the necessity of securing the highest standards of efficiency, competence, and integrity, while paying due regard to the importance of recruiting on as wide a geographical basis as possible. The Second Review Conference requested the Director-General, in his recruitment of staff, to pay special attention to regions and countries that are under-represented. It also recognised the implementation of certain improvements for the operation of the Convention that were recommended by the First Review Conference.
- 9.139 The Second Review Conference welcomed, in particular, the fact that implementation of the tenure policy had proceeded as indicated by the First Review Conference. It requested the Director-General to continue to report regularly to the Council on the continued implementation of this policy, including the implications for the OPCW's effectiveness and efficiency and any limited exceptions to the normal policy that may be necessary on these grounds. The Second Review Conference noted the systematic approach to the amendment and updating of the Staff Regulations and Rules followed by the Director-General, in particular, the decision of the Conference at its Tenth Session (C-10/DEC.4, dated 8 November 2005). The Second Review Conference emphasised the importance of maintaining the high level of expertise of Secretariat staff, including the need to maintain professional knowledge.
- 9.140 The Second Review Conference noted that it will be important for the Secretariat to retain necessary chemical weapons-specific expertise in order to address issues related to the OPCW's activities. The Second Review Conference recommended that the Director-General take these considerations into account when assessing and developing future staffing plans.
- 9.141 The Second Review Conference noted that the OPCW had approved zero-nominal growth budgets for the previous three years. While underlining the need to maintain continued budgetary rigour, it also noted that such budgets may not always be sustainable given the objective demands on the organisation. The Second Review Conference welcomed the improvements to the budgetary process of the OPCW since the First Review Conference, including the streamlining of procedures and rules, completing the set of administrative measures needed, and step-by-step implementation of a results-based approach to budgeting.
- 9.142 The Second Review Conference noted that voluntary funds by States Parties contribute significantly to the work and programmes of the OPCW. The Second Review Conference recommended the Council to consider the possible development of guidelines for the offers and utilisation of voluntary funds contributed by individual States Parties and regional and other groups.

- 9.143 The Second Review Conference called on the Secretariat to continue to pursue results-based budgeting vigorously, with a view to completing its introduction as quickly as possible, while keeping the Council informed of progress on a regular basis, to use evaluation and internal and external audit mechanisms, and to continue to review the allocation of human and financial resources while ensuring that the resources available are sufficient to support the effective implementation of the Convention.
- 9.144 The Second Review Conference noted that a large number of assessed contributions have not been received on time or in full and urged all States Parties to regularise their payments without delay and in accordance with the Financial Rules in order to provide financial stability. The Second Review Conference also reaffirmed the need for the Council, with the support of the Secretariat, to continue the monitoring and assessment of budgetary mechanisms to ensure that objectives are being met.
- 9.145 The Second Review Conference reaffirmed the need for Secretariat staff, particularly its inspectors, to keep abreast of developments in science and technology in order to maintain professional excellence and to discharge their responsibilities efficiently. The Second Review Conference requested the Director-General to keep these requirements in mind when identifying the future training needs of the Secretariat.
- 9.146 The Second Review Conference requested the Secretariat to continue to seek to apply information technology more efficiently to improve the functioning of the OPCW, in particular, expanding the OPCW's use of internet-based communications to all sections of the Secretariat. It also recalled the decision of the Conference at its Sixth Session (C-VI/DEC.9, dated 17 May 2001) on the equal treatment of all official OPCW languages and called for further improvements, including regular updating of the website and sustaining the high level of translation and to continue meeting interpretation requirements at sessions of the Conference of the States Parties and the Council.
- 9.147 The Second Review Conference noted that it is essential for effective verification that the Secretariat's approved inspection equipment remains up to date and that the list of such equipment can be adjusted promptly as items become obsolete. It requested the Secretariat to review the operational requirements and technical specifications first approved by the Conference at its First Session (C-I/DEC.71 and Corr.1, both dated 23 May 1997), seeking the advice of the Scientific Advisory Board, and to submit a report to the Council.
- 9.148 The Second Review Conference again expressed its satisfaction at the relationship between the OPCW and the Host Country, including the role of the Director-General and the Council in promoting good relations with the Netherlands. The Second Review Conference welcomed the establishment of the Working Group on Relations with the Host Country in 2005, which was replaced by the Committee on Relations with the Host Country, established by a decision of the Conference at its Eleventh Session (C-11/DEC.9, dated 7 December 2006). It called on the Host Country to work towards resolving, as soon as possible, any outstanding issues relating to implementation of the Headquarters Agreement, in close cooperation with the Host Country Committee, and requested the Director-General to continue to report to the

Council as appropriate on this relationship and the implementation of the Headquarters Agreement.

9.149 The Second Review Conference recognised that nothing in the concluding document of the Second Review Conference can, or intends to, modify any of the provisions of the Convention.

10. AGENDA ITEM TEN - Reports of subsidiary bodies Committee of the Whole

10.1 The Second Review Conference **noted** the report of the Committee of the Whole on the results of its consideration of the agenda item referred to it on the recommendation of the General Committee (RC-2/CoW.1, dated 18 April 2008), and **took action** as required.

General Committee

10.2 The Second Review Conference **noted** the reports of the General Committee, and **took action** as required.

Credentials Committee

10.3 The report of the Credentials Committee (RC-2/3 dated 16 April 2008) was presented by its Chairperson, Ambassador Wolfgang Paul of Austria. The Chairperson orally reported that, following the closure of the Credentials Committee meeting, formal credentials were received for the representatives of Cameroon, Colombia, Jamaica, Republic of Moldova and Uzbekistan, and faxes or copies of credentials in the form required by Rule 26 of the Rules of Procedure of the Conference were received from Benin. Formal credentials would be submitted for the latter in due course. The Second Review Conference **noted** this additional information and **approved** the report.

11. AGENDA ITEM ELEVEN – Any other business

12. AGENDA ITEM TWELVE – Adoption of the final documents of the Second Review Conference

The Second Review Conference **considered** and **adopted** the report of the Second Review Conference.

13. AGENDA ITEM THIRTEEN – Closure

The Chairperson closed the Second Review Conference on 18 April 2008.



OPCW

Conference of the States Parties

Eighth Session 20 – 24 October 2003

C-8/DEC.16 24 October 2003 Original: ENGLISH

DECISION

PLAN OF ACTION REGARDING THE IMPLEMENTATION OF ARTICLE VII OBLIGATIONS

The Conference of the States Parties,

Recalling the recommendations that the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (First Review Conference) made on national implementation measures (as covered under agenda item 7(c)(v) of its report, subparagraphs 7.74 to 7.83 of RC-1/5, dated 9 May 2003), in particular the agreement in subparagraph 7.83(h) of that report to develop, at its next regular session, a plan of action based on a recommendation from the Executive Council (hereinafter "the Council") regarding the implementation of obligations under Article VII of the Chemical Weapons Convention (hereinafter "the Convention"), with the objective of fostering the full, effective, and non-discriminatory implementation of the Convention by all States Parties;

Stressing the need to fully implement the recommendations of the First Review Conference on national implementation measures;

Recognising how important and how urgent it is that States Parties complete their obligations under Article VII to adopt, in accordance with their constitutional processes, the necessary measures to implement the Convention;

Convinced that the full and effective implementation of Article VII by all States Parties also contributes to universal adherence to the Convention;

Concerned that a large number of States Parties have not yet fulfilled the range of obligations under Article VII, and **recognising** that many of them may have difficulties in doing so; and

Taking note of the report by the Director-General to the Eighth Session of the Conference on national implementation measures (C-8/DG.5, dated 18 September 2003, and Add.1, dated 22 October 2003);

Having received the recommendation by the Council on the Plan of Action on national implementation measures (EC-M-23/DEC.2, dated 21 October 2003),



Hereby:

<u>Identification and analysis of problems and needs (action items for the Technical</u> Secretariat and States Parties)

- 1. **Requests** the Technical Secretariat (hereinafter "the Secretariat") to intensify its work with those States Parties that have difficulties in adopting the measures required under Article VII, by further identifying, analysing, and addressing those difficulties;
- 2. **Further requests** the Secretariat to submit to the Thirty-Sixth Session of the Council a report covering, *inter alia*, problems that have been identified, requirements of States Parties for support, the capabilities of the OPCW (that is, both of the Secretariat and of the States Parties) to provide implementation support, and any recommendations relevant to the implementation of the plan of action;
- 3. **Requests** States Parties seeking assistance of any kind in meeting their national implementation obligations and that have not yet informed the Secretariat of what assistance they require, to do so preferably before 1 March 2004;

Resources for implementation support (action items for the Technical Secretariat and States Parties)

- 4. **Requests** the Secretariat, within the parameters set by the OPCW Programme and Budget, to offer sustained technical support to States Parties that request it for the establishment and effective functioning of National Authorities, the enactment of national implementing legislation, and the adoption of any administrative measures required in accordance with Article VII;
- 5. **Welcomes** voluntary contributions from States Parties towards the implementation of this plan of action, and **requests** the Secretariat to implement the plan of action within the resources approved for the OPCW Programme and Budget, together with any voluntary contributions received for national implementation, and in a cost-effective manner;
- 6. **Encourages** States Parties to lend advice, upon request, to other States Parties in drafting and adopting national measures necessary to implement the Convention, *inter alia* to ensure that the laws reflect the comprehensive nature of the Convention by covering all activities that are to be prohibited or required in accordance with the Convention, and that involve the use of any toxic chemicals and their precursors; to cover the provision of annual declarations on past and anticipated activities; to ensure the implementation of the provisions related to transfers of scheduled chemicals; and to cover the annual submission of information on national protective programmes in accordance with paragraph 4 of Article X;
- 7. **Requests** States Parties able to provide assistance of any kind towards national implementation in other States Parties to inform the Secretariat, preferably before 1 March 2004, of what they can offer;

- 8. **Requests** the Secretariat to further develop and improve its implementation support programme, including by mobilising States Parties' efforts so as to provide, upon request and within the limits on available resources, technical assistance and technical evaluations to States Parties in the implementation of the provisions of the Convention, in the areas identified in the section of the report of the First Review Conference on national implementation measures (subparagraph 7.74 to 7.83 of RC-1/5);
- 9. **Encourages** the Secretariat to identify and, by mutual consent, engage with regional, subregional and other relevant groups of States Parties that can render support to the States Parties concerned in their implementation efforts;
- 10. **Encourages** the Secretariat and the States Parties to develop partnerships with relevant regional organisations and agencies that could render support to States Parties in their implementation work;

Overall time-frame, intermediate steps, and target date (action items for States Parties)

- 11. Without prejudice to the timelines set by the Convention, recalling States Parties' obligations under Article VII, and reminding them that it has been more than six years since the entry into force of the Convention, **agrees** that it is imperative that those States Parties that still need to do so take the necessary steps and set realistic target dates for these steps leading to the enactment of the necessary legislation, including penal legislation, and/or the adoption of administrative measures to implement the Convention no later than the Tenth Session of the Conference of the States Parties, scheduled for November 2005;
- 12. **Calls upon** those States Parties that still need to do so to make every effort to adhere to the overall time-frame established in paragraph 11 above, as well as to the steps and target dates they have established for themselves, and to maintain regular contact with the Secretariat about the implementation of these steps and target dates;
- 13. **Encourages** States Parties and the Secretariat to take measures to raise awareness of the prohibitions and requirements of the Convention, *inter alia* in their armed forces, in industry, and in their scientific and technological communities;
- 14. **Underlines** that the steps mentioned in paragraph 11 above should include:
 - (a) designating or establishing a National Authority and notifying the Secretariat thereof in accordance with Article VII of the Convention, as soon as possible;
 - (b) taking the steps necessary to enact the legislation, including penal legislation, and/or to adopt the administrative measures States Parties need in order to implement the Convention in accordance with their constitutional processes; and
 - (c) providing the Secretariat with the full text of their national implementing legislation, including updates, or, in the case of States Parties with a monist legal system, with information on the specific measures they have taken to implement the Convention;

- 15. **Urges** States Parties that have not yet done so to review their existing regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of the Convention;
 - Oversight by the Executive Council and the Conference of the States Parties (action items for States Parties and the Technical Secretariat)
- 16. **Requests** the Secretariat to report to the Ninth Session of the Conference and to every second session of the Council starting with the Thirty-Sixth, in March 2004, on the progress made in implementing this plan of action;
- 17. **Further requests** the Council to provide guidance to, and to coordinate with, the Secretariat as necessary and to monitor the implementation of this plan of action;
- 18. **Also requests** States Parties that lend advice, upon request, to other States Parties on the drafting and adopting of national measures to implement the Convention, to keep the OPCW informed of their actions and the results they have achieved; and
- 19. Undertakes to review, at its Ninth Session, the progress made in implementing this plan of action, and to decide on any further action needed; and undertakes to review further, at its Tenth Session, the status of implementation of Article VII and to consider and decide on any appropriate measures to be taken, if necessary, in order to ensure compliance by all States Parties with Article VII.

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ANNEX II ACTION PLAN FOR THE UNIVERSALITY OF THE CHEMICAL WEAPONS CONVENTION: OPCW Executive Council, EC-M-23/DEC.3, dated 24 October 2003

DECISION

ACTION PLAN FOR THE UNIVERSALITY OF THE CHEMICAL WEAPONS CONVENTION

The Executive Council,

Recalling that the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter "the First Review Conference") attached great importance to the attainment of universal adherence by States to the Chemical Weapons Convention (hereinafter "the Convention") and **acting upon** the recommendation of the First Review Conference that the Executive Council (hereinafter "the Council"), with the cooperation of the Technical Secretariat, develop and implement a plan of action to further encourage, in a systematic and coordinated manner, adherence to the Convention, and to assist States ready to join the Convention in their national preparations for its implementation;

Recalling also resolutions of the United Nations General Assembly which stress the importance of achieving the universality of the Convention;

Recalling that the Conference of the States Parties has reviewed annually the progress, and has repeatedly adopted decisions entitled "Recommendation on ensuring the universality of the Chemical Weapons Convention" which, *inter alia*, have urged all States that have neither ratified nor acceded to the Convention to do so without delay;

Firmly believing that universality of the Convention is fundamental to the full achievement of its object and purpose;

Welcoming the substantial progress made towards universality of the Convention since its entry into force;

Noting however that among the States not Party are some whose non-ratification or non-accession is a cause for serious concern;

Recognising the positive effects that every new accession or ratification has for international peace and security and for global stability;

Recalling the decision of the Council that the OPCW's contribution to global anti-terrorist efforts in the context of the Convention should focus, *inter alia*, on the promotion of universal adherence to the Convention;

Underlining the important political, economic, and security benefits of becoming a State Party to the Convention, **recognising** the positive effect of international cooperation (e.g. on Article XI) among the States Parties on universality, **and convinced** that the desire for increased security and the determination to participate fully in the global community are incentives for States not Party to adhere to the Convention;

Recalling that States that remain outside the Convention would not be able to take advantage of the benefits that the Convention offers the States Parties;

Encouraging States Parties to promote the achievement of the common objectives of the Convention in order to encourage other countries to join the Convention;

Conscious of the fact that States Parties can encourage States not Party to adhere to the Convention, **and determined to** take all appropriate steps to intensify bilateral and multilateral efforts towards universality of the Convention; and

Inspired by the objective of achieving universal adherence to the Convention ten years after its entry into force;

Hereby:

Urges the States Parties, in conjunction with the Council and the Technical Secretariat, to undertake further efforts to promote universality of the Convention, including initiatives to address specific regions, sub-regions, or States, and covering all States not Party, in particular those whose non-adherence is a cause of serious concern;

Strongly supports the designation of "points of contact" by States Parties, on a voluntary and informal basis, in all regions and sub-regions relevant for the effective promotion of universality, to assist regularly in the implementation of this Action Plan and for the purposes of effective coordination;

Recommends that the Director-General should designate an officer of the External Relations Division to act as the focal point within the Technical Secretariat for the implementation of this Action Plan and for the purposes of effective coordination;

Requests the Technical Secretariat, having consulted with States Parties, to prepare a comprehensive annual document on planned universality-related activities, and to provide information to the Council on proposed initiatives, including on potential synergies with States Parties willing and able to join in universality-related efforts. The document should contemplate and systematise activities in which the Technical Secretariat has traditionally engaged and, if deemed appropriate, formulate new universality-oriented projects. The document should set indicative targets for increased membership. In particular, the document could include:

- (a) measures envisaged by the Technical Secretariat to assist States ready to join the Convention in their national preparations for implementing it;
- (b) bilateral assistance visits;
- (c) bilateral meetings with States not Party not represented in The Hague, as well as those represented in The Hague, and other activities of participation support and outreach;
- (d) regional and sub-regional seminars and workshops;

- (e) international cooperation activities which might include States in the process of ratifying or acceding to the Convention;
- (f) measures to increase awareness of the Convention, and of the work of the OPCW, including publications in official languages, as well as measures to reach the appropriate audience in States not Party; and
- (g) attendance at meetings of, or joint activities with, relevant international and regional organisations;

Requests the Technical Secretariat, in support of the document of planned activities, to provide information containing up-to-date details regarding the status of States not Party vis- \grave{a} -vis the Convention, their prospects for adherence, their participation in universality related activities, any significant chemical industry and any other issues relevant to the provisions of the Convention;

Requests the Technical Secretariat to implement the document of planned activities within the resources approved for the Organisation's Programme and Budget, together with any voluntary contributions received for universality-related purposes, and in a cost-effective manner;

Strongly encourages States Parties to strengthen their efforts in the promotion of universality of the Convention, to actively pursue this objective, as appropriate, in their contacts with States not Party, and to seek the cooperation of relevant international and regional organisations;

Requests the Director-General to submit to the Conference at its regular sessions an annual report on the implementation of the Action Plan, and to keep the Council regularly informed, so that the Conference and the Council may review progress and monitor its implementation effectively;

Requests that this Action Plan be brought to the attention of the Conference at its Eighth regular session; and

Recommends that the Conference decide to review, at its Tenth Session, the implementation of this Action Plan, and take any decisions deemed necessary.

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OPCW

Conference of the States Parties

Fourteenth Session 30 November – 4 December 2009 C-14/DEC.7 2 December 2009 Original: ENGLISH

DECISION

UNIVERSALITY OF THE CHEMICAL WEAPONS CONVENTION AND THE FURTHER IMPLEMENTATION OF THE UNIVERSALITY ACTION PLAN

The Conference of the States Parties,

Recognising the contribution that every new ratification of and accession to the Chemical Weapons Convention (hereinafter "the Convention") makes to the fostering of international peace and security and of global stability;

Reaffirming the priority it attaches to the attainment of the universality of the Convention and that the universality of the Convention is fundamental to the achievement of its object and purpose;

Recalling that, at its Eighth Session, the Conference of the States Parties (hereinafter "the Conference") noted the action plan for the universality of the Convention, which the Executive Council (hereinafter "the Council") adopted at its Twenty-Third Meeting (EC-M-23/DEC.3, dated 24 October 2003) at the recommendation of the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (RC-1/5, dated 9 May 2003);

Reaffirming also the importance of all the provisions of the action plan and the measures identified therein for promoting the universality of the Convention, as well as the decisions adopted by the Conference at its Third (C-III/DEC.9, dated 20 November 1998), Fourth (C-IV/DEC.22, dated 2 July 1999), Tenth (C-10/DEC.11, dated 10 November 2005), Eleventh (C-11/DEC.8, dated 7 December 2006), and Twelfth (C-12/DEC.11, dated 9 November 2007) Sessions;

Recalling that, at its Twelfth Session, the Conference decided to continue with the action plan and further decided that, at its Fourteenth Session, it would "review the results and implementation of that plan and take any decisions it deems necessary, in particular addressing the status of those States not Party whose non-adherence is a cause for serious concern" (C-12/DEC.11);

Recalling also that the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter "the Second Review Conference") underlined the fact that the goal of universality shall be pursued by the Technical Secretariat (hereinafter "the Secretariat") as well as the States Parties as a matter of high priority, and acknowledged the efforts made by the States Parties, the policy-making

organs, the Secretariat, and the Director-General to this end (paragraphs 9.12 and 9.13 of RC-2/4, dated 18 April 2008);

Recalling further that the Second Review Conference welcomed the decision by the Conference at its Twelfth Session to continue with the action plan for the universality of the Convention (C-12/DEC.11), and also called upon the Secretariat, the Director-General, the policy-making organs and all States Parties in a position to do so to intensify further their efforts with States not Party with a view to achieving full universality at the earliest possible date (paragraph 9.18 of RC-2/4);

Noting the annual report on the implementation of the action plan for the universality of the Convention during the period from 19 November 2008 to 11 September 2009, as submitted by the Director-General (EC-58/DG.9 C-14/DG.8, dated 29 September 2009);

Noting also with satisfaction that, as a result of the progress achieved since the adoption of the action plan, 33 States have become Party to the Convention, and **noting further** that this reflects a total of 188 States Parties, with seven States remaining to join the Convention, as indicated by the Director-General in EC-58/DG.9 C-14/DG.8;

Welcoming the fact that since the Conference met at its Thirteenth Session, four new States have become Party to the Convention, namely the Bahamas (21 May 2009), the Dominican Republic (26 April 2009), Iraq (12 February 2009), and Lebanon (20 December 2008);

Recognising the efforts of States Parties and the Secretariat to promote the universality of the Convention; and

Recalling that States that remain outside the Convention would not be able to take advantage of the benefits that the Convention offers to States Parties;

Hereby:

- 1. **Calls upon** all the remaining States not Party to ratify or accede to the Chemical Weapons Convention without further delay, thereby confirming their commitment to global peace and security, disarmament, and non-proliferation;
- 2. **Urges** all States Parties and the Secretariat to continue to intensify their universality-related efforts with a view to increasing the number of States Parties;
- 3. **Requests** the Director-General to continue his contacts with the States not Party, encouraging them to join the Convention without further delay, and to report on these contacts and the progress made thereon;
- 4. **Requests** the Secretariat to continue to utilise all available opportunities and resources, including diplomatic channels, international forums, and relevant OPCW meetings and events to advance the objectives of the action plan in accordance with the mandate provided to it in the decisions on universality adopted by the Council and the Conference;
- 5. **Decides** to continue with the action plan, and **further decides** that, at its Sixteenth Session, it shall review the results and implementation of that plan and take any

decision it deems necessary, in particular addressing the status of those States not Party whose non-adherence is a cause for serious concern; and

6. **Requests** the Secretariat to continue to provide and keep current information on activities related to promoting the universality of the Convention and the progress being made thereon, including in an annual report to the Conference at its Fifteenth Session.

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Conference of the States Parties

Fourteenth Session 30 November – 4 December 2009

C-14/DEC.12 4 December 2009 Original: ENGLISH

DECISION

ON NATIONAL IMPLEMENTATION MEASURES OF ARTICLE VII OBLIGATIONS

The Conference of the States Parties,

Recalling the decision adopted at its Thirteenth Session (C-13/DEC.7, dated 5 December 2008), concerning follow-up to the plan of action regarding the implementation of Article VII obligations, adopted by the Conference of the States Parties (hereinafter "the Conference") at its Eighth Session (C-8/DEC.16, dated 24 October 2003) and all related decisions;

Taking note of the report of the Director-General on the status of implementation of Article VII of the Chemical Weapons Convention (hereinafter "the Convention") as at 19 August 2009 (C-14/DG.9, dated 21 October 2009), which the Technical Secretariat (hereinafter "the Secretariat") has provided in accordance with paragraph 5 of C-13/DEC.7 and **noting** that different views were expressed by States Parties on the report;

Recalling the report of the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (RC-2/4, dated 18 April 2008);

Acknowledging the positive impact that tailored and systematic support from States Parties and the Secretariat has in the continued success of the implementation of Article VII obligations, as well as **commending** the provision of assistance, including expertise, and technical support and voluntary contributions, to States Parties upon request;

Welcoming the considerable progress made in the implementation of Article VII obligations since the adoption of C-8/DEC.16, and commending the efforts of States Parties in this regard;

Also welcoming the progress made regarding the designation or establishment of National Authorities;

Recognising that further progress is required, as there remains a sizeable number of States Parties that have yet to complete implementation of their Article VII obligations, and **recognising as well** that a number of these States Parties require assistance and technical



support, including some that are encountering difficulties in the process of implementing Article VII;

Convinced that the full implementation of Article VII by all States Parties also contributes to universal adherence to the Convention; and

Strongly reaffirming the obligation of each State Party to adopt the necessary measures to implement its obligations under the Convention in accordance with its constitutional processes and **also reaffirming** that the full national implementation of the obligations under the Convention is essential for the realisation of the object and purpose of the Convention;

Hereby:

- 1. **Urges** States Parties that have yet to designate or establish a National Authority, and/or that have yet to enact legislation and/or to adopt administrative measures to implement the Convention:
 - (a) to notify the Organisation of the designation or establishment of their National Authority; and/or
 - (b) to inform the Organisation, on an ongoing basis, as appropriate, with regard to the steps they are taking in accordance with their constitutional processes to enact legislation, including penal legislation, and to adopt administrative measures to implement the Convention;
- 2. **Requests** all States Parties to inform the Secretariat on an ongoing basis, as appropriate, of any amendments to measures to implement the Convention that had previously been submitted;
- 3. **Urges** States Parties that have not yet done so to review their existing regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of the Convention;
- 4. **Encourages** States Parties, in particular those desiring assistance to fulfil their Article VII obligations, to avail themselves of assistance that is offered if they consider it appropriate, and to consult with the Secretariat, and to provide it with details, as appropriate, of their assistance requirements;
- 5. **Encourages** the Secretariat to continue to provide, upon request, such technical assistance in a tailor-made and systematic manner, to effectively address the needs of those States Parties with a view to addressing their practical national implementation issues and concerns;
- 6. **Encourages** States Parties to continue offering assistance in implementing Article VII, including, inter alia, through the provision of expertise to States Parties, through the fostering of cooperation within and among regional groups, as well as through making voluntary contributions to the Organisation and any other offers, and to keep the Organisation informed about their activities;

- 7. **Requests** the Secretariat to provide its annual reports to the Executive Council (hereinafter "the Council") on the status of national implementation measures, and invites the Council to consider and submit the reports referred to in paragraph 8 below to the Conference together with its recommendations, as appropriate;
- 8. **Invites** the Secretariat to compile two concurrent reports, one of which addresses obligations pursuant to paragraphs 1(a) to 1(c) of Article VII and other obligations, including Article XI(2e), and one which addresses the other national implementation measures, including those contained in the Plan of Action adopted by the Conference at its Eighth Session (C-8/DEC.16), thus all information earlier contained in the annual reports will be contained in the above-mentioned two reports (see the Annex to this decision); and
- 9. **Requests** the Secretariat to keep current a progress report on the external server of the Organisation.

Annex: Effect on Article VII Reporting of the Decision on National Implementation Measures of Article VII Obligations (C-14/DEC.12, dated 4 December 2009)

Annex

EFFECT ON ARTICLE VII REPORTING OF THE DECISION ON NATIONAL IMPLEMENTATION MEASURES OF ARTICLE VII OBLIGATIONS (C-14/DEC.12, DATED 4 DECEMBER 2009)

In both reports (identical: only once all key legislative areas of both reports are fully covered In both reports (identical) the box will be checked) 2nd report Legislation covers all key areas: Article VII(5) submission: National Authority:

In both reports 2nd report 2nd report Text of adopted measures provided:

2nd report Measures to control transfers of Scheduled Chemicals Submission of Initial Declarations:

Submission in 2010 of ADPA for 2009;

Year(s) of Article X(4) Submissions: Article VI Project:

Confirmation regarding Article XI(2e) Review:

In both reports (identical)

1st report $1^{\rm st}$ report $1^{\rm st}$ report

1st report

2nd report

2nd report

Article I Prohibitions: Article I Penalties:

Definition of Chemical Weapons: Extraterritorial Application:

Schedule 1 Penalties:

Schedule 2 Penalties:

Schedule 3 Penalties:

Penalty for Failure to Declare: Schedule 3 EUC:

Partially in 1st (sanctions for transfer prohibitions), partially in 2nd report (sanctions for

Partially in 1st report (sanctions for prohibitions), partially in 2nd report (sanctions for

Partially in 1st (sanctions for transfer prohibitions), partially in 2nd

ensuring compliance with regime for industry and transfers)

ensuring compliance with regime for industry and transfers)

report (sanctions for

ensuring compliance with regime for industry and transfers)

1st report (part of the prohibition-regime)

2nd report

It is to be noted that obligations that will be reported on in the second report will remain obligations as such.



Executive Council

Seventieth Session 25 - 28 September 2012 EC-70/DG.5 C-17/DG.8 28 August 2012 Original: ENGLISH

NOTE BY THE DIRECTOR-GENERAL

OVERVIEW OF THE STATUS OF IMPLEMENTATION
OF ARTICLE VII OF THE CHEMICAL WEAPONS CONVENTION
AS AT 27 JULY 2012

- 1. At its Fourteenth Session (30 November to 4 December 2009), the Conference of the States Parties (hereinafter "the Conference") adopted a decision on "National Implementation Measures of Article VII Obligations" (C-14/DEC.12, dated 4 December 2009), in which it invited the Technical Secretariat (hereinafter "the Secretariat") to, inter alia, compile two concurrent annual reports on the status of implementation of Article VII of the Chemical Weapons Convention (hereinafter "the Convention") and requested the Secretariat to provide those annual reports to the Executive Council (hereinafter "the Council"). The Council was invited to consider and submit these reports to the Conference, together with its recommendations, as appropriate. The Conference indicated that one of the two concurrent reports should address obligations pursuant to subparagraphs 1(a) to (c) of Article VII and other obligations, and that the second report should address national implementing measures other than those pursuant to subparagraphs 1(a) to (c) of Article VII (referred to, for the purposes of this document, as "further obligations").
- 2. This document is an overview of the status and progress regarding legislative and administrative measures adopted by States Parties to implement their obligations under Article VII of the Convention. It introduces the two concurrent reports on the steps taken by States Parties to implement their obligations under subparagraphs 1(a) to (c) of Article VII (EC-70/DG.3 C-17/DG.6, dated 28 August 2012) and their further obligations (EC-70/DG.4 C-17/DG.7, dated 28 August 2012). The reporting period for this document is between 29 July 2011—the cut-off date for the last two annual reports on the status of implementation as submitted to the Council at its Sixty-Sixth Session and to the Conference at its Sixteenth Session (EC-66/DG.7 C-16/DG.10 and EC-66/DG.8 C-16/DG.11, both dated 29 August 2011)—and 27 July 2012, the cut-off date for this document and the two reports mentioned above. The Director-General is pleased to submit the present document, which provides a global overview of the status of implementation of obligations under Article VII of the Convention to the Council for its consideration and action.

Designation or establishment of National Authorities

- 3. Pursuant to paragraph 4 of Article VII of the Convention, States Parties are required to designate or establish a National Authority to serve as the national focal point for effective liaison with the OPCW and other States Parties. For fulfilling the requirement of notification of the designation of a National Authority, it can suffice to designate an individual who will serve as point of contact and to provide his or her contact details to the Secretariat. On a number of occasions, the Conference has recalled the importance of this obligation and has urged States Parties that have not yet done so, to designate or establish their National Authority (paragraph 1 of C-14/DEC.12).
- 4. During the reporting period, no additional State Party designated a National Authority. Therefore, the number of States Parties that had not yet met this requirement and which were thus required to take action remains stable at two (Cape Verde and Timor-Leste). The Secretariat continues to actively engage with both the States Parties with a view to establishing or designating their National Authority.

5. At the reporting cut-off date, 21 States Parties that have designated or established a National Authority (permanent or interim), have indicated that they are in the process of changing or further developing their National Authority or of considering doing so in the future. During the reporting period, two States Parties requested the Secretariat to provide comments on their draft National Authority decree. The Secretariat observes that States Parties continue to elaborate the structure and functioning of their National Authority and other institutional arrangements, particularly when their implementing legislation has entered into force.

Article VII(5) submissions: general overview

- 6. According to paragraph 5 of Article VII, each State Party shall inform the Secretariat of the legislative and administrative measures taken to implement the Convention. The same principle was reiterated by the Conference in its decision C-14/DEC.12, whereby the Conference strongly reaffirmed the obligation of each State Party to adopt the necessary measures to implement its obligations under the Convention—in accordance with its constitutional processes—and urged States Parties to inform the OPCW, on an ongoing basis, as appropriate, with regard to the steps they are taking in this regard (subparagraph 1(b) of C-14/DEC.12).
- 7. At the beginning of the reporting period, 100 States Parties had yet to take the necessary steps to enact legislation and/or to adopt administrative measures to fully implement the obligations under Article VII of the Convention. During the reporting period, one State Party, namely Morocco, informed the Secretariat that it had adopted measures that cover all key areas (Table 1). Thus, at the cut-off date of the report, 100 States Parties had yet to notify the Secretariat of the adoption of implementing measures that cover all key areas. In other words, 88 States Parties (47%)¹ have already adopted legislation and/or administrative measures that fully implement the Convention, as per the plan of action regarding the implementation of Article VII obligations adopted by the Conference in 2003 (C-8/DEC.16, dated 24 October 2003).

TABLE 1: UPDATES ON ARTICLE VII(5) SUBMISSIONS COVERING ALL KEY AREAS

	State Party	Date Of Entry Into Force	Article VII(5) Submission – Legislation Now Covering All Key Areas
1.	Morocco	29/04/1997	In June 2012, under cover of a note verbale, Morocco made an Article VII(5) submission by providing the Secretariat with the text of the implementing legislation (No. 36-09 published on 20 October 2011). With this new measure, the last gap in Morocco's profile was filled and its legislation covers all key areas of the plan of action.

Please note that these figures (88 States Parties, or 47%) correspond to those that appear in last year's report. This is not due to an oversight or a mistake, but to the fact that during the reporting period, the profile of one of the States Parties considered as having legislation covering all key areas (according to the information then available to the Secretariat), was updated by virtue of new information received, according to which, this State Party can no longer be considered as having legislation covering all key

areas.

8. At the cut-off date of the report, two States Parties, namely the Central African Republic² and the Democratic Republic of the Congo, made their first Article VII(5) submission (Table 2).

TABLE 2: FIRST ARTICLE VII(5) SUBMISSIONS BY STATES PARTIES WITHOUT LEGISLATION COVERING ALL KEY AREAS

	State Party	Date Of Entry Into Force	First Article VII(5) Submissions
1.	Central African Republic	20/10/2006	Under cover of a note verbale, the Central African Republic made an Article VII(5) submission by notifying the Secretariat of the promulgation of law No. 12.008 on the implementation of the Convention. The text has not yet been provided.
2.	Democratic Republic of the Congo	11/11/2005	In May 2012, the Democratic Republic of the Congo made its first Article VII(5) submission informing the Secretariat of the legislative and administrative measures taken to implement the Chemical Weapons Convention.

9. Five further States Parties, namely Armenia, Cambodia, Iraq, the Philippines, and Turkmenistan, which had already made Article VII(5) submissions prior to the reporting period, made additional Article VII(5) submissions (Table 3).

TABLE 3: ADDITIONAL ARTICLE VII(5) SUBMISSIONS BY STATES PARTIES WITHOUT LEGISLATION COVERING ALL KEY AREAS

	State Party	Date of Entry Into	Additional Article VII(5) Submission
		Force	
1.	Armenia	29/04/1997	In September 2011, Armenia submitted an update of its Criminal Code and the text of a decree appointing a body responsible for exercising control of the export of dual-use commodities, as well as the text of a law on controlling the export of dual-use commodities

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At this stage, it is not possible to assess whether the legislation of the Central African Republic covers all key areas of the plan of action, because no indication in this regard has been given. For reporting purposes, the Central African Republic has been listed in Table 2; however, it might well be possible that its legislation covers all key areas.

	State Party	Date of Entry Into	Additional Article VII(5) Submission
		Force	In October 2011, Armenia forwarded the Secretariat the decree on the establishment of the interagency commission. In May 2012, Armenia provided the Secretariat with an updated response to the Legislation Questionnaire on penal enforcement of the Convention.
2.	Cambodia	18/08/2005	In August 2011, during a technical- assistance visit (TAV) taking place in Phnom Penh, the National Authority made an Article VII(5) submission by submitting the text of the following pieces of legislation (in both Khmer and English): Law on the Prohibition of Chemical, Nuclear, Biological and Radiological Weapons; Royal Decree on the Establishment of the National Authority; Sub-Decree on Chemical Substances involved in the Production of Chemical, Nuclear, Biological and Radioactive Weapons (which includes the Scheduled Chemicals); Decision on the Composition of the National Authority; Sub-Decree on the Organisation and Functioning of the General Secretariat of the National Authority.
3.	Iraq	12/02/2009	In March 2012, under cover of a letter sent by the Minister of Foreign Affairs, Iraq informed the Secretariat of the adoption by the Council of Representatives of the Iraqi National Monitoring Directorate Law on Non-Proliferation of Weapons of Mass Destruction. In July 2012, under cover of a note verbale, Iraq made an Article VII(5) submission by providing the Secretariat with the text of the National Monitoring Directorate Law on the Prohibition of Nuclear, Chemical and Biological Weapons adopted on 22 May 2012.

	State Party	Date of Entry Into Force	Additional Article VII(5) Submission
4.	Philippines	29/04/1997	In November 2011, the Philippines made an Article VII(5) submission by delivering the text of Executive Order No. 39, through which the Anti-Terrorism Council was designated as the National Authority for the Chemical Weapons Convention. In April 2012, the Philippines forwarded the Secretariat the last draft legislation on the implementation of the Convention.
5.	Turkmenistan	29/04/1997	In September 2011, Turkmenistan made an Article VII(5) submission by forwarding the Secretariat the Law of Turkmenistan on Chemical Safety (Russian text).

10. Finally, nine States Parties, namely Austria, Colombia, Costa Rica, France, Kazakhstan, Malaysia, Norway, Singapore, and Ukraine, which at the beginning of the reporting period already had legislation covering all key areas, provided updates to their Article VII(5) submissions. Such submissions consist of, for example, updates on implementing legislation previously reported to the Secretariat, texts of implementing legislation, and notifications of the adoption of complementary measures to ensure the effectiveness of implementing measures (Table 4).

TABLE 4: UPDATED ARTICLE VII(5) SUBMISSIONS BY STATES PARTIES THAT HAD LEGISLATION COVERING ALL KEY AREAS AT THE BEGINNING OF THE REPORTING PERIOD

	State Party	Date Of Entry Into Force	Updated Article VII(5) Submission
1.	Austria	29/04/1997	In 2011, in response to the survey sent by the Secretariat on the implementation of decision C-14/DEC.4 (dated 2 December 2009), ³ Austria made an additional Article VII(5) submission by notifying the Secretariat of the adoption of two laws on low concentration limits for declarations of schedule 2A and 2A* chemicals.

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Guidelines regarding low-concentration limits for declarations of schedule 2A and 2A* chemicals.

	State Party	Date Of Entry Into Force	Updated Article VII(5) Submission
2.	Colombia	05/05/2000	In July 2012, under cover of a note verbale, the Embassy of Colombia submitted to the Secretariat "the Annual Report on National Implementation Measures". Through this report, the Secretariat was informed of the adoption of Decree 4927 of 26 December 2011, which updates the system of customs tariff. Furthermore, the Secretariat was advised that a new risk management act had been adopted.
3.	Costa Rica	29/04/1997	In December 2011, Costa Rica made an Article VII(5) submission and provided the texts (in Spanish) of the legislation related to customs (Ley General de Aduanas), health (Ley General de Salud), weapons and explosives (Ley de Armas y Explosivos), phytosanitary protection (Ley de Protección Fitosanitaria) and confidentiality (Ley de Información No Divulgada).
4.	France	29/04/1997	In January 2012, France notified the Secretariat of the adoption of Decree No. 2011-195 on low concentrations. In April 2012, France notified the Secretariat of the adoption of 16 new texts (laws and regulations) amending, completing and/or replacing previous legislation on the implementation of the Convention. In June 2012, France notified the Secretariat of the adoption of two new decrees amending the Code of Defence: one on captive use and the other on challenge inspections.
5.	Kazakhstan	22/04/2000	In May 2012, Kazakhstan notified the Secretariat of the adoption of Decree No. 418 dated 15 April 2011, amending Decree No. 104 dated 5 February 2008 on the "approval of the nomenclature of the products to export control" and Decree No. 493 dated 13 June 2007 on "approving the list of poisons, which production, processing, transportation, purchase, possession, sale, use and disposal must be licensed".

		Date Of	
	State Party	Entry Into Force	Updated Article VII(5) Submission
6.	Malaysia	20/05/2000	In October 2011, Malaysia informed the Secretariat that the Strategic Act (2010) that
			controls export, transit and transhipment of
			dual-use items, including Scheduled
			Chemicals under the Convention, entered into force on 1 July 2011.
7.	Norway	29/04/1997	In February 2012, Norway submitted to the Secretariat the answer to the Survey on the
			implementation of decision C-14/DEC.4, in
			which Norway informed the Secretariat that
			law LOV 1994-05-06 Nr10 and
			FOR 1997-05-16 Nr 477 make up the
			existing legislation that implements the decision.
8.	Singapore	20/06/1997	In November 2011, Singapore submitted the
			text of the amendment to the Chemical
			Weapons (Prohibition) Regulations 2007.
			In June 2012, Singapore submitted the text of the Miscellaneous Amendments Act
			77/2012, which amends the Chemical
			Weapons (prohibition) Act.
9.	Ukraine	15/11/1998	In May 2012, under cover of a note verbale,
			Ukraine provided the text of regulations on
			low concentration limits for declarations of
			schedule 2A and 2A* chemicals, adopted on
			12 December 2011.

11. In C-8/DEC.16, the Conference had requested that States Parties provide the Secretariat with the full text of their national implementing legislation, including updates. During the reporting period, Armenia, Cambodia, Costa Rica, France, Morocco, Philippines, Singapore, Turkmenistan and Ukraine, submitted such text. The number of States Parties that have already submitted the full text of their legislation increased from 122 to 126, or 67%.

Article VII(5) submissions: regional overview

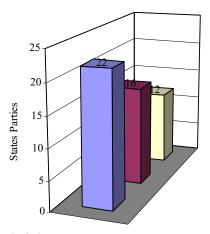
States Parties in Africa (50)

- 12. At the beginning of the reporting period, 39 African States Parties had yet to take the necessary actions to adopt legislation and/or administrative measures to fully implement the Convention.
- 13. During the reporting period—according to the information available to the Secretariat—36 States Parties have informed (through different means) the Secretariat of the steps they have taken towards the adoption of implementing legislation/regulations. At the cut-off date of the reporting period, one of them,

Morocco, had notified the Secretariat of the adoption of implementing measures that cover all key areas. Thus, at the cut-off date of this report (27 July 2012) 12 States Parties in Africa (24%) had enacted legislation covering all key areas.

- 14. Two States Parties, namely the Central African Republic and the Democratic Republic of the Congo, made their first Article VII(5) submissions (see Table 2) by providing the Secretariat with information regarding their respective implementing measures.
- 15. Chart 1 shows the status of Article VII(5) submissions as at 27 July 2012. Twenty-two States Parties (44%) have not made any Article VII(5) submission, while the remaining 28 States Parties (56%) have made at least one submission. Of these 28, 12 (24%) have enacted legislation covering all key areas of the plan of action, whilst 16 (32%) do not have legislation covering all key areas of the plan of action.

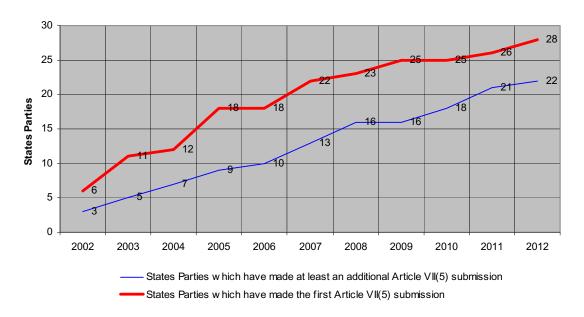
CHART 1: STATUS OF ARTICLE VII(5) SUBMISSIONS BY STATES PARTIES IN AFRICA, AS AT 27 JULY 2012



- No article VII(5) submissions
- Article VII(5) submissions made; key areas of the plan of action not yet covered
- ☐ Legislation covering all key areas of the plan of action
- 16. In addition to the data provided in Chart 1, it is interesting to note that, since the adoption of the plan of action in 2003, the trend of Article VII(5) submissions (first and additional submissions) has been upward. It is clear from the chart that, between 2003 and 2009, there has been a constant increase in the number of submissions. Regarding first submissions (see the thick line on Chart 2 below) in 2002, only six African States Parties (12%) had made their first Article VII(5) submissions; at the cut-off date of the present report, 28 States Parties (56%) had made a first submission. In other words, since the inception of the plan of action in 2003, the number of States Parties that have made a first submission has more than quadrupled. It is also important to note that, while this positive trend had almost stabilised between 2010 and 2011, during the reporting period it started rising again. This analysis of the trend of first submissions applies *mutatis mutandis* to the trend of additional Article VII(5) submissions.

CHART 2: TREND OF ARTICLE VII(5) SUBMISSIONS BY STATES PARTIES IN AFRICA

Status by state

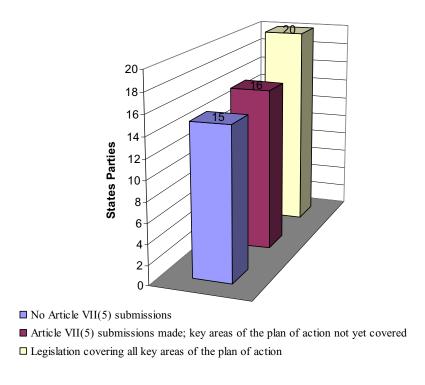


States Parties in Asia (51)

- 17. At the beginning of the reporting period, 31 out of 51 States Parties in Asia had yet to notify the Secretariat of the adoption of legislation and/or administrative measures to fully implement the Convention. The Secretariat notes that the situation has remained stable compared to last year's report
- 18. According to the information provided to the Secretariat, at the cut-off date of the report, 12 States Parties that have yet to adopt implementing measures covering all key areas identified under the plan of action, have informed the Secretariat (through different means) of the steps they have taken towards the adoption of implementing legislation/regulations. It is important to note that three out of these 12 States Parties, namely Cambodia, Philippines, and Turkmenistan, made an additional Article VII(5) submission (see Table 3). It is noteworthy that two States Parties—which at the beginning of the reporting period had legislation covering all key areas, namely Malaysia and Singapore—made an updated Article VII(5) submission (see Table 4).
- 19. Notwithstanding the above, at the end of the reporting period, no State Party, which at the beginning of the reporting period had yet to adopt implementing measures covering all key areas, had notified the Secretariat of the adoption of implementing measures covering all key areas. At the cut-off date of the report, the situation thus remains stable compared to last year's report.
- 20. Chart 3 shows the status of Article VII(5) submissions as at 27 July 2012. It is important to point out that 15 States Parties (29%) have not made any Article VII(5) submissions, while the remaining 36 States Parties (71%) have made at least one Article VII(5) submission. Of these, 16 States Parties (31%) do not have legislation covering all

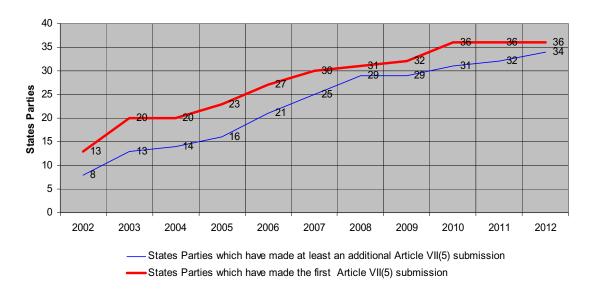
key areas of the plan of action, while the remaining 20 States Parties (39%) have enacted legislation and/or administrative measures covering all key areas of the plan of action.

CHART 3: STATUS OF ARTICLE VII(5) SUBMISSIONS BY STATES PARTIES IN ASIA, AS AT 27 JULY 2012



21. Chart 4 reflects the course of Article VII(5) submissions since the adoption of the plan of action in 2003. This trend has clearly been upwards; however, in 2010 the trend has generally steadied. Between 2003 and 2009 both first and additional submissions (despite the difference in number), have increased consistently and risen at a similar pace. Observing the thicker line (the number of States Parties that have made the first Article VII(5) submission), the Secretariat notes that in 2002, 13 States Parties (25%) had made their first Article VII(5) submission, while at the cut-off date of this report (27 July 2012), 36 States Parties (71%) have made a first submission. This means that, since the outset of the plan of action, the number of States Parties that have made a first submission has almost tripled. This tendency applies also to additional submissions, the number of which (in the same period) has expanded: from eight States Parties (16%) in 2002 to 34 States Parties (67%) at the cut-off date for this report.

CHART 4: TREND OF ARTICLE VII(5) SUBMISSIONS BY STATES PARTIES IN ASIA



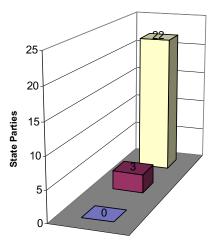
States Parties in Eastern Europe (25)

- 22. At the beginning of the reporting period, only three⁴ of the 25 States Parties in Eastern Europe had yet to notify the Secretariat of the adoption of legislation and/or administrative measures to fully implement the Convention.
- 23. According to the information available to the Secretariat, at the cut-off date of the report, one of the States Parties that does not have legislation covering all key areas, namely Armenia, has made an additional Article VII(5) submission (see Table 3). Additionally, two States Parties—which at the beginning of the reporting period had legislation covering all key areas, namely, Kazakhstan and Ukraine—made an updated Article VII(5) submission (see Table 4).
- 24. In summary, at the end of the reporting period, no State Party, which at the beginning of the reporting period had yet to adopt implementing measures covering all key areas, had notified the Secretariat of the adoption of implementing measures that cover all key areas. At the cut-off date of this report (27 July 2012), the situation remained stable compared to last year's report. However, it is important to note that the number of States Parties with legislation covering all key areas of the plan of action is significant.
- 25. Chart 5 shows that, as at 27 July 2012, all 25 States Parties in Eastern Europe had made an Article VII(5) submission. Of these, 22 States Parties (88%) have already enacted legislation covering all key areas of the plan of action; only three States Parties in the region (12%) have yet to adopt legislation covering all key areas.

4

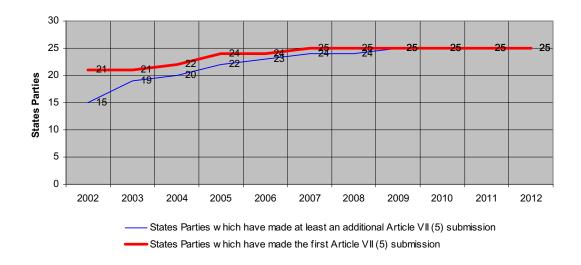
This number is different from last year's report; please see note 1 on page 3.

CHART 5: STATUS OF ARTICLE VII(5) SUBMISSIONS BY STATES PARTIES IN EASTERN EUROPE, AS AT 27 JULY 2012



- No Article VII(5) submissions
- Article VII(5) submissions made; key areas of the plan of action not yet covered
- □ Legislation covering all key areas of the plan of action
- 26. Chart 6 illustrates the trend of Article VII(5) submissions before and after the adoption of the plan of action. The Secretariat notes that, until 2002 (before the inception of the plan of action), an already remarkable number of States Parties in Eastern Europe (21, representing 84% of the total), had made a first Article VII(5) submission, while, in the same period, 15 States Parties had made at least one additional submission. At the cut-off date of the report, the number of submissions was higher now than in 2002: 25 States Parties have submitted first and additional submissions—representing all States Parties in Eastern Europe. percentage increase, additional submissions have risen by 40%: from 15 States Parties (60%) in 2002 to 25 (100%) at the cut-off date of this report. In relation to first submissions, the Secretariat acknowledges a 100% performance rate. However, due to the high number of States Parties that in 2002 had already made the first submission (21 out of 25), the increment amounts to 16%, ranging from 21 (84%) to 25 (100%). The Secretariat wishes to highlight the fact that, according to the current reporting criteria, the trend of Article VII(5) submissions has stabilised, with all States Parties in the region having provided at least an additional Article VII(5) submission.

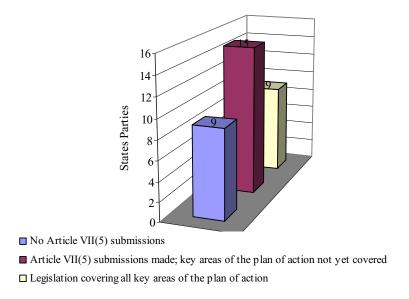
CHART 6: TREND OF ARTICLE VII(5) SUBMISSIONS BY STATES PARTIES IN EASTERN EUROPE



States Parties in Group of Latin American and Caribbean States—GRULAC (33)

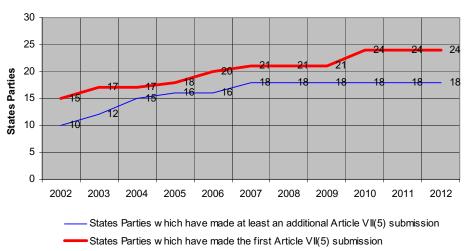
- 27. At the beginning of the reporting period, 24 out of the 33 GRULAC States Parties (73%) had yet to notify the Secretariat of the adoption of legislation and/or administrative measures to fully implement the Convention.
- 28. According to the information provided to the Secretariat at the cut-off date of this report, 11 States Parties that have yet to adopt implementing measures covering all key areas identified under the plan of action informed the Secretariat of the steps they are taking towards the adoption of implementing legislation/regulations. It is worth noting that two States Parties, which at the beginning of the reporting period had legislation covering all key areas of the plan of action (namely, Colombia and Costa Rica), made an updated Article VII(5) submission by providing the Secretariat with relevant information on their implementing legislation and/or the text of the respective legislation enacted (see Table 4).
- 29. As reflected in Chart 7, at the cut-off date of this report, nine States Parties (27%) had not yet made any Article VII(5) submission, whilst 24 States Parties (73%) had made at least one Article VII(5) submission as follows: 15 States Parties (45%) do not have legislation covering all key areas of the plan of action; nine (27%) have already enacted legislation that covers all key areas. The Secretariat notes that the situation has remained stable compared to last year's report.

CHART 7: STATUS OF ARTICLE VII(5) SUBMISSIONS BY STATES PARTIES IN GRULAC, AS AT 27 JULY 2012



- 30. Since the adoption of the plan of action, there has been a consistent increase in the number of Article VII(5) submissions made by GRULAC States Parties. As Chart 8 shows, the number of both first and additional submissions has increased since 2003, yet after a few years of consecutive increments, this positive trend stabilised in 2010.
- 31. The number of States Parties that have made the first submission has increased by 28% since the adoption of the plan of action, from 15 (45%) in 2002 to 24 (73%) by the cut-off date of this report. Nonetheless, as previously mentioned, this number has remained stable since 2010. Also, there has been a similar fluctuation in the number of additional submissions (thinner line). At the cut-off date of this report, there had been an increase of 28%, with the number of submissions growing from 10 States Parties (30%) in 2002 to 18 States Parties (55%). However, as Chart 8 shows, this positive trend stopped in 2007, and the situation has not changed since.

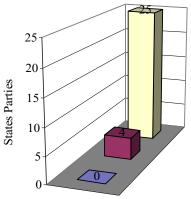
CHART 8: TREND OF ARTICLE VII(5) SUBMISSIONS BY STATES PARTIES IN GRULAC



States Parties in Western European and Other States Groups—WEOG (29)

- 32. All 29 WEOG States Parties have made at least one Article VII(5) submission, and the great majority of them (25 States Parties, representing 86%), at the beginning of the reporting period, had already notified the Secretariat of the adoption of measures covering all key areas. Therefore, only four States Parties (14%) have yet to adopt legislation covering all key areas (see Chart 9 below).
- 33. According to the information available to the Secretariat, at the cut-off date of the report (27 July 2012), three States Parties with legislation covering all key areas, namely Austria, France and Norway, made an updated Article VII(5) submission. In particular, Austria informed the Secretariat of the adoption of two laws on low concentration limits for declarations of schedule 2A and 2A* chemicals. France notified the Secretariat of the adoption 16 new pieces of legislation/regulations including Decree No. 2011-195 on low concentrations. Norway submitted the response to the survey on the implementation of decision C-14/DEC.4 (see Table 4) to the Secretariat.

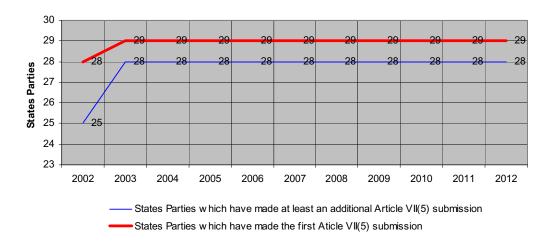
CHART 9: STATUS OF ARTICLE VII(5) SUBMISSIONS BY STATES PARTIES IN WEOG, AS AT 27 JULY 2012



- No Article VII(5) submissions
- Article VII(5) submissions made; key areas of the plan of action not yet covered
- □ Legislation covering all key areas of the plan of action
- 34. The trend of first and additional Article VII(5) submissions has been uniform in terms of fluctuation: 28 States Parties (97%) had made their first submission by 2002; the inception of the plan of action brought a 3% contribution to that figure, which increased to 29 States Parties (100%) in 2003. With small differences, this overview could also apply to the additional submissions: in 2002, 25 States Parties (86%) had already made at least one additional Article VII(5) submission; in 2003, this number reached 28 States Parties (97%) and then stabilised. In other words, apart from a different percentage increase between the two categories of submissions (3% for first against 11% for additional submissions), it is interesting to see that in 2003, all WEOG States Parties had made a first submissions and 28 out of 29 had made at least one additional Article VII(5) submission. The Secretariat notes that, according to the

current reporting criteria, the trend of Article VII(5) submissions has stabilised, meaning there is very little possibility of any further increase.

CHART 10: TREND OF ARTICLE VII(5) SUBMISSIONS BY STATES PARTIES IN WEOG

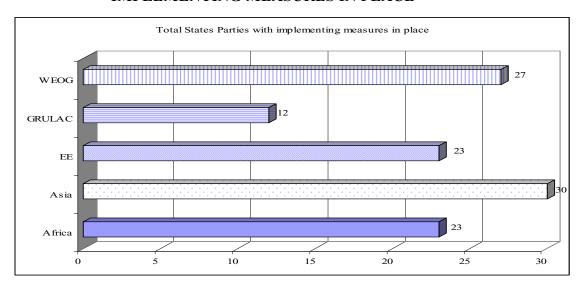


General overview of steps taken by States Parties to enact legislation and/or adopt administrative measures to implement the Convention

- 35. States Parties have continued to provide the Secretariat with information on their legislative and administrative processes. This includes States Parties that have implementing legislative and/or administrative measures covering all key areas and have made an Article VII(5) submission, States Parties that have some implemented legislation and have made an Article VII(5) submission, and States Parties that have yet to make an Article VII(5) submission.
- 36. As at the cut of date of this report, out of the 115 States Parties that have implementing measures in place, 88 have legislation that covers all key areas, four have implementing legislation reported as adopted but without an Article VII(5) submission, and 23⁵ have adopted implementing measures without covering all key areas.
- 37. During the reporting period, six out of the 88 States Parties that have legislation covering all key areas have notified the Secretariat about the adoption of further measures to make certain provisions of their implementing legislation fully enforceable, namely Austria, France, Kazakhstan, Norway, Singapore and Ukraine.

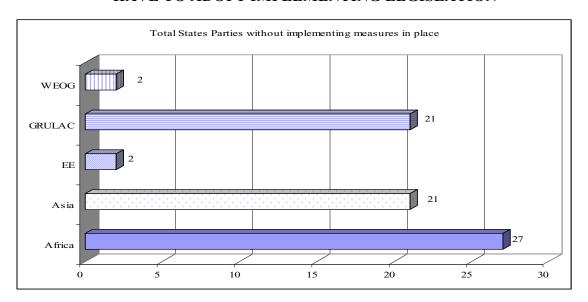
Please note that the Central African Republic is among the 23 States Parties that have adopted legislation without covering all key areas. As the text of the legislation has not yet been submitted, the Secretariat has not been able to assess the coverage of the legislation. Please refer to Table 2 for more information.

CHART 11: REGIONAL BREAKDOWN OF STATES PARTIES HAVING IMPLEMENTING MEASURES IN PLACE



38. States Parties that have not yet adopted implementing legislation covering all key areas have continued to provide the Secretariat with information on their legislative and administrative drafting processes. This includes States Parties at the first step of their implementing process (i.e., development of draft implementing legislation at the government level) and those at the last step (i.e., consideration by parliament for adoption and/or promulgation of the implementing legislation).

CHART 12: REGIONAL BREAKDOWN OF STATES PARTIES THAT HAVE TO ADOPT IMPLEMENTING LEGISLATION



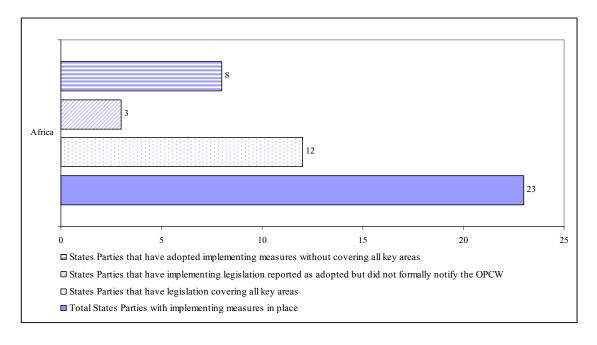
39. As at the cut-off date of the report, according to the information available to the Secretariat, of the 73 States Parties that have to adopt implementing measures, 13 States Parties have informed the Secretariat of having draft legislation before parliament, 41 have indicated that they have a draft pending government approval, and 19 have indicated that they have not yet started developing a draft.

Regional overview on steps taken by States Parties to enact legislation and to adopt administrative measures to implement the Convention

States Parties in Africa (50)

- 40. During the reporting period, according to the information available to the Secretariat, two States Parties, namely the Central African Republic and Morocco, have notified the Secretariat of the adoption of implementing legislation. In addition, most States Parties informed the Secretariat that they are working either on administrative measures to fully implement their implementing legislation or on draft implementing legislation.
- 41. As at the cut-off date of this report, of the 23 States Parties that have implementing measures in place, 12 have legislation that covers all key areas and eight States Parties (namely, Burundi, the Central African Republic,⁶ the Comoros, Côte d'Ivoire, Liberia, Mali, Zambia and Zimbabwe) informed the Secretariat that they have implementing measures, but to cover all key areas of the plan of action, further legislative and/or administrative measures are needed. In addition, three States Parties, namely Gambia, Guinea and Rwanda, have informed the Secretariat that the implementing legislation has been adopted, but they have not made an official Article VII(5) submission.

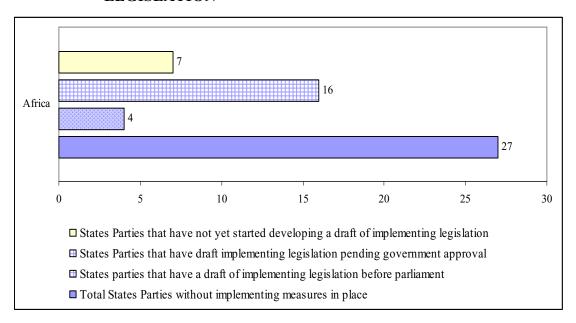
CHART 13: PROGRESS OF STATES PARTIES IN AFRICA HAVING IMPLEMENTING MEASURES IN PLACE



Please note that the Central African Republic is among the 23 States Parties that have legislation without covering all key areas. As the text of the legislation has not been submitted yet, the Secretariat was not able to assess its coverage. Refer to Table 2 for more information.

42. States Parties in Africa that have not yet adopted implementing measures have continued to provide the Secretariat with information on their legislative and administrative drafting processes. As at the cut-off date of this report, according to the information available to the Secretariat, of the 20 States Parties in Africa that have notified the Secretariat of working on draft implementing measures, four States Parties, namely Benin, the Democratic Republic of the Congo, Libya,⁷ and Nigeria, have informed the Secretariat that their draft implementing legislation is under consideration by their respective parliaments.

CHART 14: PROGRESS IN DRAFTING IMPLEMENTING MEASURES OF STATES PARTIES IN AFRICA WITHOUT IMPLEMENTING LEGISLATION



43. During the reporting period, three of the 50 States Parties in Africa requested assistance from the Secretariat, either in the process of identifying areas in which complementary measures could be beneficial for the effective enforcement of the implementing legislation or in the process of drafting legislation and/or administrative measures in such areas.

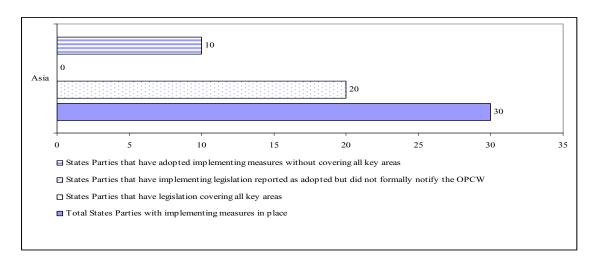
States Parties in Asia (51)

44. During the reporting period, according to the information available to the Secretariat, one State Party in Asia, namely Iraq, has notified the Secretariat of the adoption of implementing legislation. However, a majority of States Parties have informed the Secretariat that they are working either on administrative measures to fully implement their implementing legislation or on draft implementing legislation.

On 16 September 2011, the National Transitional Council requested, via the Protocol and Liaison Service of the United Nations, that the form "Libya", previously not in use at the United Nations, replace both the earlier official and short forms (respectively, "the Socialist People's Libyan Arab Jamahiriya" and "the Libyan Arab Jamahiriya").

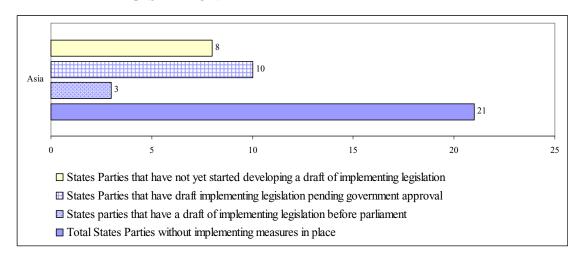
45. As at the cut-off date of this report, of the 30 States Parties that have implementing measures in place, 20 have legislation that covers all key areas, and 10 States Parties, namely, Mongolia, Jordan, Bahrain, Bangladesh, Cambodia, Iraq, Kiribati, Niue, Samoa and the United Arab Emirates, informed the Secretariat that they have implement measures, but to cover all key areas of the plan of action, further legislative and/or administrative measures are needed.

CHART 15: PROGRESS OF STATES PARTIES IN ASIA HAVING IMPLEMENTING MEASURES IN PLACE



46. States Parties in Asia that have not yet adopted implementing measures have continued to provide the Secretariat with information on their legislative and administrative drafting processes. As at the cut-off date of this report, according to the information available to the Secretariat, of the 21 States Parties in Asia that have notified the Secretariat of working on draft implementing measures, three States Parties, namely, Afghanistan, Kuwait and Yemen, have informed the Secretariat that their draft implementing legislation is under consideration by their respective parliaments.

CHART 16: PROGRESS IN DRAFTING IMPLEMENTING MEASURES OF STATES PARTIES IN ASIA WITHOUT IMPLEMENTING LEGISLATION

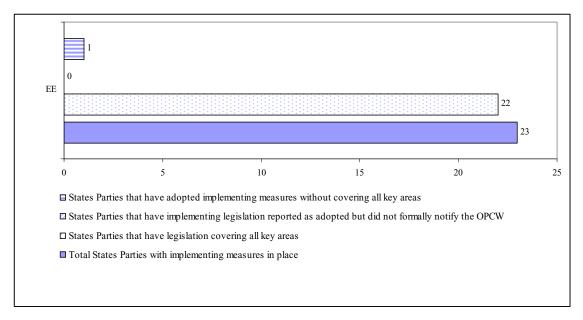


47. During the reporting period, three of the 51 States Parties in Asia have requested assistance from the Secretariat, either in the process of identifying areas in which complementary measures could be beneficial for the effective enforcement of the implementing legislation or in the process of drafting legislation and/or administrative measures in such areas.

States Parties in Eastern Europe (25)

- 48. During the reporting period, according to the information available to the Secretariat, no State Party in Eastern Europe has notified the Secretariat of the adoption of implementing legislation. However, according to a new Article VII(5) submission, one State Party, namely Armenia, that used to be considered as having legislation covering all key areas informed the Secretariat that some areas of the Plan of Action are not currently covered by legislation. Therefore, as at the cut-off date of this report, three States Parties in Eastern Europe need to work on further legislative or administrative measures to fully implement the Convention (i.e., legislation covering all key areas).
- 49. As at the cut-off date of this report, of the 23 States Parties that have implementing measures in place, 22 have legislation that covers all key areas, and one State Party, namely, Armenia, informed the Secretariat that they have implementing measures, but to cover all key areas of the plan of action, further legislative and/or administrative measures are needed.

CHART 17: PROGRESS OF STATES PARTIES IN EASTERN EUROPE HAVING IMPLEMENTING MEASURES IN PLACE

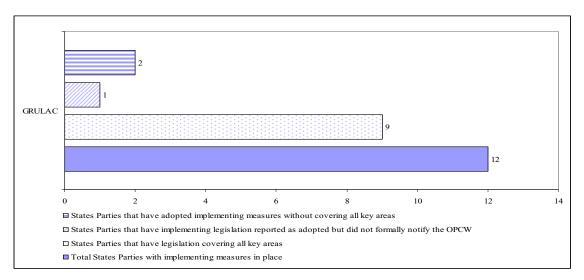


50. The two States Parties in Eastern Europe that do not have implementing measures in place are currently working on draft implementing measures. As at the cut-off date of this report, according to the information available to the Secretariat, those two States Parties, namely, Georgia and Kyrgyzstan, have informed the Secretariat that their drafts are pending government approval before submission to parliament.

States Parties in GRULAC (33)

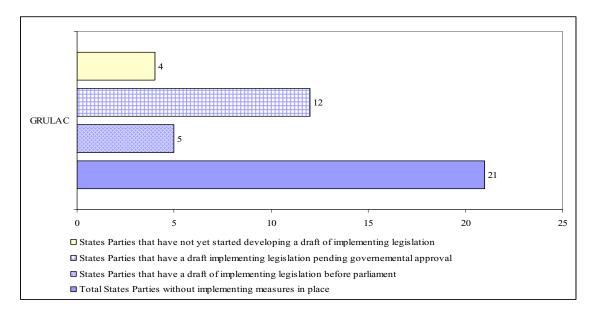
- 51. During the reporting period, according to the information available to the Secretariat, no additional State Party in GRULAC has notified the Secretariat of the adoption of implementing legislation. However, the majority of States Parties have informed the Secretariat that they are working either on administrative measures to fully implement their implementing legislation or on draft implementing legislation.
- 52. As at the cut-off date of this report, of the 12 States Parties that have implementing measures in place, nine States Parties have legislation that covers all key areas and two States Parties, namely, Panama and Saint Kitts and Nevis, informed the Secretariat that they have implementing measures, but to cover all key areas of the plan of action, further legislative and/or administrative measures are needed. In addition, one State Party, namely, Belize, has informed the Secretariat that the implementing legislation has been adopted, but without making an official Article VII(5) submission.

CHART 18: PROGRESS OF STATES PARTIES IN GRULAC HAVING IMPLEMENTING MEASURES IN PLACE



53. States Parties in GRULAC that have not yet adopted implementing measures have continued to provide the Secretariat with information on their legislative and administrative drafting processes. As at the cut-off date of this report, according to the information available to the Secretariat, of the 17 States Parties in GRULAC that have notified the Secretariat that they are working on draft implementing measures, five States Parties, namely, Bolivia, El Salvador, Guatemala, Uruguay and Venezuela, have informed the Secretariat that their draft implementing legislation is under consideration by their respective parliaments.

CHART 19: PROGRESS IN DRAFTING IMPLEMENTING MEASURES OF STATES PARTIES IN GRULAC WITHOUT IMPLEMENTING LEGISLATION

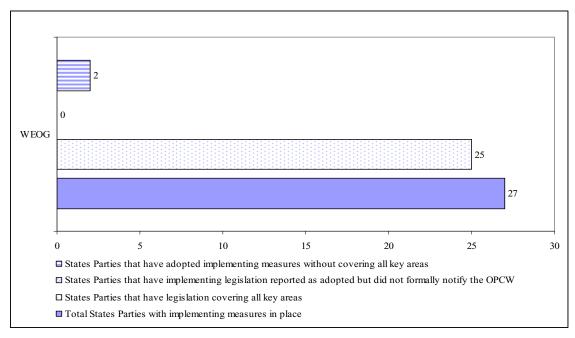


54. During the reporting period, three of the 33 States Parties in GRULAC requested assistance from the Secretariat either in the process of identifying areas in which complementary measures could be beneficial for the effective enforcement of the implementing legislation or in the process of drafting legislation or administrative measures in such areas.

States Parties in WEOG (29)

- 55. During the reporting period, according to the information available to the Secretariat, no State Party in WEOG notified the Secretariat of the adoption of implementing legislation covering all key areas. However, only four States Parties need to work on further legislative and/or administrative measures to fully implement the Convention.
- As at the cut-off date of this report, of the 27 States Parties that have implementing measures in place, 25 States Parties have legislation that covers all key areas, and two States Parties, namely, Belgium and Luxembourg, informed the Secretariat that they have implementing measures, but to cover all key areas of the plan of action, further legislative and/or administrative measures are needed.





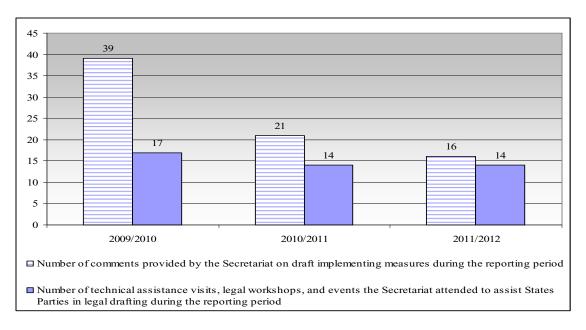
- 57. States Parties in WEOG that have not yet adopted implementing measures have continued to provide the Secretariat with information on their legislative and administrative drafting processes. As at the cut-off date of this report, according to the information available to the Secretariat, of the two States Parties in WEOG that have notified the Secretariat that they are working on draft implementing measures, one State Party, namely, Iceland, informed the Secretariat that its draft legislation is under consideration by its parliament. The other State Party, namely, San Marino, informed the Secretariat that its draft legislation is pending government approval before being submitted to the parliament.
- 58. During the reporting period, two of the 29 States Parties in WEOG requested assistance from the Secretariat, either in the process of identifying areas in which complementary measures could be beneficial for the effective enforcement of the implementing legislation or in the process of drafting legislation or administrative measures in such areas.

Legal assistance under the plan of action on Article VII

59. In C-14/DEC.12, the Conference encouraged the Secretariat to continue to provide, upon request, technical assistance in a tailor-made and systematic manner to effectively address the needs of States Parties in regard to their practical national implementation issues and concerns. In the same decision, the Conference encouraged States Parties, particularly those desiring assistance in fulfilling their Article VII obligations, to avail themselves of assistance that is offered if they consider it appropriate (paragraphs 4 and 5 of decision C-14/DEC.12).

- 60. The Secretariat can provide assistance throughout the whole legislative and administrative process, from when drafting instructions are developed and issued up until adoption of implementing measures. It provides assistance by raising awareness of the requirements of the Convention, and by providing guidance as to possible policy choices in implementing the Convention under different factual and legal circumstances, at the legislative and, increasingly, at the administrative level.
- 61. During the reporting period, the Secretariat provided 16 States Parties with comments on draft implementing legislative and/or administrative measures, and organised and/or participated in 14 events to promote national legislative and/or administrative implementation of the Convention. These events can be categorised as follows:
 - (a) global and regional annual meetings for National Authorities;
 - (b) a subregional legal workshop;
 - (c) on-site bilateral TAVs; and
 - (d) a subregional meeting of parliamentarians.

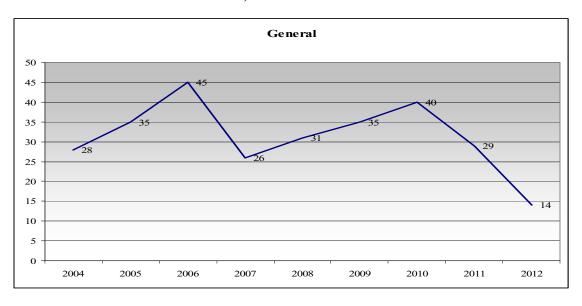
CHART 21: TREND OF LEGAL ASSISTANCE PROVIDED BY THE SECRETARIAT DURING THE LAST THREE REPORTING PERIODS



62. Upon request, the Secretariat reviews drafts of implementing measures and provides comments on them. When States Parties request the Secretariat to provide comments on legislation, they wish, in particular, to ensure that the national drafts meet the requirements of the Convention. States Parties that request comments also expect to be provided with insights into advantages or disadvantages encountered by other States Parties that have taken policy choices similar to those the requesting State Party is considering. The assistance is available for each of the common steps of the

implementation (i.e., guidance for policy choices, comments on draft implementing legislation, guidance in developing regulations and comments on regulations).

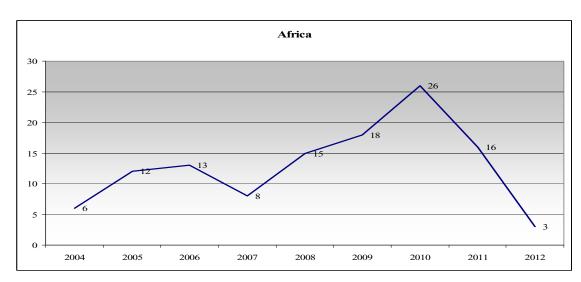
CHART 22: GENERAL TREND OF REQUESTS FROM STATES PARTIES FOR COMMENTS, BY YEAR



States Parties in Africa

63. During the reporting period, the Secretariat provided six States Parties in Africa with comments on draft implementing legislative and/or administrative measures, and organised six TAVs and/or legal workshops or events to assist States Parties in drafting their implementing measures.

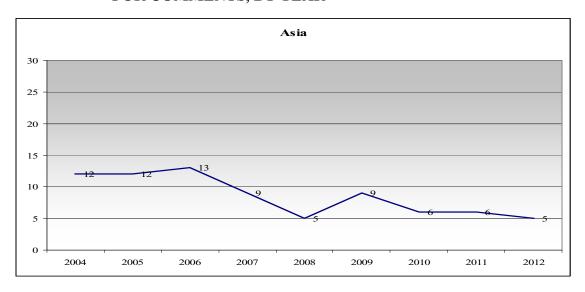
CHART 23: TREND OF REQUESTS FROM STATES PARTIES IN AFRICA FOR COMMENTS, BY YEAR



States Parties in Asia

64. During the reporting period, the Secretariat provided four States Parties in Asia with comments on draft implementing legislative and/or administrative measures, and organised two TAVs and/or legal workshops or events to assist States Parties in drafting their implementing measures.

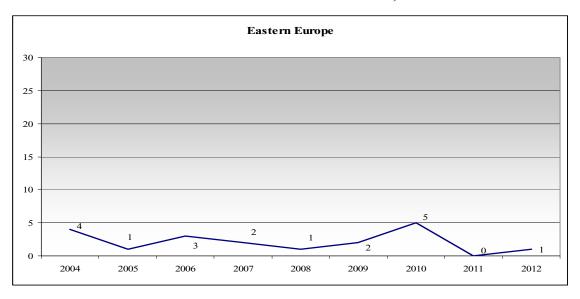
CHART 24: TREND OF REQUESTS FROM STATES PARTIES IN ASIA FOR COMMENTS, BY YEAR



States Parties in Eastern Europe

65. During the reporting period, the Secretariat provided one State Party in Eastern Europe with comments on draft implementing legislative and/or administrative measures, and one TAV to assist a State Party in drafting its implementing measures was organised.

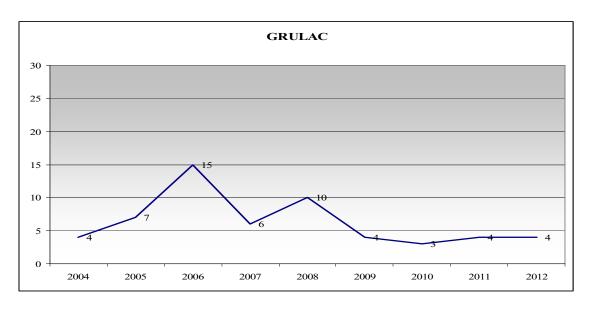
CHART 25: TREND OF REQUESTS FROM STATES PARTIES IN EASTERN EUROPE FOR COMMENTS, BY YEAR



States Parties in GRULAC

66. During the reporting period, the Secretariat provided four States Parties in the GRULAC group with comments on draft implementing legislative and/or administrative measures, and organised one event to assist States Parties in drafting their implementing measures.

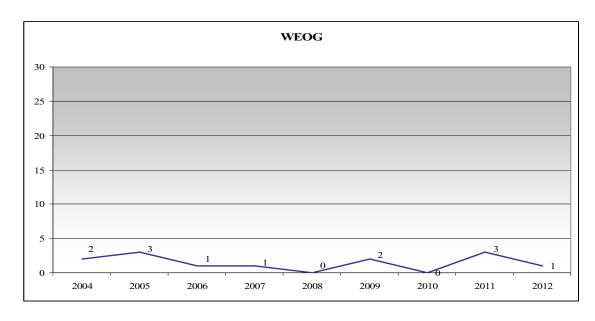
CHART 26: TREND OF REQUESTS FROM STATES PARTIES IN GRULAC FOR COMMENTS, BY YEAR



States Parties in WEOG

67. During the reporting period, the Secretariat provided one State Party in the WEOG with comments on draft implementing legislative and/or administrative measures, and one event to assist States Parties in drafting their implementing measures was organised.

CHART 27: TREND OF REQUESTS FROM STATES PARTIES IN WEOG FOR COMMENTS, BY YEAR



EC-70/DG.5 C-17/DG.8 page 30

68. The annexes to this document contain further details on implementing processes on the part of all individual States Parties, as well as some of the communications between the Secretariat and States Parties with regard to the national implementation of Article VII.

Annex 1:

Updates on Steps Taken by States Parties That, as at 27 July 2012, Had Yet to Notify the OPCW of the Enactment of Implementing Legislation Covering All Key Areas

Annex 2 (English only):

Status and Progress Regarding Legislative and Regulatory Implementation by States Parties (Including Assistance Provided) as at 27 July 2012



Executive Council

Seventieth Session 25 – 28 September 2012

EC-70/DG.14 C-17/DG.13 18 September 2012 Original: ENGLISH

NOTE BY THE DIRECTOR-GENERAL

ANNUAL REPORT ON THE IMPLEMENTATION OF THE ACTION PLAN FOR THE UNIVERSALITY OF THE CHEMICAL WEAPONS CONVENTION DURING THE PERIOD FROM 16 SEPTEMBER 2011 TO 15 AUGUST 2012

- 1. This Note has been prepared in accordance with the action plan for the universality of the Chemical Weapons Convention (hereinafter "the Convention"), which was adopted by the Executive Council (hereinafter "the Council") at its Twenty-Third Meeting (EC-M-23/DEC.3, dated 24 October 2003) at the recommendation of the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (RC-1/5, dated 9 May 2003). In the action plan, the Council requested the Director-General to submit to the Conference of the States Parties (hereinafter "the Conference") at its regular sessions an annual report on the implementation of the plan, and to keep the Council regularly informed, so that the Conference and the Council "may review progress and monitor its implementation effectively" (EC-M-23/DEC.3).
- 2. In its decisions on the universality of the Convention and on the implementation of the universality action plan adopted at its Tenth (C-10/DEC.11, dated 10 November 2005) and Eleventh (C-11/DEC.8, dated 7 December 2006) Sessions, the Conference noted with satisfaction the progress that had been achieved since the adoption of the action plan and requested the Technical Secretariat (hereinafter "the Secretariat") "to provide further up-to-date information regarding the status of States not Party vis-à-vis the Convention, their prospects for adherence, their participation in universality-related activities, any significant chemical-industry issue[s], and any other issues relevant to the Convention" (paragraph 9 of C-10/DEC.11). Furthermore, the Conference at its Twelfth Session (C-12/DEC.11, dated 9 November 2007) decided to continue with the action plan and further decided that, "[A]t its Fourteenth Session, it shall review the results and implementation of that plan and take any decision it deems necessary..." (paragraph 5 of C-12/DEC.11).
- 3. At its Fourteenth Session, the Conference also decided "to continue with the action plan" (paragraph 5 of C-14/DEC.7, dated 2 December 2009), and requested the Secretariat "to continue to utilise all available opportunities and resources, including diplomatic channels, international forums, and relevant OPCW meetings and events to advance the objectives of the action plan in accordance with the mandate provided to it in the decisions on universality adopted by the Council and the Conference"

(paragraph 4 of C-14/DEC.7). The Conference also decided that "at its Sixteenth Session, it shall review the results and implementation of that plan and take any decision it deems necessary, in particular addressing the status of those States not Party whose non-adherence is a cause for serious concern" (paragraph 5 of C-14/DEC.7). The Conference requested the Secretariat "to continue to provide and keep current information on activities related to promoting the universality of the Convention and the progress being made thereon, including in an annual report to the Conference at its Fifteenth Session" (paragraph 6 of C-14/DEC.7).

- 4. At its Fifteenth Session, the Conference noted the annual report by the Director-General on the implementation of the action plan for the universality of the Convention during the period from 14 September 2009 to 15 September 2010 (EC-62/DG.11 C-15/DG.8, dated 23 September 2010).
- 5. At its Sixteenth Session, the Conference reviewed the results obtained and the progress made in the implementation of the action plan and adopted a decision (C-16/DEC.16, dated 2 December 2011) "[calling] upon all the remaining States not Party to ratify or accede to the Convention as a matter of urgency and without preconditions, thereby confirming their commitment to global peace and security, and to disarmament and non-proliferation" (paragraph 1 of C-16/DEC.16). Furthermore, the Conference also decided "to continue with the action plan ..." and further decided "that, at its Eighteenth Session, it shall review the progress and implementation of that plan and take any decision it deems necessary, in particular addressing the status of those States not Party whose non-adherence is a cause for serious concern" (paragraph 5 of C-16/DEC.16).
- 6. Universality was also considered at the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter "the Second Review Conference"), held in The Hague, the Netherlands, from 7 to 18 April 2008. The Second Review Conference welcomed the substantial progress achieved since the adoption by the Council of the action plan for the universality of the Convention and the subsequent decisions adopted by the Council and the Conference (paragraph 9.13 of RC-2/4, dated 18 April 2008).
- 7. The Second Review Conference further underlined the fact that the goal of universality shall be pursued by the Secretariat, as well as by States Parties, as a matter of high priority and acknowledged the efforts made by the States Parties, the policy-making organs, the Secretariat, and the Director-General to this end (paragraphs 9.12 to 9.15 of RC-2/4).
- 8. This report provides an overview of recent developments with regard to the status of participation in the Convention and the universality activities undertaken by the Secretariat since the last annual report on the implementation of the action plan (EC-66/DG.16 C-16/DG.15, dated 30 September 2011). This report covers the period from 16 September 2011 to 15 August 2012.
- 9. As at the date of this report, there were 188 States Parties to the Convention, and there remained eight States that had not ratified or acceded to the Convention. Of these, two had signed the Convention and six were non-signatories.

- 10. The annex to this Note lists the States that were not Party to the Convention as at 15 August 2012.
- During the period under review, the Secretariat continued to carry out a number of activities aimed at promoting universal adherence to the Convention and at enhancing synergies with States Parties, as well as with other international and regional organisations, within the framework of the action plan for universality.
- 12. In particular, the Secretariat continued to support and facilitate informal consultations on the action plan under its facilitator, Mr Balázs Géczy of Hungary. The facilitation has now been taken over by Mr Gary Applegarth of the United States of America.
- 13. The Secretariat further promoted and sponsored the participation of representatives of States not Party in various OPCW events, including the Sixteenth Session of the Conference. This enabled the Secretariat to hold bilateral meetings with representatives of attending States not Party. The European Union (EU) also contributed to sustaining these initiatives through its Council Decisions 2009/569/CFSP (of 27 July 2009) and 2012/166/CFSP (of 23 March 2012) on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction.
- 14. The Director-General continued to accord high priority to universality and maintained high-level contacts with representatives of States not Party in order to create awareness and sustain a positive dialogue on the importance of joining the Convention. He also made full use of his contacts with, and visits to, States Parties and of his interaction with other international organisations, academic institutions, think tanks, policy institutes, research centres, and international conferences to underline the importance of universality and to gather support for the efforts of the Secretariat in this regard.
- 15. In this context, universality featured prominently in the statements that the Director-General delivered at regional and international forums, including the United Nations.
- 16. The United Nations continued to provide support for the goal of achieving universal adherence to the Convention. In his messages to the Conference at its Sixteenth Session and during commemorations held in The Hague, the Netherlands, on 26 April 2012 to mark the Day of Remembrance for all Victims of Chemical Warfare, the Secretary-General of the United Nations called upon States that remained not Party to ratify or accede to the Convention without further delay.
- 17. In his opening statements to the regular sessions of the Council, the Director-General continued to provide updates on the progress being made towards universality and on the relevant activities of the Secretariat. He further called on States Parties that are in a position to do so to assist the Secretariat in its endeavours.
- 18. The activities carried out by the Secretariat to promote the universality of the Convention in specific regions are detailed below. As in previous years, universality activities were financially supported through the Programme and Budget of the

OPCW, as well as through voluntary contributions by Member States and the EU under its above-mentioned 2009 and 2012 Council Decisions.

Developments in Africa

- 19. During the period under review, Angola, Somalia, and South Sudan remained as States not Party to the Convention in Africa.¹ The Secretariat continued to carry out various activities aimed at achieving the goals of universality in this region.
- 20. Contacts have been maintained with the African Union (AU) in order to promote the goals of the Convention and its universality within the framework of the memorandum of understanding (MoU) signed between the AU and the OPCW in January 2006, as well as within the framework of the decision on the implementation and universality of the Convention, adopted at the 38th Ordinary Session of the Assembly of Heads of State and Government of the Organisation of African Unity, held in Durban, South Africa, in July 2002 (AHG/Dec. 182 (XXXVIII)).
- 21. A team from the Secretariat briefed the AU's Specialized Technical Committee on Defense, Safety and Security during its seventh meeting, which took place from 23 to 25 October 2011 in Addis Ababa, Ethiopia. The Secretariat team delivered a presentation on the Convention and a statement on behalf of the Director-General to the meeting of the African Chiefs of Defence Staff and Heads of Security and Safety Services.
- 22. While in Addis Ababa, the Secretariat team held a bilateral meeting with the Ambassador of Angola to the African Union, who explained that Angola was preoccupied with post-conflict recovery, and that the Angolan legislature had substantial pending business. A number of international legal instruments remained under consideration. He mentioned that 2012 was an election year in Angola.
- 23. In February 2012, the Director-General received the Ambassador of Angola to the Netherlands at the OPCW Headquarters. The Director-General underscored the importance attached by the Member States of the OPCW with regard to universal adherence to the Convention, and offered to provide any assistance that may be necessary in facilitating the ratification process.
- 24. In May 2012, the Ambassador of Angola to the Netherlands expressed positive interest in the Convention. In a follow-up meeting with the Secretariat, he was provided with guidance on the process for depositing instruments of accession with the Secretary-General of the United Nations.
- 25. The conflict in Somalia remains a factor impeding its prospects to accede to the Convention. The country continued to face serious challenges and instability, making it unlikely for any authority in that country to consider joining the Convention at this time.

Egypt, which is a State in Africa that is not Party to the Convention, is addressed in the section on developments in the Mediterranean Basin and the Middle East (paragraphs 35 to 43 below).

- 26. In October 2011, the Director-General met with the Ambassador of South Sudan to the Benelux countries and further encouraged ratification of the Convention by this State not Party.
- 27. In June 2012, the Director-General addressed a letter to the Foreign Minister of South Sudan, as a follow-up to his previous letter of July 2011, reminding him about the OPCW's offer to assist South Sudan in joining the Convention.
- 28. In August 2012, the Embassy of South Sudan in Brussels requested (by means of a note verbale) that the Secretariat provide a copy of the Convention, as well as materials related to its implementation, to be forwarded to the Minister of Foreign Affairs of South Sudan, the Hon. Lieutenant-General Nhial Deng Nhial. A copy of the Convention and a complete implementation kit were forwarded by the Secretariat to the Embassy.
- 29. Universality in Africa also continued to be promoted through other activities undertaken in the context of the Programme to Strengthen Cooperation with Africa on the Chemical Weapons Convention.

Developments in Asia

- 30. Myanmar, which signed the Convention in 1993, and the Democratic People's Republic of Korea, a non-signatory State, remain the only two States in North-East Asia that are not yet Party to the Convention. The Secretariat, through various initiatives, has continued to encourage these countries to join.
- 31. A representative of Myanmar was sponsored to attend the Sixteenth Session of the Conference held in December 2011.
- 32. On the occasion of his visit to the United Nations in connection with a meeting of the First Committee of the 66th Session of the General Assembly in October 2011, the Director-General met with H.E. Mr Than Swe, Permanent Representative of Myanmar to the United Nations, and conveyed to him the importance that the OPCW membership attaches to Myanmar's participation in the Convention.
- 33. In May 2012, on the occasion of a seminar on the Convention and chemical-safety-and-security management, the Director-General visited Kuala Lumpur, Malaysia, and met with Mr Wing Naing, Director-General of International Organisations and Economic Department of Myanmar, who had been sponsored by the Secretariat to participate in the seminar. The Director-General reiterated the readiness of the Secretariat to assist Myanmar in its efforts to join the Convention at the earliest.
- 34. During the period under review, the Secretariat continued to make efforts to reach out to the Democratic People's Republic of Korea. The Government of this State has not been responsive to these démarches.

Developments in the Mediterranean Basin and the Middle East

- 35. In the Mediterranean Basin and the Middle East Region, Egypt, Israel, and the Syrian Arab Republic remain as States not Party to the Convention.
- 36. Israel participated as an observer in the Sixteenth Session of the Conference.
- 37. In July 2012, the Director-General received H.E. Mr Haim Divon, Ambassador of Israel to the Netherlands and Ms Ilana Mittelman, Deputy Head of Mission.
- 38. In his statements at international forums, including statements to the United Nations, the Director-General has also continued to consistently urge the leaders of the three remaining States not Party in the Middle East to join the Convention.
- 39. The 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which concluded in New York in May 2010, decided to convene a conference in 2012 "on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction ...". It also requested the OPCW and other relevant international organisations to prepare background documentation for this conference, which is expected to be convened in 2012, "regarding modalities for a zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, taking into account work previously undertaken and experience gained" (NPT/CONF.2010/50 (Vol.1).
- 40. During a visit to Finland in December 2011, the Director-General met with H.E. Mr Jaakko Laajava, Under-Secretary of State of Finland, who has been appointed as facilitator for the planned conference regarding the establishment of a WMD²-free zone in the Middle East. Contacts between his team and the Secretariat have since been maintained, and the Secretariat is currently preparing a background document that had been requested by the facilitator in accordance with a decision taken by the NPT Review Conference in 2010.
- 41. The Secretariat supported activities that were held in the context of this Middle East initiative throughout the period under review. It participated in a seminar held in Amman, Jordan, in November 2011 to explore the feasibility of the creation of a WMD-free zone in the Middle East. The Secretariat also participated in a workshop entitled, "Disarmament Futures: Evolution of International Disarmament Treaties and Their Contribution to Middle Eastern Security", which the European Union Institute for Security Studies (EUISS) organised in Paris, France, in April 2012.
- 42. These were valuable occasions for the Secretariat to interact with representatives of States not Party from the region of the Middle East and to present the work of the OPCW. The presentations made by the Secretariat highlighted the comprehensive nature of the prohibition on chemical weapons under the Convention, as well as the work that has been carried out over the last 15 years to realise its aims and objectives. The Secretariat also stressed the fundamental importance of attaining the universality

WMD = weapons of mass destruction

- of the Convention in the Middle East as a necessary condition for making this region of the world free from WMD.
- 43. On 1 October 2012, the OPCW will convene a high-level meeting at the United Nations Headquarters in New York. The purpose of the meeting is to generate support for the long-term objectives of the Convention, provide impetus to the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention, scheduled to be convened in April 2013 and draw greater attention to the importance of achieving universality of the Convention.

Conclusion

- 44. The Secretariat will continue to accord priority to the fulfilment of the goal of universality, as established under the action plan and the relevant decisions of the Council, the Conference, and the Second Review Conference.
- 45. As in the past, the promotion of universal adherence to the Convention will be pursued through the utilisation of all available resources and opportunities, including through diplomatic channels, international forums, and cooperation with the United Nations, as well as with other international and regional organisations.
- 46. With eight States not Party remaining, it is evident that endeavours towards universality now face a greater challenge, particularly in light of the fact that the majority of these States link their non-participation in the Convention to political and security considerations. As recommended by the Second Review Conference, it is crucial that all States Parties in a position to do so further intensify their efforts with the remaining States not Party. The Secretariat, for its part, will also continue its close coordination of these initiatives with States Parties in order to enhance synergies and complement activities in this important area.

Annex: States not Party as at 15 August 2012

Annex

STATES NOT PARTY AS AT 15 AUGUST 2012

TABLE 1: SIGNATORY STATES THAT HAD NOT RATIFIED THE CONVENTION

	State	Date of Signature
1.	Israel	13 January 1993
2.	Myanmar	14 January 1993

TABLE 2: STATES THAT HAD NEITHER SIGNED NOR ACCEDED TO THE CONVENTION

1.	Angola	
2.	Democratic People's Republic of Korea	
3.	Egypt	
4.	Somalia	
5.	South Sudan	
6.	Syrian Arab Republic	



OPCW

Conference of the States Parties

Fourteenth Session 30 November – 4 December 2009 C-14/DEC.9 2 December 2009 Original: ENGLISH

DECISION

TERMS OF OFFICE OF MEMBERS OF THE SCIENTIFIC ADVISORY BOARD

The Conference of the States Parties,

Referring to paragraph 45 of Article VIII of the Chemical Weapons Convention (hereinafter "the Convention"), which establishes that the Director-General shall be responsible for the organisation and functioning of the Scientific Advisory Board (SAB), composed of independent experts appointed in accordance with the terms of reference adopted by the Conference of the States Parties (hereinafter "the Conference");

Recalling the decision by the Conference at its Second Session on the terms of reference of the SAB (Annex to C-II/DEC.10/Rev.1, dated 2 December 2004);

Mindful of the contribution that the SAB makes to the implementation of the Convention by enabling the Director-General, in the performance of his functions, to render to the Conference, the Executive Council, or States Parties specialised advice in areas of science and technology relevant to the Convention; and

Having considered the Note by the Director-General (EC-57/DG.14 C-14/DG.5, dated 1 July 2009) on the extension of the terms of office of some members of the SAB for more efficient functioning of the SAB in the coming years;

Hereby:

Endorses the proposal of the Director-General, as an exceptional measure so as not to compromise the efficient functioning of the SAB, to

- 1. extend the terms of office of five members of the SAB, whose term will finish in 2010, for one year (their term will therefore end in 2011); and
- 2. extend the terms of office of another five members, whose term will finish in 2010, for two years (their term will therefore end in 2012); and

Decides that this exceptional measure shall expire in December 2012.

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Conference of the States Parties

Third Review Conference 8 – 19 April 2013

RC-3/DG.1 29 October 2012 Original: ENGLISH

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

Introduction

- 1. The Scientific Advisory Board (SAB) was established by the Director-General in accordance with subparagraph 21(h) and paragraph 45 of Article VIII of the Chemical Weapons Convention (hereinafter "the Convention"), so that he could offer to the Conference of the States Parties (hereinafter "the Conference") and the Executive Council (hereinafter "the Council") specialised advice in those areas of science and technology that are relevant to the Convention. In keeping with this mandate, and as its contribution to the preparations for the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention, to be held in April 2013, the SAB has prepared this report, which analyses relevant developments in science and technology over the past five years and presents recommendations and observations that the SAB considers to be important to both the review of the operation of the Convention and its future implementation.
- 2. This is the third report by the SAB on developments in science and technology relevant to the Convention. The SAB's two earlier reports were presented to the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention¹ (hereinafter "the First Review Conference"), as well as to the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention² (hereinafter "the Second Review Conference").
- 3. For the preparation of this third review, the SAB has drawn on several sources of insight, including:
 - (a) its two earlier reports for the Review Conferences;
 - (b) the workshop that was organised by the International Union of Pure and Applied Chemistry (IUPAC) in February 2012, in Spiez, Switzerland, to

¹ RC-1/DG.2, dated 23 April 2003.

² RC-2/DG.1, dated 28 February 2008 and Corr.1, dated 5 March 2008.

- review advances in science and technology (S&T) with regard to their impact on the Convention;
- (c) the deliberations of the SAB and its temporary working groups (TWGs) since the Second Review Conference (documented in the reports from the Twelfth to Nineteenth Sessions of the SAB);³
- (d) the report of the Advisory Panel on Future OPCW Priorities;⁴
- (e) a range of literature; and
- (f) the individual expertise of the current members of the Board.
- 4. This report has been structured into three sections: Part A, Part B, and Part C. Part C contains a detailed analysis regarding developments in science and technology that in the view of the SAB may affect the implementation of the Convention. Parts A and B are summaries based on the analysis in Part C: Part A raises issues that may impact the scope of the implementation of the Convention and Part B summarises issues related to the work of the Technical Secretariat (hereinafter "the Secretariat").

PART A: ISSUES THAT MAY IMPACT THE SCOPE OF THE IMPLEMENTATION OF THE CONVENTION

The convergence of the sciences, and in particular the convergence of chemistry and 5. biology combined with the rapid advances in the life sciences, may affect the future implementation of the Convention. The convergence of chemistry and biology is evident in the increasing commercial production of chemicals through biologically mediated processes, and the chemical synthesis of simple replicating organisms, biological parts, and agents of biological origin such as bioregulators and toxins. "Synthetic biology" is a rapidly expanding part of convergence, which enables the design and construction of new biological systems and components, and the redesign of existing ones for specific purposes. These new technologies have the potential to simplify the production of certain classes of chemicals such as toxins and bioregulators. In the view of the SAB it seems unlikely that advances collected under the "umbrella" term of convergence will be applied to the production of classic chemical-warfare agents, that is, the nerve and blistering agents listed in Schedule 1 of the Annex on Chemicals. The SAB requires more information to assess the applicability of biologically mediated processes to precursor-type chemicals and will obtain this information through its TWG on the convergence of chemistry and biology. The Board expects many benefits from the convergence of the sciences in the areas of protection against chemical weapons. The SAB considers the convergence of chemistry and biology an important area to keep under review. It will continue to inform the Director-General and States Parties about future trends.

³ See SAB-12/1, dated 26 November 2008; SAB-13/1, dated 1 April 2009; SAB-14/1, dated 11 November 2009; SAB-15/1, dated 14 April 2010; SAB-16/1, dated 6 April 2011; SAB-17/1, dated 23 November 2011; SAB-18/1, dated 19 April 2012; and SAB-19/1, dated 12 September 2012.

⁴ S/951/2011, dated 25 July 2011.

- 6. The convergence of chemistry and biology is leading to an increased overlap between the Convention and the Biological Weapons Convention (BWC), for example, in the areas of toxins and bioregulators, which risk falling between the two conventions. The SAB has initiated an exchange between experts on the Convention with experts from the BWC in its TWG on the convergence of chemistry and biology. The Board recommends that the interaction between experts on the two treaties, and between the Secretariat and the Implementation Support Unit of the BWC is strengthened. Discussions on the effects of convergence on these two conventions should be supported by technical reviews in other fora.
- 7. Nanotechnology is an equally important emerging technology that potentially might have an impact on the Convention. Nanotechnology is being applied in many areas that will benefit humankind (diagnostics, pharmaceuticals, textiles, water purification, catalysis, and many others) as well as in the development of improved countermeasures against chemical-warfare agents, for example in detection, diagnostics, physical protection, and decontamination. While the application of nanotechnology and the use of nanomaterials are expected to provide many benefits, there have been concerns for the potential toxicity of nanoparticulate material, about which relatively little is known. At present, concerns for enhanced acute toxicity of nanoparticulates are unconfirmed, but this aspect should remain under periodic review. Nanomaterials are being widely investigated for the "smart" delivery of drugs for therapeutic purposes, and this aspect could possibly be applied to the delivery of toxic chemicals.
- 8. The changing nature of drug design, combined with high throughput screening, is producing ever larger databases of new chemicals, some of which could have high toxicity. However, most of the screening for biological activity, including preliminary toxicity testing, is today based on in vitro⁵ testing and not directly transferrable to human toxicity. Furthermore, a significant effort would be required to develop a new toxic chemical into a chemical weapon. The SAB is of the view that the larger databases of biologically active chemicals, as they may exist today in pharmaceutical companies and related institutions, do not represent a proportionally higher risk to the Convention in comparison to the smaller databases that existed prior to the Convention, when much of the testing was performed on experimental animals.
- 9. In its discussions on the Annex on Chemicals, the SAB was of the view that the definition of toxic chemicals in the Convention, the "general-purpose criterion", encompasses all potential candidate chemicals. In relation to salts of scheduled chemicals the SAB reaffirms its earlier conclusion from 1998 that, from a technical perspective, there should be no differentiation between the treatment of the free base and the corresponding protonated salt. Regarding the allocation of chemicals presently on the schedules, the Board discussed the placing of saxitoxin and ricin in Schedule 1 based on the technical "Guidelines for the Schedules" and concluded that this is still appropriate. Regarding the existence and properties of an allegedly new class of nerve agents under the name "Novichoks",6 the Board had insufficient peer reviewed scientific information in order to perform a technical assessment.

⁵ "In vitro" refers to test tube experiments, whereas "in vivo" refers to testing with living organisms.

⁶ Novichok = "newcomer".

- 10. A key issue in the implementation of Part IX of the Verification Annex to the Chemical Weapons Convention (hereinafter "the Verification Annex") is whether or not biologically mediated processes are covered by the term "produced by synthesis". In the view of the SAB, any process designed for the formation of a chemical substance should be covered by the term "produced by synthesis".
- 11. The SAB recommended in the report of its Fifteenth Session (SAB-15/1) to extend the exemption from the 30-day notification period currently in place for quantities of five milligrams or less of saxitoxin for medical/diagnostic purposes (paragraph 5bis of Part VI of the Verification Annex) to include analytical purposes as well, both for saxitoxin and ricin. The SAB also recommended that retransfers to other States Parties of quantities of five milligrams or less of saxitoxin and ricin should be permitted for medical/diagnostic and analytical purposes, without being subject to a 30-day notification requirement. This will help facilitate the conduct of analytical exercises for saxitoxin and ricin, and simplify the procuring of reference standards for verification analysis.
- 12. The SAB, at its Sixteenth Session, discussed some of the scientific aspects of chemical incapacitants intended for "law enforcement" and has received briefings on three international meetings held on this subject.⁷ The Board considers the term "non-lethal" as inappropriate when referring to chemicals intended for use as incapacitants, because for all chemicals toxicity is a matter of dosage. The Board noted that chemicals considered having high safety margins in the context of controlled pharmaceutical use can have very low safety margins in the context of incapacitants when factors such as uneven dissemination, variability in human response, and the possible need for a rapid onset are required. It was also emphasised that the issue is not just what incapacitating chemical is used for law enforcement purposes, but how it is used, and the consequences such a use may have. The types of chemicals and pharmaceuticals, known to have been considered as incapacitants from open literature sources, were discussed. Most are centrally acting compounds that target specific neuronal pathways in the brain. All of them emerged from drug programmes undertaken from the 1960s to the 1980s, as far as can be judged by the research that has been published.
- 13. In the view of the SAB the <u>technical</u> discussion on the potential use of toxic chemicals for law enforcement purposes has been exhaustive. It may continue its discussions once technical information about specific candidate chemicals and/or dissemination systems is made available. The SAB recommends that the Secretariat start preparations for verification activities, relevant to incapacitating chemicals, that could be required in an investigation of alleged use (IAU). Such preparations should include developing analytical methods and procedures, as well as collecting analytical reference data for the analysis of such chemicals. The Secretariat should invite laboratories in Member States to contribute to this effort.
- 14. In relation to captive use of Schedule 1 chemicals, the SAB considers that it is technically feasible that Schedule 1 chemicals are being used as captive intermediates, in particular nitrogen mustards, but potentially also sulfur mustards. The Board

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Two meetings organised by the International Committee of the Red Cross (ICRC) (in 2010 and 2012) and one organised jointly by VERIFIN and the Spiez Laboratory (in 2011).

recommends that States Parties assess the scale of such use in their respective industries.

- 15. The Board also discussed the technical feasibility of Schedule 1 chemicals being formed through impurities during industrial production. The SAB assesses it to be technically feasible that certain Schedule 1 chemicals, nitrogen mustards and sulfur mustards, could be formed if starting materials contain precursor chemicals for nitrogen and sulfur mustards, or if starting materials contain respective impurities, and the synthetic process includes a chlorination step. While such Schedule 1 by-products are detectable using state-of-the-art analysis methods, they may go unnoticed if not actively looked for by chemical analysis. As long as such Schedule 1 by-products remain in low concentrations, it is impractical to isolate them, and they therefore pose no threat to the Convention. They may, however, have to be taken into consideration from a regulatory perspective. The SAB recommends that States Parties assess if certain Schedule 1 chemicals could occur in certain types of their industries or whether this remains merely an academic possibility.
- 16. The OPCW has made significant progress since the Second Review Conference in its ability to verify the presence or absence of toxic chemicals through on- and off-site analysis. Progress has been achieved, both in the types of chemicals that can be verified (for example, saxitoxin and ricin) as well as in the types of samples that can be analysed (environmental and biomedical, including trace analysis). The identification of non-scheduled or novel toxic chemicals remains unaddressed, which may be important, for example, for an IAU, when there is evidence that a toxic chemical has been used for prohibited purposes, but no scheduled chemicals can be found. OPCW inspection teams are not in a position to analyse for toxic chemicals that are outside of the Annex on Chemicals without sending the samples to designated laboratories. From a technical perspective this is a weakness in detecting the re-emergence of chemical weapons.
- 17. The OPCW proficiency testing programme has been instrumental in establishing a system of expert-designated laboratories, which the Director-General can request to undertake off-site analysis. The current status is that 22 laboratories have been designated from a broad geographical area. This system of designated laboratories has been very costly to establish, is equally costly to maintain, and makes demands on resources from the laboratories and from the Secretariat. It should also be noted that no off-site analysis has yet been undertaken in a designated laboratory. At the present time, the Secretariat is also seeking to establish a capability for biomedical sample analysis in cases of IAUs, and the SAB has made recommendations for the broader application of trace analysis in an IAU. It has also recommended analytical methods and identification criteria for the verification of the two Schedule 1 toxins, saxitoxin and ricin. The SAB recommends that a review of the entire proficiency-testing programme be undertaken, taking into consideration these additional aspirations for verification.
- 18. The OPCW's methods for on-site and off-site analysis focus on the unambiguous identification of scheduled chemicals, their precursors, and degradation products. An additional capability being pursued in several chemical defence and verification laboratories is attribution of a toxic chemical or precursor to a particular source or production route. Developing such a capability would require substantive research

- cooperation between laboratories, which could be coordinated through the OPCW. The OPCW would enhance its capabilities, for example, during an IAU, while the laboratories of Member States would benefit from improving their individual capabilities.
- 19. Education and outreach in science and technology relevant to the Convention is important to the Convention's future implementation. In the view of the SAB and its TWG on education and outreach, it is a critical element in the prevention of the re-emergence of chemical weapons and the misuse of toxic chemicals. Education and outreach serves a number of purposes, such as raising awareness about the Convention among the global scientific community, relevant industry, as well as civil society. Education and outreach should become a stronger element of national implementation of the Convention, but this will require concerted efforts by all stakeholders of the OPCW and should be assisted by, and coordinated through, the Secretariat, in cooperation with National Authorities. Effective interaction with the scientific communities will require engagement of a broader range of stakeholders, especially on a national level.

PART B: ISSUES RELATED TO THE TECHNICAL SECRETARIAT

- 20. Advances in production technologies and the ensuing changes in the chemical industry will necessitate that the Secretariat enhance its technical expertise in areas such as biologically mediated production processes, green chemistry, and microreactors, all of which may affect industry verification activities. Advances in production technology may also affect how certain types of toxic chemicals—such as toxins, bioregulators, or other classes of chemicals, including incapacitating agents—can be produced, a development that will necessitate adjustments to current verification practices. The Secretariat, therefore, should strengthen its efforts to stay abreast of technological developments in these areas.
- 21. Substantive progress has been achieved through the work of the SAB's TWG on sampling and analysis (S&A), in cooperation with the OPCW Laboratory, on issues that the SAB had reported to the Second Review Conference in relation to on- and off-site analysis, as highlighted above (analysis of ricin, saxitoxin, biomedical samples, trace analysis, and shortening on-site analysis time). This progress must now be integrated into the procedures of the Secretariat and its designated laboratory network.
- 22. OPCW proficiency testing has established a worldwide network of designated laboratories. The process of transferring authentic samples from an inspection for off-site analysis at designated laboratories, however, has been practised on a few occasions only. The SAB is of the view that the entire process of off-site analysis should be practised more regularly, and that funding should be made available for this. The capability to transport samples off site for independent analysis will be an important element in any challenge inspection (CI) or IAU, as well as in the case of inconclusive findings during routine on-site analysis.
- 23. The OPCW Central Analytical Database (OCAD) is a critical element for OPCW on-site analysis. The Secretariat must ensure that the content of this database is adequate to allow the OPCW to meet future verification challenges.

- 24. OPCW inspectors are required to operate a wide variety of equipment in different scenarios. It is important that inspectors have equipment available that allows them to execute their tasks in an efficient and safe manner. The SAB wishes to emphasise the importance of training for inspectors to ensure that equipment is properly utilised, and of inspectors gaining practical experience across the breadth of operational challenges (routine inspections, CIs, and IAUs).
- 25. While there have been advances in relation to assistance and protection against chemical weapons, many challenges still remain. Through the increasing concern for non-State actors employing toxic chemicals, additional technical challenges have arisen in relation to detection, medical countermeasures, and decontamination. Systems and technologies developed for military use are not always fully transferable to an urban civilian environment. For example, there remain deficiencies in the detection of toxic chemicals in relation to selectivity and sensitivity, as well as ease of operation. There also is limited knowledge available regarding the efficacy of methods for the decontamination of public urban environments. The Secretariat should consider the establishment of a mechanism for the sharing of best practices among States Parties as part of its international-cooperation activities.

PART C: ANALYSIS OF DEVELOPMENTS IN SCIENCE AND TECHNOLOGY RELEVANT TO THE CHEMICAL WEAPONS CONVENTION

ADVANCES IN SCIENCE AND TECHNOLOGY

Overview

- 26. Science and technology continue to advance at an accelerating pace in areas that may impact on the Convention. Advances in the life sciences, the material sciences, and enabling technologies offer potential far-reaching benefits to humankind in areas such as renewable energy sources, health care, food production, and eliminating environmental pollution. A number of these advances are also being exploited for the improvement of defensive countermeasures against toxic chemicals, e.g. in medical treatment, detection, protection, decontamination, and verification technology. While the outcomes are overwhelmingly likely to be beneficial to humankind, it is recognised that these advances may also offer opportunities for malevolent exploitation, some of which may pose challenges to the implementation of the Convention. Five major subject areas, which are considered to have particular relevance to the Convention, are discussed in paragraphs 26 to 61:
 - (a) the convergence of chemistry and biology (paragraphs 28 to 46);
 - (b) accelerated discovery of chemicals (paragraphs 47 to 49);
 - (c) nanotechnology (paragraphs 50 to 55);
 - (d) technologies for delivery (paragraphs 56 to 58); and
 - (e) production technologies (paragraphs 59 to 61).

27. Advice on the Annex on Chemicals is discussed in paragraphs 62 to 86; the impact of recent advances on verification technology is discussed in paragraphs 87 to 115; destruction of chemical weapons is briefly addressed in paragraphs 116 and 117; assistance and protection is discussed in paragraphs 118 to 124; and education and outreach in science and technology is discussed in paragraphs 125 to 131.

Convergence of chemistry and biology

- 28. There has always been an interdependent relationship between the fundamental sciences of chemistry and biology. At the molecular level, biological systems obey the laws of chemistry, which is the basic premise that underpins the pharmaceutical and pesticide industries. What is changing is the unprecedented growth in our understanding of the fundamental chemistry and genetics of living systems, a result of interdisciplinary research teams using ever more sophisticated and powerful instrumentation and experimentation. Key enabling factors have been the availability of increasing computing power at steadily decreasing cost, the efficiency of automated second generation DNA sequencing and synthesis, and the development of instrumentation capable of imaging down to the molecular and atomic level. Major advances have occurred in neuroscience, expanding our knowledge of how endogenous chemicals (bioregulators, including neurotransmitters, hormones) regulate normal homeostatic function and how, in the brain, they modulate cognition, mood, and behaviour. In order to address these important developments, the SAB has convened a TWG, comprised of chemical and biological experts, on the convergence of chemistry and biology.
- 29. A number of subject areas have been included under the general umbrella of the "convergence of chemistry and biology", 8 most of which have existed, at least at a low level, for many years. These include:
 - (a) biologically mediated processes (employing biological catalysts, naturally occurring organisms or genetically modified organisms) for the production of chemicals;
 - (b) recombinant DNA technology that allows replacement of the original genome in bacterial, yeast, and other cells with synthetically produced genomes, to produce organisms with new capabilities;
 - (c) chemical (DNA) synthesis of replicating systems which, to date, has been limited to small viruses and a simple bacterial genome; and
 - (d) toxins and bioregulators, naturally occurring chemicals that may have high toxicity, or provide prototypes for new incapacitants.

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Jonathan B. Tucker, "The convergence of biology and chemistry: implications for arms control verification", *Bulletin of the Atomic Scientists*, 66 (2010) 56-66.

- 30. The first three of these subject areas are encompassed by a relatively new term "synthetic biology". This is defined as:
 - (a) the design and construction of new biological components and systems that do not already exist in the natural world; and
 - (b) the re-design of existing biological systems for specific purposes.
- 31. Synthetic biology aims to apply engineering principles to the design of biological systems. An analogy is the construction of electronic systems through the combination of standard components.
- 32. The main relevance of convergence to the Convention could be simply stated as the biological synthesis of toxic chemicals, and the chemical synthesis of replicating systems, biological parts, or chemicals of biological origin. In this area, there is considerable overlap with the BWC.
- 33. <u>Biologically mediated production of bulk chemicals</u>: The production of bulk chemicals using biologically mediated processes is increasing, driven by the increasing cost of petroleum-based feedstock and the shift towards greener chemistry. Ethanol has long been a prime example of this process, but a number of chemical companies have developed, or are developing, pilot plant or full-scale production facilities for other commodity chemicals. Some examples are lactic acid, acetone-butanol-ethanol, and 1,3-propanediol, which are now manufactured using biological processes on a scale greater than 45,000 tonnes per year. These processes start from a naturally occurring feedstock abundant in carbohydrates (sugars), which incorporate the basic carbon skeleton of the product. Some of these new routes are very efficient and are expected to compete economically with petroleum-based routes.
- 34. <u>Biocatalysis in bulk and fine chemical production</u>: Enzymes (nature's catalysts) have been used to promote chemical reactions for many years, for example, during the commercial production of the artificial sweetener aspartame. With a growing capability to modify enzymes (an example of synthetic biology), their use is predicted to increase in high-volume manufacturing of commodity chemicals, and in low-volume production of specialty chemicals and pharmaceuticals.
- 35. <u>Biologically mediated production of toxic chemicals</u>: The SAB has provisionally concluded that for Schedule 1 nerve and blister agents, there is no apparent advantage in production through biological processes. The chemical synthesis of these chemicals is relatively simple, and the presence of elements such as sulfur and phosphorus limit the availability of suitable naturally occurring feedstock. The use of modified enzymes is a possibility. In order to assess the feasibility and practicability of synthesising precursor chemicals by biological processes, the SAB endorses the ongoing efforts of the TWG on the convergence of chemistry and biology to study the biotechnology and chemical industry to better understand the types of biological processes being used commercially, as well as the range of chemicals produced.

⁹ www.syntheticbiology.org

- 36. <u>Biological production of more complex chemicals</u>: As a result of advances in recombinant expression systems, important developments are occurring in the production of more complex chemicals in modified biological systems, predominantly for application in the pharmaceutical industry. These are conveniently divided into the biological production of proteins, and the production of low molecular mass non-protein natural products.
- 37. Recombinant proteins can be produced by genetically modified yeast and bacteria in a conventional bioreactor. In recent years, some protein-based pharmaceuticals, and other proteins such as spider silk, have been produced in transgenic plants or animals. This technology, termed biofarming, offers a potentially cheaper and abundant source of these proteins. It requires insertion of a foreign gene (a defined DNA sequence) into plant or animal cells. Examples are the cost-effective production of vaccines, therapeutic antibodies, and microbiocides. Spider silk has been produced in the milk of transgenic goats.
- 38. The production of non-protein complex chemicals in foreign organisms, termed metabolic pathway engineering, is much more difficult. Multiple genes are required to produce the enzymes that sequentially promote each stage of the biosynthetic pathway. The exemplar of this emerging technology has been the production in a genetically modified bacterium (E. coli) of artemisinic acid, a precursor for the plant-derived antimalarial drug artemisinin. Isolation from the plant source is complex and very expensive.
- 39. Application of synthetic biology to the production of toxic chemicals: Genetically modified organisms could be adapted to the production of protein toxins such as ricin, or non-protein toxins such as saxitoxin. In the case of ricin, and bacterial toxins such as botulinum, production from culture of the natural organism is reasonably efficient. This is not the case for saxitoxin, which must be harvested from marine organisms. In theory, metabolic pathway engineering could be used to produce saxitoxin but, at the present, would require an extensive and covert research programme.
- 40. <u>Chemical (DNA) synthesis of replicating systems</u>: Modern DNA sequencers and synthesisers have advanced to the point where genes and entire microbial genomes can be readily sequenced and reconstructed by automated coupling of the four chemical units of DNA. A number of simple pathogenic viruses, and a bacterial genome consisting of more than 1 million base pairs, have been synthesised. This technology has advanced to the point where non-scientists can experiment with commercially available DNA-based building blocks (for example, BiobricksTM) to construct novel systems. As synthetic biology matures it could lead to the development of "designer microbes" for the production of chemicals ranging from bio-fuels to therapeutic peptides and bioregulators.
- 41. <u>Toxins and bioregulators</u>: Toxins and bioregulators are chemicals of biological origin. Their production and use for prohibited purposes is controlled under both the Convention and the BWC. Two toxins, saxitoxin and ricin, are included in Schedule 1 of the Convention for verification purposes; no bioregulator is included in the schedules.

- 42. The only current practical method of moderate- to large-scale production of proteinaceous toxins such as ricin would be through culturing of a natural organism, or a genetically enhanced organism. Small molecule toxins such as saxitoxin can be isolated from the naturally producing organisms, or one that accumulates the toxin (such as shellfish), or by chemical synthesis. In reality, biological and chemical synthesis of these small molecule toxins in moderate quantities would be difficult and very expensive, and the threat to the Convention from such toxins is assessed as low by many observers. Metabolic pathway engineering may offer a future alternative, but at present this is emerging technology.
- 43. Peptides, composed of short chains of amino acids, comprise the largest group of bioregulators. Advances in neuroscience, driven by the increasing occurrence of neurodegenerative diseases such as Alzheimer's and debilitating conditions such as depression, have identified numerous new pathways and their associated bioregulators. Observers have frequently associated peptide bioregulators with the possible development of incapacitants. However, peptides are rapidly degraded by enzymes in the body, are usually poorly absorbed through the blood-brain barrier, and are relatively expensive to manufacture (though costs have fallen in recent years). Their potential for development as incapacitants may, therefore, be overstated. Pharmaceutical companies tend to focus on longer-lived (and potentially more toxic) metabolically resistant analogues, or on non-peptide mimics of the bioregulator. Although peptide bioregulators could be produced in genetically modified organisms, the pharmaceutical industry regards chemical synthesis as the most cost-effective method for small peptides, using combinations of solid phase and solution synthesis. This requires specialist equipment.
- 44. <u>Beneficial applications to chemical defence</u>: The convergence of chemistry and biology (and related aspects of nanotechnology) has the potential to improve protection against toxic chemicals. Examples of beneficial applications of synthetic biology in chemical defence include the production of recombinant human butyrylcholinesterase in transgenic goats as a potential bioscavenger for nerve agents (see paragraph 122), and the development of modified enzymes that efficiently catalyse the hydrolysis of nerve agents for medical treatment or for decontamination purposes. Many other applications in detection and diagnostics are being explored.
- 45. Implications for verification: Other chemical production facilities (OCPFs): The term "produced by synthesis" is used in Part IX of the Verification Annex ("Regime for Other Chemical Production Facilities"). A facility producing an unscheduled chemical ("produced by synthesis") is declarable and the facility is subject to inspection, if the annual inspection threshold is reached. A key issue in the implementation of Part IX is whether biologically mediated processes should be considered to be synthesis within the above definition. At present, this is open to interpretation. Some States Parties declare OCPFs employing biologically mediated processes, some do not. A report prepared by the SAB in 1999 concluded that "produced by synthesis" should include synthesis by biological means. However, at that time there were few discrete organic chemicals (DOCs) that were manufactured in declarable quantities through the use of biological processes. The SAB notes that this situation has changed, with an increasing trend towards commercial production of bulk chemicals by means of biological processes. The SAB reaffirms its 1999 recommendation that "produced by synthesis" should include biologically mediated

processes. There may be a number of differences in the type of equipment used in a biomediated process when compared to a classical chemical reaction. Further study of these commercial-scale facilities (including reaction, separation, and purification operations) is needed to determine their degree of relevance to the Convention.

46. <u>Summary</u>: Advances considered under the general term "convergence of chemistry and biology" are accelerating at an unprecedented rate, particularly in synthetic biology. A feature of the technology is that it overlaps the remits of the Convention and the BWC, and some aspects, for example, bioregulators and their analogues, risk falling between the two. The SAB considers it important that the Secretariat expands its in-house knowledge of these developments. The SAB recommends that regular assessments of the implications for implementation of the Convention should be undertaken, using expertise within the SAB, the TWG on the convergence of chemistry and biology, and the Secretariat. The SAB further recommends that the Secretariat establish a process for increasing the interaction of the Secretariat and SAB with experts associated with the BWC, in particular with its Implementation Support Unit.

Accelerated discovery of chemicals

- 47. In its 2008 report on advances in science and technology¹⁰ in preparation for the Second Review Conference, the SAB referred to the rapidly changing nature of drug design and development (and other chemicals), particularly technology that allows the rapid synthesis and screening of many thousands of compounds. The tools for such techniques have become widely available. Combinatorial and other forms of parallel multi-compound synthesis, combined with simultaneous high-throughput screening for biological activity against in vitro test systems, has produced data on millions of chemical compounds. Combinatorial libraries containing thousands of "drug-like" chemicals are now commercially available for screening. Such techniques could be directed towards the discovery of new toxic chemicals, including incapacitants. It is, therefore, of interest to note that this "shotgun" or non-targeted approach to drug discovery is now falling out of favour because of a number of disadvantages, including a limited success in discovering new drugs.
- 48. More rational and focused approaches towards screening for new lead compounds are now being preferred, based on knowledge of the three-dimensional structure of the receptor or enzyme ("structure-based design"), or a computer-generated model based on molecules that bind to the presumed receptor ("ligand-based design"). The first approach has been facilitated by the increasing number of biological targets that have been identified through molecular genomics and proteomics, and the large number of proteins whose structure has been determined through the use of X-ray crystallography and nuclear magnetic resonance (NMR) techniques. Candidate molecules computed to have high affinity for the target are synthesised and tested for activity in suitable in vitro assays. A third approach that is now being widely applied is "virtual" (that is, *in silico*) high-throughput screening, in which libraries of virtual compounds are "docked" against a model of the three-dimensional receptor using advanced computational techniques. This approach has been facilitated by the ready availability of software, some of it freely available on the internet, by global sharing

Annex of RC-2/DG.1 and Corr.1.

of data, and by the availability of computing power of desk-based personal computers (PCs). In a chemical-defence context, these approaches have been applied to mechanistic studies of nerve agent inhibition of the enzyme acetylcholinesterase, and the design of new therapeutic reactivators of acetylcholinesterase.

49. There has been some concern that amongst the millions of compounds that have been screened in drug-discovery programmes there will be prototypes for new toxic chemicals. This may be the case, but nearly all of these data are generated using in vitro screening and may not reflect toxicity in vivo. Comparatively little testing is now undertaken in animals other than for lead compounds. This contrasts with the much smaller number (thousands) of compounds that were screened during the 1950s For a large percentage of these compounds, toxicity testing was performed in small animal species. The SAB is of the view that the existence today of large in-house databases in pharmaceutical companies and related institutions poses no greater risk to the purposes of the Convention than the much smaller databases that existed before entry into force of the Convention. For example, all of the centrally acting chemicals known to have been seriously studied as potential incapacitants are products or extensions of "traditional" drug research programmes of the 1950s to the All of the scheduled nerve agents, plus the newer ones referred to in paragraph 82, can be traced to prototypes from the pesticide industry from the 1930s to the 1970s. As noted in the 2003 SAB report on science and technology¹¹ in preparation for the First Review Conference, a major (and covert) offensive programme would be required in order to develop a new toxic compound into a chemical weapon.

Nanotechnology

- 50. The term "nanotechnology" applies to functional components and materials that are smaller in size than 100 nanometres in at least one dimension. Most nanomaterials have physical, chemical, or biological properties that differ significantly from those at a larger scale. Nano-sized particles have a high surface area to mass ratio, which may impart higher chemical reactivity, increased strength, and modified electrical properties. Nanoparticles may also exhibit altered optical and magnetic properties.
- 51. As reflected in the 2008 SAB report on science and technology, nanotechnology is a rapidly expanding technology that may have significant implications for the Convention. One estimate puts the global value of commercial applications to be around at least USD 1,000 billion by 2015. Nanotechnology is contributing to major advances in materials science, medicine, electronics, and energetics.
- 52. A notable example in material science is carbon nanotubes (CNTs), graphite-like structures that self-organise into a lattice-like tubular form. CNTs exhibit much higher mechanical strength than steel, are 30% lighter than aluminium, and conduct electricity. In medicine, nanoparticle-based formulations are being widely explored for enhanced or "smart" drug delivery. Examples are controlled drug release, enhanced penetration of the blood-brain barrier (e.g. for therapeutic peptides), and targeting specific organs or cells (e.g. cancer cells). Allied to these advances in therapeutics, nanotechnology is contributing to major developments in diagnostics.

Annex of RC-1/DG.2.

- 53. Risks of nanotechnology: A general concern for nanomaterials is their potential to enhance the acute (short-term) or chronic (long-term) toxicity of chemical substances, and materials that are normally considered to be inert. This concern arises primarily from their altered chemical reactivity, combined with an ability to penetrate membranes. For example, inhaled nanoparticles have been demonstrated in several areas of the brain. This has led to occupational and environmental health concerns. There are considerable knowledge gaps in this area. It should be noted that humans have long been exposed to nanoparticulates from the burning of fossil fuels, and common materials that contain nanoparticulates include paint and cosmetics.
- 54. Beneficial applications to chemical defence: Nanotechnology is contributing to the development of improved defensive countermeasures against toxic chemicals. Applications are under investigation for improving the delivery of therapeutic drugs (see paragraphs 51 and 52). Developments in diagnostics have led to prototype point-of-care devices for diagnosing exposure to nerve agents, and a range of biological agents and toxins. The electronic and optical properties of nanomaterials are being explored in the development of new detectors. Novel decontaminants, based on the increased reactivity and high absorptive capacity of nanoparticles, are in development. Nanofibres are being incorporated into new lightweight protective clothing, and into more effective materials for respirator filters.
- 55. As with advances in synthetic biology, nanotechnology has the potential for application to purposes prohibited by the Convention. The enhanced delivery of therapeutic drugs to their biochemical target could be exploited for the delivery of toxic chemicals. The concern for nanoparticles with significantly enhanced acute toxicity compared to larger particles has not been substantiated, although this is still under investigation. No nanomaterials are currently known to have an intrinsic toxicity that might make them attractive for use in chemical weapons. The risk to the Convention posed by nanomaterials is, therefore, currently regarded as low. The prevailing view of the SAB is that nanotechnology is unlikely to provide a dramatic improvement in the military utility of existing chemical agents, but it could be exploited in the development of new agents.

Technologies for delivery of toxic chemicals and drugs

- 56. <u>Munitions</u>: The SAB notes with concern isolated reports of the commercial availability of munitions apparently designed to deliver large amounts of riot control agents over long distances. Devices that might be attractive for the dissemination of chemical weapons and biological-weapons agents by non-State actors continue to receive attention. While the few instances of the release of toxic chemicals by non-State actors have used crude devices, spray and fogging devices developed by the pesticide industry or developed for veterinary treatment of large-scale animal farms are of concern.
- 57. <u>Drug delivery</u>: In its 2008 report on science and technology, the SAB highlighted interest within the pharmaceutical industry in administering drugs by inhalation, as an alternative non-invasive method of delivery. This route circumvents the extensive metabolism that may occur in the intestinal tract following administration by ingestion, and can deliver drugs with suitable physical properties, or in appropriate formulations, rapidly to the central nervous system. The physical properties that

promote rapid absorption through the lungs are similar to those that promote the penetration of the blood-brain barrier. A number of devices have been reported for aerosol administration of drugs such as insulin, opioids, anti-migraine drugs, and anti-convulsants. As reported above, a major growth area is the application of formulations based on nanoparticles. These may be designed to control drug release, to protect the drug from rapid metabolism, to enhance penetration of membranes such as the blood-brain barrier, and to target specific organs or types of cells.

58. Features that promote the effective and targeted delivery of drugs via the respiratory system would be applicable to the dissemination of a toxic chemical, especially a solid disseminated as a particulate aerosol. One development has been the use of porous nanoparticles as carriers composed, for example, of silica or L-lactide, that allow delivery of drugs into the deep alveolar regions of the lungs. The equipment needed to create such particles is relatively inexpensive, although the optimisation of a well-engineered particle requires expertise and considerable effort. The technology could be exploited in the design of incapacitants. However, the sophisticated engineering of a high-value drug for targeted delivery may not be appropriate for chemical-warfare agent delivery.

Production technologies

- 59. As noted in the 2008 SAB report on science and technology, major developments relevant to the implementation of the verification regime under Article VI of the Convention are taking place in the production of industrial chemicals. Technological innovations continue to make chemical manufacturing more versatile and more efficient. Computerised control systems allow for greater automation, resulting in better process control with fewer manual operating steps. Integrated industrial parks with multiple companies and product lines have become common on a global scale. Flexibility is facilitated with the widespread use of multipurpose production equipment that maximises asset utilisation with quick product changeovers.
- 60. The emerging use of microreactors and small-scale flow reactors continues to be monitored by the SAB. The advantages in the manufacture of fine chemicals include the following: increased efficiency of reaction, resulting from the large area to mass ratio and efficient mixing, and the capability of increasing the scale of production simply by increasing the number of parallel microreactors ("numbering up"). This avoids the considerable effort and some of the problems associated with traditional scaling-up from laboratory to industrial-scale volumes. If adapted to the manufacture of toxic chemicals, microreactor systems, by themselves, would not exhibit the traditional physical signatures of larger-scale industrial plants. However, for moderate- to large-scale production processes, microreactors would most likely have to be coupled with raw-material handling systems, downstream processing equipment, and end-product storage capability, and there would still be a signature from precursor chemicals. These features, common to a traditional manufacturing facility, would make it more difficult to hide illicit production capability.
- 61. Microreactors and small-scale flow reactors have become more prevalent in research-and-development laboratories, and the technology has undoubtedly made significant advances in the last five years. Although use is increasing, microreactors are not yet widely used in industry, and they are being integrated into industrial-scale

production more slowly than some observers have predicted. At this point in time, microreactors should not be considered to be generic reactors. They are mostly designed and custom-built for a specific chemical process, although microreactors constructed on a modular concept are also available. They do not provide a simple "off-the-shelf" solution to chemical production. Although the time required to make the transition in the development of a highly toxic new chemical from the research to the production stage could be significantly shortened, the development of a viable process would still require lead time, experienced technical staff, and considerable investment in research. Microreactors also have limitations for handling solids, which makes them less flexible in regard to the handling of a broad range of chemical processing steps. While there are a number of limitations to the use of microreactors, the technology clearly requires monitoring in order to assess the impact it might have on the verification regime under the Convention.

SCHEDULES OF CHEMICALS AND ADVICE ON THE ANNEX ON CHEMICALS

Captive use of Schedule 1 chemicals

- 62. In the chemical industry, captive use is the production and consumption of a chemical intermediate that is confined to the company's own manufacturing needs. Depending on the process, the chemical may be isolated, or consumed in situ without leaving the reactor.
- 63. Declarations of captive use under the Convention are required to provide assurance that scheduled chemicals cannot be diverted for prohibited purposes. At its Ninth Session, the Conference approved for declaration purposes Schedule 2 or 3 chemicals produced and/or consumed as intermediates, by-products, or waste products. At its Tenth Session, the Conference approved the same approach for Schedule 1 chemicals. 13
- 64. Most examples of the captive use of Schedule 1 chemicals have concerned nitrogen mustards as intermediates. In 2010, one State Party identified an undeclared process in use at a pharmaceutical company, employing bis(2-chloroethyl)methylamine (HN2) as a captive intermediate in the production of the analgesic drug ketobemidone. The SAB was asked to consider if there might be other processes that still use nitrogen mustards as intermediates, or other commercially significant processes that produce other Schedule 1 chemicals as captive intermediates.
- 65. The study identified 87 patented (since 1940) processes that use HN1, HN2, or HN3 as intermediates. However, patents do not provide a true indication of captive use, and the processes described may not be utilised. In the case of ketobemidone, alternative production routes exist, although changing processes for pharmaceuticals can incur high costs when toxicity tests for impurities have to be repeated. More accurate indicators for pharmaceutical production are government licences (such as from the European Medical Association for Pharmaceuticals), which contain a full description of the process used and the impurity profile. It is therefore difficult to

¹² C-9/DEC.6, dated 30 November 2004.

¹³ C-10/DEC.12, dated 10 November 2005.

- obtain a full picture of captive use without a comprehensive search of the licence databases of States Parties.
- 66. Efforts should be made to ensure that the chemical industry (via the National Authorities) in each State Party is informed on the issues related to captive use of scheduled chemicals. National Authorities have been asked to report any other examples of captive use to the Secretariat.
- 67. Following a request by the Director-General to the Eighteenth Session of the SAB to provide advice on situations where a Schedule 1 chemical is an unavoidable by-product, the SAB continued its study, which began in 2010. The study focused on two questions: Are Schedule 1 chemicals possibly in use as intermediates in the chemical industry (captive use) and, is it feasible that Schedule 1 chemicals are present as unavoidable by-products or impurities in reaction mixtures? The study included previous work performed by the Board. 14
- 68. Searches were performed in a database that contains reaction and patent information for industrial chemicals (Reaxys®15). The study confirmed earlier findings of potential uses of nitrogen mustards as intermediates in captive use and indicated also potential cases of use of sulfur mustards. In a second step, the study searched for patents and published reaction-starting materials that contain substructures of precursors of nitrogen and sulfur mustards combined with known chlorinating agents as part of the published information. This was a result of the fact that, if the industrial starting material contains a substructure of sulfur or nitrogen mustards, a chlorination reaction may have the potential to form related Schedule 1 chemicals. In a last step, the study focused on starting materials (ethanolamines) that contain known impurities that form nitrogen mustards through chlorination. The results of this literature study confirm earlier findings that Schedule 1 chemicals may be in use as intermediates in captive use. The study furthermore shows that it is technically feasible for sulfur and nitrogen mustards to occur in certain types of industry as impurities or by-products. The SAB is, however, not in a position to assess if this is actually the case in practice.
- 69. The Board considers it highly unlikely that Schedule 1 chemicals, formed as by-products as described above, could be extracted from the reaction mixture or that such a process would be utilised for the synthesis of Schedule 1 chemicals. Efforts, however, should be made to advise industry of the technical feasibility of the formation of Schedule 1 chemicals, because such chemicals may be detected during inspections.

Salts of scheduled chemicals

70. Some scheduled chemicals that contain a basic nitrogen atom can exist as free bases, or in protonated form as salts. The production of the salt may proceed via the free base, or vice versa in the case of nitrogen mustards. Free bases and salts generally have similar intrinsic toxicity, but may present different hazards according to their physical form (free bases may be liquids and salts are usually crystalline solids).

See S/528/2005, dated 1 November 2005; SAB-8/1, dated 10 February 2006 and Corr.1, dated 15 March 2006.

See https://www.reaxys.com/info/about-overview.

Acids such as benzilic acid and hydrogen cyanide also form salts. In aqueous solution, the two forms are in equilibrium, depending on the pH. Following protracted negotiations on the schedules of chemicals, the wording "and corresponding salts" was included in some cases, but in other cases it was not. For example, it is included for V-type nerve agents, but not for nitrogen mustards. There are, therefore, ambiguities as to whether salts of some chemicals should be covered by the provisions of Article VI.

- 71. In 1998 the majority of SAB members recommended that "there should be no differentiation between the treatment of a free base and the corresponding salt".

 This recommendation was not supported by meetings of government experts in 2000 and 2004. The First Review Conference in 2003 encouraged the Council to include the matter on its list of outstanding issues.
- 72. In January 2011, the Secretariat prepared a non-paper on salts of scheduled chemicals for the Industry Cluster. 17 It reported that "modest amounts" of nitrogen mustard HN2 hydrochloride salt are produced for pharmaceutical purposes (as an anticancer agent) and very small amounts of saxitoxin salts are produced for diagnostic/analytical kits. The paper discussed the risks posed to the Convention by salts of scheduled chemicals and the implications for declaration and verification activities. The paper concluded that the greatest impact on declaration obligations, if salts were covered by the schedules, would be for Schedule 3 chemicals, because of their widespread and diverse industrial use (e.g. the salts of triethanolamine and hydrogen cyanide).
- 73. The SAB remains of the view that, on scientific grounds, there should be no differentiation between the treatment of the free base and the corresponding salt, and reaffirms the recommendation it first made in 1998.

Chemical Abstract Service (CAS) registry numbers

- 74. The Secretariat has worked with the European Chemical Industry Council (CEFIC) and the European Union on creating an updated (2009) *Handbook on Chemicals*. This publication has been made available to Member States and individual companies via the Internet. The *Handbook* was developed to facilitate the efforts of National Authorities, customs authorities and industry to identify and declare individual scheduled chemicals. It has undergone a major revision and incorporates information on all 1329 scheduled chemicals and riot control agents declared to the Secretariat from 1997 until February 2009. The *Handbook* is not a comprehensive list of all declarable chemicals and as such should only be used as a tool to assist in the identification of chemicals.
- 75. The SAB recognises the importance of the *Handbook on Chemicals* and requests the Secretariat, with the support of States Parties, to update the *Handbook* at regular intervals. A helpful addition would be to provide references to the various CAS

Page 4 of SAB-II/1, dated 23 April 1999.

Secretariat non-paper: "Salts of Scheduled Chemicals", dated 18 January 2011 (written by the Industry Cluster).

- registry numbers that are related to an entry in the schedules, for example for different isomers of scheduled chemicals and for mixtures containing a scheduled chemical.
- 76. The SAB reaffirms its 2008 view¹⁸ that the CAS registry numbers are a useful aid to identification; they were intended as specific identifiers of scheduled chemicals. There appear to be different views among States Parties about whether CAS numbers have a regulatory value. The SAB cautions against such a view, because there is not necessarily a one-to-one relationship between CAS registry numbers and chemical structures. They should be viewed as aids to identification.

Saxitoxin

- 77. An example of ambiguity resulting from the assignment of CAS numbers is saxitoxin. During its Thirteenth Session, the SAB revisited a previous discussion¹⁹ on the CAS registry number (35523-89-8) given for saxitoxin hydrate (as listed in Schedule 1 of the Convention). This differs from the CAS number (35554-08-6) for saxitoxin hydrate dihydrochloride salt, which is the form of saxitoxin that was previously weaponised on a small scale (as TZ). In fact seven CAS numbers have been assigned to saxitoxin hydrate (free base), its optical isomers, and various salts.
- 78. A summary of the history of the negotiations to include saxitoxin in the schedules, and the various forms of saxitoxin and their CAS numbers, is provided in a fact sheet prepared by the SAB.²⁰ The view of the SAB was that the form of saxitoxin that was weaponised (dihydrochloride salt) should be covered by Schedule 1, and that all salts should be declarable. It should be noted that it is the salts of saxitoxin that have good long-term stability, but the hydrate free-base does not.
- 79. The SAB also discussed issues relating to the transfer provisions for saxitoxin and ricin, following difficulties that have been experienced in the transfers of samples for analytical purposes, including during a recent international round-robin exercise on ricin analysis. The SAB recommends that the exemption from the 30-day notification period, currently in place for quantities of five milligrams or less of saxitoxin for medical/diagnostic purposes (paragraph 5bis. of Part VI of the Verification Annex),²¹ should be extended to cover chemical analysis for verification and related purposes for saxitoxin and ricin. The SAB further recommends that retransfers to other States Parties of quantities of five milligrams or less of saxitoxin and ricin should be permitted for medical, diagnostic, and analytical purposes, without being subject to a 30-day notification requirement.

Ricin

80. The proteinaceous plant toxin ricin differs from other scheduled chemicals in that there are a number of variants of the structure. The SAB was asked to clarify this situation by defining what constitutes ricin. The initial definition proposed by the SAB, and included in its 2008 report on S&T, was later revised in order to exclude

Page 13 of the annex to RC-2/DG.1.

Page 4 of SAB-8/1 and Corr.1.

^{20 &}quot;Saxitoxin Fact Sheet", pages 34 to 40 of Annex 4 of SAB-18/1.

Paragraph 5bis of Part VI of the Verification Annex.

ricin-like molecules that were under investigation as anticancer agents. These materials have an additional linkage between recombinant A and B chains, in the form of a short peptide chain, and are several orders of magnitude less toxic than naturally produced ricin. The view of the SAB was that the inclusion of such materials within the definition of ricin did not serve the object and purpose of the Convention.²² The SAB proposed the following modified definition:

"All forms of ricin originating from *Ricinus communis*, including any variations in the structure of the molecule arising from natural processes, or man-made modification designed to maintain or enhance toxicity, are to be considered ricin as long as they conform to the basic 'native' bipartite molecular structure of ricin that is required for mammalian toxicity, i.e. A and B chains linked only by a disulfide bond (A-S-S-B). Once the inter-chain S-S bond is broken or the protein denatured, it is no longer ricin."

81. The SAB has compiled a fact sheet on ricin which summarises the structure, the sources of ricin, its toxicity, its mechanism of action, clinical features of ricin poisoning, the medical treatment that should be given, military interest in this toxin, history of weaponisation, detection, verification, and decontamination.²³

Non-scheduled toxic chemicals that may pose a risk to the Convention

82. In 2008, a book authored by Vil Mirzayanov, a former Soviet scientist, reported that Soviet scientists had investigated a new class of nerve agents commonly referred to as "Novichoks" (newcomers), which were suitable for use as binary weapons. The structures shown in the book incorporated an acetamidine or guanidine group into a sarin-like structure in place of the alkoxy group. While some of these structures fall within the generic definition of Schedule 2B(4) chemicals, it was reported that some were non-scheduled analogues, wherein the alkyl group attached directly to phosphorus was replaced by an alkoxy group. The compounds were reported to have high toxicity and no recorded industrial use. There is very little information available on those compounds in open-source literature, and the existence and properties have not been verified in peer reviewed literature. The SAB is therefore not in a position to make further comments.

Incapacitants

83. Many observers, particularly non-governmental organisations (NGOs), are expressing increasing concern for the development of chemical incapacitants for "law enforcement". Particular points of concern are the absence of a definition of the terms "law enforcement" and "incapacitants", the misleading impression of high safety margins associated with known potential incapacitants, and the clear potential for dual use of such chemicals, including for purposes that are prohibited by the Convention. The SAB has received briefings on three international meetings on

²² Page 6 of SAB-14/1.

^{23 &}quot;Ricin Fact Sheet", pages 34 to 40 of Annex 4 of SAB-18/1.

Subparagraph II(9d) of Article II of the Convention, section entitled "Purposes Not Prohibited Under this Convention".

incapacitants—two organised by the International Committee of the Red Cross in 2010²⁵ and 2012²⁶, and one organised jointly by VERIFIN and the Spiez Laboratory in 2011.²⁷

- 84. The SAB discussed some of the scientific aspects of incapacitants at its Sixteenth Session. It was acknowledged that the term "non-lethal" is inappropriate when referring to chemicals intended for use as incapacitants. For all chemicals, toxicity is a matter of dosage. It was further noted that chemicals considered to have high safety margins (on the basis of therapeutic ratios (LD₅₀/ED₅₀) in the context of controlled pharmaceutical use) can have very low safety margins when factors such as uneven dissemination, variability in human response, and the possible need for a rapid onset are required. Furthermore, pharmaceutical companies commonly publish toxicity data that have been obtained from experimentation on small rodent species, and this may not extrapolate to higher species. In particular, there are large species differences in the reaction to morphine-like drugs such as the fentanyls, which appear to have attracted the greatest attention as potential incapacitants. It was also emphasised that it is not simply a matter of precisely what incapacitating chemical is used for law enforcement purposes, but how it is used. In one incident, pepper spray (a riot control agent) was used to break up a fight in a crowded night club, which resulted in 19 deaths as people panicked and tried to escape.
- 85. The types of chemicals and pharmaceuticals known to have been considered as incapacitants from open-literature sources have been discussed. Most are centrally acting compounds that target specific neuronal pathways in the brain. All of them emerged from drug programmes undertaken from the 1960s to the 1980s.
- 86. In the view of the SAB, the <u>technical</u> discussion on the potential use of toxic chemicals for law-enforcement purposes has been exhaustive. The SAB may continue its discussions once technical information about specific candidate chemicals and/or dissemination systems is made available to the Board. The SAB recommends to the Secretariat that it start preparations for verification activities that could be required in an IAU. Such preparations should include developing analytical methods and procedures, as well as collecting analytical reference data for the analysis of such chemicals. The Secretariat should invite Member States' laboratories to contribute to this effort.

VERIFICATION TECHNOLOGY

Inspection equipment

87. The Second Review Conference requested the Secretariat to seek advice from the SAB when reviewing requirements and specifications for inspection equipment. The SAB, together with the Secretariat, has since reviewed the list of equipment approved

International Committee of the Red Cross, "Incapacitating Chemical Agents: Implications for International Law", held in Montreux, Switzerland, 24 to 26 March 2010.

Expert meeting entitled: "Incapacitating Chemical Agents: Law Enforcement, Human Rights Law and Policy Perspectives", from 24 to 26 April 2012, Montreux, Switzerland.

Technical Workshop on Incapacitating Agents, held in Spiez, Switzerland, 8 and 9 September 2011.

- by the Conference at its First Session. An updated list of operational requirements and technical specifications was approved by the Conference at its Fifteenth Session.
- 88. The SAB is of the view that the Secretariat, with its operational inspection experience, is best suited to identify changes or additions to equipment needs. The SAB would, however, wish to remain active on such issues and requests that it be briefed by the Secretariat on substantial changes. The SAB will inform the Secretariat if it identifies new technologies that have matured to a level that could be of interest, and will provide any other advice requested in relation to inspection equipment.
- 89. Inspectors are required to operate a wide variety of equipment in different scenarios. The SAB wishes to emphasise the importance of training for inspectors, to ensure that equipment is properly utilised, and to gain operational experience across the breadth of operational challenges, that is, during routine inspections, CIs, and IAUs.

On-site sampling and analysis

- 90. The SAB is of the view that the Secretariat, with its operational inspection experience, is best suited to modify on-site analytical methods and procedures. The SAB would, however, emphasise that modifications should be validated to demonstrate that methods and procedures remain fit for purpose. The SAB will assist the Secretariat in advising on new methods and procedures that might be applicable to on-site analysis.
- 91. The 2008 SAB report on science and technology discussed a number of outstanding issues relevant to on-site and off-site S&A. Issues discussed in regard to on-site analysis were the logistics of transporting and setting up analytical equipment, and the time constraints that influence analyses.
- 92. The OPCW Inspectorate (INS) undertakes verification activities on site using approved equipment and documented protocols for S&A. Ideally, equipment should be readily portable and easy to set up, procedures must be fit for purpose, and consistent with the time constraints of the inspection. Above all, on-site analysis must be rugged and reliable. The following paragraphs highlight areas where, in the view of the SAB, an effective capability has been reached, progress has been made, or where further improvement is desirable.
- 93. From September 2006, the Secretariat introduced on-site analysis for inspections of declared Schedule 2 facilities. These inspections have demonstrated that equipment and procedures are fit for purpose; however, on average, only two to three samples were analysed within the 96-hour time constraint of the inspection. The SAB and the Secretariat recognise that it is desirable to have procedures that allow for a greater throughput of samples. With this objective, the OPCW Laboratory procured autoinjectors, which permit analysis overnight, and modified procedures are being developed in order to:
 - (a) decrease the time needed for gas chromatography-mass spectrometry analysis (GC-MS) by using "fast GC"; and
 - (b) shorten sample preparation time, particularly in regard to aqueous samples.

- 94. These topics have been addressed by the TWG on S&A, and are also relevant if on-site analysis is conducted during Schedule 3 or OCPF inspections.
- 95. Fast GC employing currently approved equipment, but using a faster temperature programme and narrower, shorter columns, should allow a modest reduction (about one half to one third) of the time required for gas chromatographic separation of chemicals. A limitation on the degree of reduction in separation time is that some problems have been experienced with variability in retention indices (RIs) compared to those in the OCAD. The OPCW Laboratory, in collaboration with the VERIFIN laboratory (Finland), is currently evaluating ways of modifying the procedure.
- 96. The TWG initially considered that liquid phase microextraction using hollow-fibre membranes was the most promising technique for simplifying the lengthy procedure currently used for aqueous sample preparation by inspectors and by many designated laboratories during proficiency tests. However, the TWG has now endorsed an alternative procedure developed by the OPCW Laboratory, which involves injection of the sample onto a tube containing Tenax® adsorbent, derivatisation in the tube, and thermal desorption GC-MS. This procedure takes considerably less time than the one currently being used. A description of this process has been published in a peer-reviewed journal and is currently being evaluated for robustness by some designated laboratories. This procedure, however, is not amenable to autoinjection, a disadvantage that should be resolved.
- 97. In the last five-year period, the OPCW has conducted exercises in scenarios involving a supposed IAU and a CI. S&A was conducted during the CI exercise (Thailand, November 2011), and in the exercise ASSISTEX 3 (Tunisia, September 2010). The technical challenges for S&A in these scenarios may differ from those presented during routine inspections and may require adaptations of existing procedures. Furthermore, depending on the scenario, on-site analysis may have to satisfy different mission objectives, not only in evidence gathering and verification but also in supporting response teams in fast identification in support of health and safety.
- 98. The SAB has reiterated the importance of the OCAD for S&A, a fact that the Board emphasised in its 2008 science and technology report. If a chemical is not included in the OCAD, an inspection team may fail to identify it during on-site S&A. This is important, not only for scheduled chemicals, but also for relevant non-scheduled chemicals—for example, a non-scheduled degradation product of a Schedule 1 chemical (as a possible indicator of production or use) or a non-scheduled toxic chemical, such as a riot control agent that has been used for activities prohibited by the Convention.
- 99. The content of the OCAD has increased significantly under the period of review. This has been the result of the many contributions of data from Member States' laboratories, as well as the work of the Validation Group and its untiring efforts, together with the OPCW Laboratory, to expand the content of this unique database for chemical weapons-related analysis. However, a new practice has created a difference in the content of the database for on-site analysis during inspections, and the content available to designated laboratories for off-site analysis. The Secretariat distributes all data validated by the Group to the designated laboratories. If approval of this data by the Council is deferred, it is not available for the conduct of inspections.

100. The TWG on S&A has reviewed the current status of portable liquid chromatography-mass spectrometry instrumentation, and direct sampling MS techniques, such as desorption electrospray ionisation (DESI) and direct analysis in real time (DART), which minimise or eliminate the need for sample preparation and extend the range of analytes that can be accommodated. The TWG concluded that it will be several years before portable and rugged instrumentation that might be applicable to on-site analysis would be commercially available, although DESI is already being used successfully for Convention-related analysis in some vehicle-based mobile laboratories. The TWG also concluded that the use of molecularly imprinted polymers (MIPs, which are sometimes referred to as "synthetic antibodies") and solid phase microextraction (SPME) for sample preparation had limitations with regard to the generic-type analysis required for on-site inspections. Both techniques are useful in more targeted applications. SPME is being used successfully in mobile laboratories.

Off-site analysis

- 101. The 2008 SAB report on science and technology referred to changes being proposed in proficiency testing, and noted major capability gaps for off-site analysis with regard to IAUs of chemical weapons, where the analysis of environmental and biomedical samples at trace levels may be required, and with regard to Schedule 1 toxin analysis. These issues have been further addressed by the SAB through the TWG on S&A, and by the OPCW Laboratory. Substantial progress has been made over the past five years. Off-site laboratory analysis is much more likely to adopt new instrumentation and techniques in comparison to on-site analysis. The SAB and its TWG have maintained a watching brief on new developments in analytical instrumentation and methodology that may be relevant to Convention-related analysis.
- 102. The SAB noted in the above-mentioned report that the samples then used in OPCW proficiency testing did not accurately reflect samples that might be submitted for off-site analysis. A modified format, introduced by the Secretariat for the Twenty-Third OPCW Proficiency Test, has removed this shortcoming and proven to be effective. The current status of 22 designated laboratories provides the Director-General with good flexibility to select laboratories for off-site analysis, but it remains desirable to have designated laboratories available from all regional groups.
- 103. Other aspects of off-site analysis, as documented in the OPCW standard operating procedures (SOPs), have rarely been practised. This was noted by the SAB in its 2008 report. The SAB would like to reiterate the importance of regularly practising the complex process of off-site analysis, which includes such activities as sample transport, accounting of sample material and waste, issues relating to confidentiality, reporting of results to the Director-General, and evaluation of these results by the Secretariat.
- 104. Current OPCW proficiency testing does not address the identification of non-scheduled or novel toxic chemicals. This may, for example, be important for an IAU, when there is evidence that a toxic chemical has been used for prohibited purposes but no scheduled chemical can be found. The SAB recommends that the Secretariat, with the support of designated laboratories and other relevant experts, evaluate a possible approach for such a scenario.

- An important aspect of IAUs is the possible requirement for trace level analysis (i.e. at parts per billion), for environmental samples and almost certainly for biomedical samples. Historical precedence, before entry into force of the Convention, suggests that MS techniques targeted at specific analytes (single stage, tandem, and high-resolution MS, using selected ion or selected reaction monitoring), are likely to be required. Identification using these techniques will differ from the generic techniques used in OPCW proficiency tests, where analytes are spiked at parts per million and where full spectral data can be obtained. If the Secretariat wishes designated laboratories to apply trace analytical techniques in off-site analysis, it is important that written criteria for identification are stipulated, in line with other regulatory bodies, such as the World Anti-Doping Agency (WADA) and the European Commission (EC). The SAB TWG on S&A has addressed this issue and made recommendations to the Secretariat. Identification criteria for trace analysis were evaluated as part of the second OPCW confidence-building exercise on biomedical samples. After considering the results of this exercise, the TWG on S&A, at its seventh meeting (Annex 2 of SAB-19/1), recommended that the Secretariat adopt, with minor modifications, identification criteria based on the EC identification points system.
- 106. The OPCW proficiency testing programme has been instrumental in establishing a system of expert designated laboratories, which the Director-General can request to undertake off-site analysis. The current status is that 22 laboratories are designated from a broad geographical base. This system of designated laboratories has been very costly to establish, is equally costly to maintain, and is demanding on resources from the laboratories and the Secretariat. It should also be noted that no off-site analysis has yet been undertaken in a designated laboratory. At the present time, the Secretariat is also seeking to establish a capability for biomedical sample analysis in cases of IAUs, and the SAB has made recommendations for the broader application of trace analysis in an IAU, and for the verification of the two Schedule 1 toxins, saxitoxin and ricin. Whilst not wishing to hinder the future designation of additional laboratories, the SAB believes that it is now appropriate that a review of the entire proficiency testing programme be undertaken.
- 107. The OPCW and its designated laboratories have attained a high technical competence in identifying scheduled chemicals and their degradation products at the levels required in OPCW proficiency tests, and have developed robust procedures applicable to different scenarios. An additional capability being pursued in several chemical defence and verification laboratories is attribution of a toxic chemical or precursor to a particular source or production route. Approaches include the identification of certain impurities, statistical comparison of complex GC-MS chromatograms, and isotope ratio MS. Should the Secretariat seek to establish such a capability to identify attribution signatures for toxic chemicals in designated laboratories and/or in-house, extensive collaboration between institutions and laboratories would be required. The major problem with attribution is the lack of reference data for comparison.

Biomedical samples

108. In cases of IAUs, the Convention provides for the collection of biomedical samples from suspected human and animal casualties. Such samples may provide the best evidence of use of chemical-warfare agents, particularly in remote areas where no

munition residues can be found. Following the recommendations of the TWG on biomedical samples, which were endorsed by the SAB, the Secretariat initiated a series of confidence-building exercises with the following objectives:

- (a) to broaden the expertise across laboratories;
- (b) to compare and evaluate different methods for the identification of biomarkers of exposure;
- (c) to evaluate identification criteria at trace levels; and
- (d) to identify problems, such as trace-level contamination of equipment.
- 109. The first exercise (held from December 2009 to January 2010), in which metabolites of nerve agents and sulfur mustard were spiked into synthetic urine at levels down to 10 ng/ml, demonstrated an encouraging capability in one half of the 22 participating laboratories. A similar level of proficiency was demonstrated in the second exercise (held from February to March 2012), where spiking levels were as low as 5 ng/ml, and with improved quality of the data and reporting. He SAB fully supports these exercises, which have significantly broadened the capability to analyse biomedical samples across Member States. It is recommended that the exercises progress towards the more difficult analysis of longer-lived biomarkers of exposure, such as protein adducts.

Toxin analysis

- 110. The protein toxin ricin and the marine toxin saxitoxin are included in Schedule 1 of the Annex on Chemicals. The OPCW Secretariat, therefore, has an obligation to develop or have access to methods of verification. These toxins present problems for the current system of designated laboratories and proficiency testing. Neither can be identified using GC-MS, because of their polar and involatile nature and, in the case of ricin, its high molecular mass. Well-established methods exist for the analysis of saxitoxin in the context of paralytic shellfish poisoning. A number of laboratories, mostly government-affiliated and including some OPCW designated laboratories, have developed expertise in ricin analysis in the context of chemical and/or biological defence or counter-terrorism.
- 111. The TWG on S&A has reviewed the various methods that can be used to detect and identify saxitoxin and ricin, and has submitted recommendations to the Secretariat on those methods considered most appropriate for verification purposes. 30, 31 It was recommended that, for both toxins, a screening technique, for example based on immunoassay, combined with a confirmative technique based on liquid chromatography-tandem mass spectrometry (LC-MS-MS), be used. In the case of ricin, the protein (molecular mass ~62-65 kDa) would need to be enzymatically

Evaluation of the First Confidence-Building Exercise for Biomedical Samples, June 2010.

Evaluation of the Second Confidence-Building Exercise for Biomedical Samples, June 2012.

Report of the sixth meeting of the TWG on S&A, Annex 2 of SAB-17/1, pages 15 to 23.

³¹ Annex 2 of SAB-19/1.

- digested to a series of low-molecular mass peptides, and these would be sequenced and identified using LC-MS-MS.
- 112. The TWG, through the efforts of the Spiez Laboratory, Switzerland, held an informal exercise on saxitoxin analysis, which has assisted in providing firm proposals for identification. Several laboratories participated in an international round-robin exercise on ricin analysis, which was co-ordinated by the Robert Koch Institute, Germany, under the auspices of the Global Health Security Action Group. In addition to providing valuable data, this exercise facilitated consultation with expertise outside of the TWG and the designated laboratories.

New techniques relevant to Convention-related analysis

- Analytical instrumentation continues to evolve with improved capabilities for 113. Convention-related analysis. Nuclear magnetic resonance spectroscopy (NMR) has continued to become more sensitive and can be more readily applied to complex mixtures and aqueous samples. Raman spectroscopy is continuing to improve, although mainly in regard to applications in detection rather than identification. Arguably the most important development over the past five years has been the increasing availability (though at high cost) of high-resolution mass spectrometers capable of routine, accurate mass measurements. These have found application in OPCW proficiency tests in determining the molecular formula of unknown chemicals whose spectra were not present in the OCAD. Accurate mass measurement also provides substantial advantages in the analysis of proteinaceous toxins, such as ricin. Time-of-flight and other high-resolution instruments are finding increasing application in trace analysis, where full spectral data can be acquired and searched retrospectively at high resolution using extracted ion monitoring. This contrasts with scanning instruments, where ions to be monitored at trace levels must be pre-selected, thus restricting the number of pre-determined analytes that can be detected.
- 114. The analytical procedures used by OPCW inspectors and designated laboratories evolved from a manual entitled "Recommended Operating Procedures for Analysis in the Verification of Chemical Disarmament", the so-called "Blue Book", published in 1994 by the VERIFIN Laboratory, Finland. Starting in 2009, the recommended operating procedures (ROPs) have been updated through international collaboration with expert laboratories working in the field of Convention-related analysis, and have been published in a new edition.³² These methods provide guidelines for designated laboratories, or laboratories applying for designation. The ROPs are also used to train personnel working in the field of defence against chemical-warfare agents.
- 115. The SAB has maintained a watching brief on methods and equipment for field detection of chemical-warfare agents. Advances are being made in miniaturisation of detection equipment and devices, using a number of different technological approaches. Nanotechnology is playing a significant part in these developments. Nevertheless, most field-detection systems still lack sensitivity in terms of them being used as alarm devices, many lack selectivity and show cross sensitivities leading to false positive identifications, and some show lack of robustness during field use.

Recommended Operating Procedures for Analysis in the Verification of Chemical Disarmament. 2011 Edition. Vanninen, P. (ed). The Ministry for Foreign Affairs of Finland, University of Helsinki.

Considering the increased demand and interest from first-responder organisations for such detection systems, the SAB anticipates further progress on field detection devices for chemical-warfare agents.

DESTRUCTION OF CHEMICAL WEAPONS

- 116. The SAB stated in its 2008 science and technology report that the technologies and processes for the destruction of declared chemical weapons stockpiles had matured. Using various destruction technologies, over 70% of the currently declared stockpile has been irreversibly destroyed. Progress and development in destruction technology has been shared between Member States in different fora and, to a significant part, through a series of chemical demilitarisation conferences, organised jointly by the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and held annually from 1998 to 2012. The expertise to monitor and verify destruction of chemical weapons stockpiles is an important technical capability developed by the Secretariat.
- 117. For non-stockpile munitions, destruction processes for old chemical weapons (OCWs), and old and abandoned chemical weapons (OACWs), have been further developed during the period under review. The safe recovery, identification, and destruction of such chemical munitions still pose different technical challenges, depending on the circumstances and the number and condition of the discovered munitions. The discovery of non-stockpile munitions will continue for many years, possibly long after the completion of the destruction of declared stockpiles. The OPCW will need to assist Member States and maintain the necessary technical expertise. The SAB will continue to keep a watching brief on the development of new destruction technologies and assist where required.

ASSISTANCE AND PROTECTION

- 118. Advances in science and technology provide opportunities for better assistance and protection against chemical weapons. Research is advancing in all areas of chemical defence, although the development of these advances into robust fieldable and affordable devices, and acceptance by the military, is generally slow. In the last decade, much of the focus has been on first responders, in addition to military requirements.
- 119. The first and essential line of defence against chemical weapons is detection. The requirements differ according to the purpose of the detector. The initial requirement is to warn of the presence of a toxic hazard; the second requirement is the identification of the type or particular chemical-warfare agent or toxic industrial chemical for initial medical management of casualties. Thereafter, monitoring is required to determine the extent of the hazard, to direct and monitor decontamination, and to assess when it is safe to remove protective equipment. Most in-service detectors and hand-held monitors are based on ion mobility spectrometry, flame photometry, surface acoustic wave devices, Raman spectroscopy, and portable GC-MS and Fourier transform infrared spectroscopy (FTIR). Improvements are being sought in all of these techniques, and many newer types of rapid response detectors are under investigation; these detectors use various types of nanomaterial (e.g. carbon nanotubes, zirconia nanoparticles, and quantum dots) as transducers, and molecular

recognition technologies including molecularly imprinted polymers and immunoassays. Notable progress is being made in portable, point-of-care diagnostic devices, much of it exploiting aspects of nanotechnology and lab-on-a-chip technology. Prototype devices have been developed for diagnosing exposure to a nerve agent, more reliably than simply measuring cholinesterase levels. The SAB will continue to monitor the development of new portable instruments for the rapid detection of chemical-warfare agents and toxic industrial chemicals.

- 120. Considerable effort continues to be directed towards the development of improved medical countermeasures against nerve agents, although translation into fieldable therapeutic drugs has been slow. A new drug would have to undergo rigorous testing, which would include studies on non-human primates, before it could be licensed. The current medical treatment for nerve-agent poisoning employs atropine or another anticholinergic drug, an oxime to reactivate inhibited acetylcholinesterase (AChE), and an anticonvulsant drug, such as diazepam or its prodrug avizafone, to minimise neuropathological damage to the brain. Some armed forces use pre-treatment with the reversible cholinesterase inhibitor pyridostigmine to improve protection, particularly against soman.
- 121. The search continues for an effective broad spectrum oxime reactivator of nerve-agent inhibited cholinesterase. Each of the fielded oximes has limitations, as illustrated by the range of different oximes that are included in military medical kits (e.g. pralidoxime (2-PAM), trimedoxime (TMB-4), methoxime (MMB-4), obidoxime (LüH-6), and HI-6). All these oximes are effective against poisoning by sarin and VX. Trimedoxime, methoxime, and particularly obidoxime are effective reactivators of tabun-inhibited AChE, but effective reactivation of soman-inhibited enzyme remains a problem. HI-6 shows some therapeutic efficacy against soman poisoning in experimental animals, but this appears to result from a direct action on nicotinic receptor ion channels and not from reactivation. Efforts are also being directed at protection and reactivation of AChE in the central nervous system, and improved neuroprotection following delayed therapy.
- 122. An alternative approach to pretreatment and immediate therapy for nerve-agent poisoning is the use of a scavenger to detoxify the nerve agent before it reaches its biochemical target. Human plasma-derived and recombinant human butyrylcholinesterase (BuChE) have been investigated as candidates for a number of years. Effectiveness has been demonstrated in experimental animals, but there are problems relating to the supply and pharmaceutical use of BuChE. A disadvantage to BuChE as a scavenger is that it forms a stoichiometric 1:1 adduct with the nerve agent which, like inhibited AChE, is irreversible in the short term, thus requiring a relatively large mass of the proteinaceous enzyme to be administered. Attempts are in progress to find or engineer an acceptable catalytic scavenger. Enzymes that hydrolyse nerve agents (phosphatases) are also being explored, including the application of synthetic biology to engineer improvements over the naturally occurring enzymes. Gene therapy might be a future direction for therapy against nerve-agent poisoning, offering the possibility of transitory production of scavengers or degrading enzymes in the body.
- 123. Some attention is being directed at improved or controlled delivery of therapeutic drugs, for example enhanced penetration of the blood-brain barrier, or slow release

- formulations, such as skin patches for treatment following percutaneous exposure, where the agent is absorbed much more slowly.
- 124. In other aspects of defensive countermeasures, improved physical protection against chemical-warfare agents is being developed, for example lighter suits, self-decontaminating suits, respirators with a lower physiological burden, and improved canister materials. As referred to in paragraph 54, nanomaterials are being incorporated into these new designs. Improved decontaminants are in development, which are based, for example, on alkaline peroxide formulations and microemulsions. One of the problems is that most fielded decontaminants are too aggressive to be used on sensitive equipment. Hydrolysing enzymes (e.g. phosphatases and phosphotriesterases) are under intensive investigation, including modified enzymes produced in recombinant organisms (an example of synthetic biology). A skin decontaminant, RSDL®, has been adopted by some armed forces.

EDUCATION AND OUTREACH IN SCIENCE AND TECHNOLOGY

- 125. Education and outreach in science and technology is important to the future implementation of the Convention. Education and outreach serves a number of purposes including:
 - (a) raising awareness of the Convention among students, educators and the global scientific community;
 - (b) educating on the risks associated with multiple uses of chemicals;
 - (c) contributing to national implementation of the Convention;
 - (d) contributing to the prevention of the misuse of toxic chemicals;
 - (e) facilitating chemical safety and chemical security; and
 - (f) building skills and capabilities relating to the peaceful uses of chemistry.
- 126. Several programmes associated with education and outreach have been conducted by the OPCW International Cooperation and Assistance Division (ICA) in collaboration with the IUPAC and other organisations, and joint IUPAC/OPCW workshops have been held. A number of publications are available from the IUPAC and other publishers, in particular, a final version of a proposed code of conduct and a number of teaching modules based on the general ethical principles of chemistry.
- 127. The Secretariat has accepted opportunities to make presentations to the scientific community on outreach activities under Article XI of the Convention, for example at the OPCW Conference on International Cooperation and Chemical Safety and Security, held on 12 and 13 September 2011. These outreach activities include the Associate Programme, the Conference-Support Programme, the Internship-Support Programme, Support for Research Projects, the Analytical-Skills-Development Course, and the course on Chemical-Safety Management. The International Year of Chemistry in 2011 offered an opportunity for the OPCW to build closer ties with the

global chemical community. Various outreach events were held, mainly at national levels. The SAB commends the Secretariat for these activities.

- 128. The SAB also stresses the importance of targeting professional bodies and academic institutions, with the aim of encouraging institutions to include a module on the Convention in their academic curricula. The Board would like to emphasise that persuading institutions to include education on the Convention into already crowded courses can be difficult. The SAB believes the National Authorities should have a role to play in encouraging such activities.
- 129. The SAB recommends that outreach activities should consider the particular requirements or region and that appropriate support be provided accordingly. Assistance should be provided primarily to support institutions in States Parties, rather than to individuals.
- 130. In accordance with the Note by the Director-General in response to the report of the Seventeenth Session of the SAB³³, and in view of the important role that education and outreach plays in chemical safety, chemical security, and awareness of the Convention, the SAB has convened a TWG on education and outreach.
- 131. The SAB endorsed the recommendations made at the first meeting of the TWG, which include the preparation of educational materials, the cooperation of the OPCW in education and outreach with other international organisations and in regard to other treaties (for example, the International Atomic Energy Agency (IAEA), the BWC, the World Health Organization (WHO)) and international scientific bodies (e.g. the IUPAC and the International Union of Toxicology (IUTOX)), as well as professional associations (the International Council of Chemical Associations (ICCA) and CEFIC), and NGOs. The Board also recommends more engagement from States Parties in the teaching of ethics and responsible science, as well as in the drafting of national codes of conduct, and in offering support in regard to other forms of outreach. These activities will require adequate funding to remain sustainable.

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EC-67/DG.11, dated 9 February 2012, paragraph 22.



Technical Secretariat

Office of the Director-General S/951/2011 25 July 2011 Original: ENGLISH

NOTE BY THE DIRECTOR GENERAL

REPORT OF THE ADVISORY PANEL ON FUTURE PRIORITIES OF THE ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS

- 1. The report containing the recommendations agreed upon unanimously by the members of the Advisory Panel on future OPCW priorities is hereby circulated to States Parties. It is hoped that this document will provide a useful basis for States Parties' deliberations on the future of the Organisation.
- 2. The Advisory Panel was established in December 2010, with a geographically representative group of 14 independent experts on arms control and disarmament, the chemical industry, and science and technology. The work of the Advisory Panel was conducted in a fully independent manner, with individual members serving in their personal capacities. As explained by its Chairman, H.E. Mr Rolf Ekéus of Sweden, in the attached cover letter, the Advisory Panel held four plenary meetings in The Hague, the last of which was conducted from 27 to 29 June 2011, before finalising its report.
- 3. A list of Advisory Panel members is provided in Annex 3.

Annexes:

Annex 1: Cover Letter to the Director-General from H.E. Mr Rolf Ekéus Annex 2: Report of the Advisory Panel on Future OPCW Priorities

Annex 3: List of Members of the Advisory Panel on Future OPCW Priorities

Annex 1

COVER LETTER TO THE DIRECTOR-GENERAL FROM H.E. MR ROLF EKÉUS

International Advisory Panel on the Future of the OPCW

The Hague/p.t. Stockholm 15 July 2011

Dear Director-General,

In my capacity as Chairman of the International Advisory Panel on Future OPCW Priorities I have the honour to transmit to you a document containing the recommendations agreed upon unanimously by the members of the Panel on the 15 July 2011.

Between 14 December 2010 to 30 June 2011 the Panel members have met in four plenary sessions. I have maintained regular contacts with individual members in between the sessions and intensively so during the period between the ending of the last plenary session and the final moments of concluding the recommendations 15 July. Thus the findings have been subject to careful considerations by all the Panel members. It is my hope that the detailed scrutiny by the participants and the many specific proposals developed in that process by them will serve as something of a reform-agenda for the Participating States when they have to consider the future of the OPCW.

The quality of the recommendations is a reflection of the Panel members' unique skills, far-reaching experience as regards the Chemical Weapons Convention and of their deep engagement in the deliberations of the Panel. In addition it is a pleasure for me to mention the outstanding contributions by all the Panel members. The Panel's consultant, Ralf Trapp, and the secretary Daniel Feakes have both with the quality of their work and and their huge workload been indispensable for the recommendations I can now send to you.

Yours sincerely,

Rolf Ekéus Chairman

The International Advisory Board on the Future of the OPCW

His Excellency Ahmet Üzümcü, Director-General, OPCW.

Annex 2

I. Introduction

- 1. The Chemical Weapons Convention (the Convention) stands out as a successful model of a multilaterally negotiated non-discriminatory treaty that seeks to eliminate, under international verification, an entire category of weapons of mass destruction. Since its entry into force in 1997, the Convention has become a singular success. It is a cornerstone of the global disarmament and non-proliferation architecture and today has 188 States Parties. The Convention complements the 1925 Geneva Protocol and the 1972 Biological Weapons Convention, and works together with other global disarmament and non-proliferation regimes and initiatives.
- 2. The Organisation for the Prohibition of Chemical Weapons (OPCW), which is tasked to implement the Convention, is the only genuinely multilateral disarmament body with a global responsibility. It has become a respected international agency and has developed well functioning partnerships with a number of international organisations and agencies that are working towards curbing the proliferation of weapons of mass destruction. The OPCW Technical Secretariat has successfully and effectively carried out the verification measures provided for under the Convention. It has carried out other functions entrusted to it by the Convention, or delegated to it by the Conference of the States Parties, in such areas as assistance and protection against chemical weapons or fostering the international cooperation between States Parties in the peaceful uses of chemistry. The OPCW is the collective property and responsibility of the States Parties but at the same time has become a *global* public good.
- 3. Fourteen years after the entry into force of the Convention, the final deadline for the completion of the elimination of chemical weapons stockpiles, on 29 April 2012, is approaching. Almost three-quarters of the declared chemical weapons stockpiles have been destroyed and most of the former chemical weapons production facilities have been destroyed or converted for peaceful purposes. Three possessor States Parties have completed the elimination of their chemical weapons stockpiles. There are, however, delays in the elimination of chemical weapons stockpiles in the United States of America and the Russian Federation, that have declared the largest stockpiles and who have both indicated that they will need more time to complete their destruction programmes.
- 4. Notwithstanding these delays, the OPCW needs to prepare for a transition from mandates and efforts primarily characterised by the elimination of chemical weapons stockpiles and production facilities to an agency that will have as its main task to ensure that the menace of chemical warfare and the use of toxic chemicals for hostile purposes will never reappear, and that international cooperation and assistance in the field of peaceful uses of chemistry can flourish.
- 5. It is now time for the States Parties and the OPCW collectively to begin addressing this transition. The reduction in the number of chemical weapons destruction facilities in operation and the related drop in verification activity that is anticipated in the coming years will pose serious challenges for the OPCW. Adjustments of programme

priorities, staffing structure, as well as institutional capabilities will be inevitable. This should be change by design, not by default.

- 6. At the same time, the external environment in which the Convention operates has changed since 1992 when the negotiations of the Convention were concluded. Today's security environment is very different. Science and technology are advancing at an astounding pace, creating new opportunities but also new risks. The size and shape of world's chemical industry are undergoing profound change. All these developments create new conditions within which the Convention has to operate.
- 7. Consequently, in the autumn of 2010, the OPCW Director-General established an advisory panel of independent experts and requested it to make recommendations for future OPCW priorities, taking into account all relevant developments in international security, chemical industry and science and technology, consistent with the objectives of the Convention. The advisory panel was chaired by Ambassador Rolf Ekéus of Sweden.
- 8. The advisory panel's purpose has been to develop recommendations that aim at ensuring the relevance and viability of the Convention in the years and decades to come. The advisory panel does not propose amending the Convention or inventing new tasks for the OPCW. This report to the OPCW Director-General contains the conclusions of the advisory panel's deliberations, and its recommendations for how the OPCW and the Convention should adapt to the new challenges.

II. THE CHANGING ENVIRONMENT

- 9. The 20th century experienced the horrors of poison gas warfare—the number of victims is impossible to count. Efforts to ban poison gas after its widespread use during World War I led to the 1925 Geneva Protocol for the prohibition of use in war of asphyxiating, poisonous or other gases and of bacteriological methods of warfare. Yet, the gas chambers of the Second World War and the use of poison gas in Africa and in the Far East before and during the Second World War showed the limitations of a ban merely of the use of poison gas. During the Cold War that followed, both the former Soviet Union and the United States entered into an arms race in which both acquired huge chemical weapons stockpiles. These posed considerable threats in response to which bilateral as well as multilateral negotiations began—to control and eventually eliminate them. Then, during the 1980's, chemical weapons were used by Saddam Hussein's regime against Iran and against the Kurds. All these factors and the changing circumstances at the end of the Cold War created a window of opportunity for the adoption in 1992 of the Chemical Weapons Convention, a comprehensive ban not just of the use of chemical weapons, but also of their development, production, acquisition, stockpiling and transfer.
- 10. The Convention has now been in force for fourteen years. Its implementation, while incomplete, is widely regarded a success. Yet the world in which it is operating has changed, and continues to do so. The conditions that prevailed during its negotiations no longer characterise the environment in which it must function.
- 11. Firstly, conflict is no longer framed in the context of opposing military alliances in a bipolar world. The number of inter-State conflicts has declined yet the level of

violence has not. The borderlines between war, civil war, large-scale violations of human rights, revolutions and uprisings, insurgencies and terrorism as well as organized crime are blurred. In addition to traditional military forces, more non-State actors have appeared on the battlefield, i.e. paramilitary groups, warlords and their militias and volunteers, mercenaries and private military companies, terrorists and criminal groups. As a consequence, contemporary threat perceptions are also driven by attacks on populations and critical infrastructure, in addition to more traditional state-based threats. Furthermore, there are worries, in such types of conflict and with such actors, that the rules of international law applicable in armed conflict, and in particular the principles and rules of international humanitarian law, may be undermined.

- 12. Given the specific characteristics of chemical weapons, there may be perceptions that chemical weapons are useful for these contemporary types of violent conflict. Whilst the threat of "traditional" chemical warfare with mass casualties has declined significantly since the implementation of the Convention began, other forms of chemical weapons might appear attractive for their capacity to cause terror, or appear useful in population displacement and social/economic destabilization. The possibility of the malicious use of toxic chemicals has been demonstrated by the Aum Shinrikyo sect in Japan and the detonation of chlorine trucks in Iraq. Such acts of terror cannot be deterred by the fact that the perpetrators may themselves die in the attack.
- 13. On the other hand, distinctions between law enforcement, counter-terrorism, counter-insurgency and low-intensity warfare may get blurred, and certain types of chemical weapons such as incapacitants may appear to offer tactical solutions to operational scenarios where civilians and combatants cannot easily be separated or distinguished.
- 14. Secondly, some States have still not formally committed themselves to the prohibition of chemical weapons by ratifying or acceding to the Convention. This implies that quantities of chemical weapons neither declared nor under international control, could be in existence, ready for use and sale. This does not mean that the States concerned would be legally free to use chemical weapons, since customary international law, reflected in the 1925 Geneva Protocol, is binding on all States. Furthermore, the United Nations Security Council, in its resolution 1540 (2004), has obligated all States to adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes. Resolution 1540 complements the Convention, although it lacks in certain respects its comprehensive scope and multilateral origins. But, the possibility remains that some States outside the Convention may be ready to resort to chemical warfare.
- 15. Thirdly, the globalization of the world economy, the emergence of new global actors in addition to States, the growing interdependence of the world as well as the production of and access to energy, food and medicines are fundamentally affecting chemical science and industry. There is a need for ever more advanced chemical technology to satisfy the needs of agricultural growth, economic development and public health, through the production of products such as insecticides, pesticides and medicines for humans and animals.

- 16. Whereas chemical industry was traditionally concentrated in North America, Western Europe and Japan, the world is now witnessing a migration of chemical production to new locations. Not only the emerging economic powers China, India and Brazil, but also other developing countries in Asia and Latin America, have seen an increase in investment in chemical industry. The industry's goal is to bring manufacturing closer to the raw materials in the Middle East and the huge markets in Asia and in Latin America. Furthermore increasing investment in chemical industry in Africa should be expected given the need of the African continent for agrochemicals, medicine and chemical products for industrial development.
- 17. These global trends are reflected in the distribution of chemical industry facilities declared to the OPCW by States Parties (see the table below). A comparison of the situation in 2001 (the year for which the OPCW first published a detailed breakdown) and in 2009 (the latest year for which such data are available) shows that, whilst the situation with regard to Schedule 2 and 3 plant sites has remained relatively constant, there is a clear change with regard to States Parties that have Other Chemical Production Facilities (OCPFs) operating on their soil. Whilst their number remained relatively stable in the African, Eastern European and the Western European and Others regional groups, the number of States Parties declaring OCPF plant sites in Asia and the Latin American and Caribbean regional groups more or less tripled over these 9 years.

	Change in the number of States Parties that have declared facilities, from 2001 to 2010 ¹		
	Schedule 2	Schedule 3	OCPF
Africa	0>>1	1>>1	4 >> 6
Asia	5 >> 5	6>>9	7 >> 22
Eastern Europe	4>>9	9 >> 9	15 >> 18
GRULAC	3 >> 3	4>>4	5 >> 13
WEOG	17 >> 20	13 >> 13	21 >> 21

- 18. This change in the regional distribution of the chemical industry means that more States Parties than in the past have to adopt specific regulatory measures to implement the Convention in their emerging chemical industries. The OPCW should support these countries in their efforts to adopt effective national implementation systems. The change has already led to an increase in the number of States Parties in Asia, Latin America and the Caribbean, and Africa that are liable to receive inspections under the Convention.
- 19. Accompanying this diffusion of chemical industry into new regions will be the broader dissemination of chemical technology, and a growth in the volume and value of chemical trade. At the same time, the production footprint of chemicals is changing. Production facilities are becoming more versatile, smaller in size, and highly adaptable—offering a range of different chemical products to customer specifications at short notice. Facilities are also becoming less polluting and more energy and material efficient. Alternatively, modern chemical plants can be huge and expansive ("world plants"). This diffusion of the capability to produce a wide range of

Sources: Annual Report of the OPCW for 2001, document C-7/3, dated 10 October 2002 and Draft Annual Report of the OPCW for 2010, document EC-65/CRP.1, dated 4 May 2011.

- chemical products will be extremely important for meeting the growing needs of society.
- 20. All these technological advances are necessary and beneficial for society. Given their dual-use character, they mean that an increasing number of States Parties will have to adopt specific implementation measures in the area of regulating chemical industry and trade. There is also a risk that know-how, materials and equipment could be misused for the acquisition of toxic chemicals for hostile purposes.
- 21. A fourth, and related, challenge comes from advances in science and technology. A pertinent example is the convergence between chemistry and biology which is particularly visible in the life sciences where researchers are pushing boundaries to better understand the esoteric functioning of biological systems. The aims of these advances are plentiful: trying to find new types of medicines for humans and animals, new methods of pest control, enhanced food production, or new means of energy production to mention just a few.
- 22. These scientific advances create expectations for many beneficial applications. But again, they may also pose challenges to the way in which the Convention is being implemented. Furthermore, they call for answers with regard to the future relationship between the regimes that govern the ban, respectively, of chemical and biological weapons, and which have evolved separately in recent decades.

III. ACHIEVING THE COMPLETE ELIMINATION OF CHEMICAL WEAPONS

23. The core objective of the Chemical Weapons Convention is the complete and permanent elimination of all chemical weapons and their means of production under strict OPCW verification. To achieve this goal, (a) the possessor States Parties are obliged to complete the elimination of their stockpiles and former production facilities by the deadline established by the Convention, (b) the remaining States not Party need to be brought into the Convention and those that possess chemical weapons and/or production facilities must eliminate them in accordance with the provisions of the Convention, and (c) all old and abandoned chemical weapons need to be destroyed. The OPCW and its Technical Secretariat must retain the competence and resources needed to provide the necessary verification for these disarmament measures, as well as to render technical advice to States Parties when so requested.

Eliminating all chemical weapons stockpiles

24. The completion of the elimination of the declared stockpiles at the earliest possible date remains the primary task for the OPCW. The delays in the destruction programmes of the United States of America and the Russian Federation beyond the Convention's final deadline in April 2012 are matters of serious concern. The States Parties and the policy making organs need to remain seized of this matter, and adopt the necessary measures to ensure completion of destruction of these stockpiles as early as possible under strict verification.

- 25. The advisory panel took cognisance of the consultations currently being undertaken by the Chairman of the Executive Council aimed at resolving the legal and political issues caused by these delays. The advisory panel stressed that determined and relentless efforts needed to be made by the possessor States Parties to rectify the situation at the earliest possible date.
- 26. Global chemical weapons disarmament can only be achieved when all States of the world, and in particular those that have chemical weapons capabilities, have joined the Convention and eliminated any CW stockpiles and production facilities in their possession. Striving for universal adherence to the Convention therefore remains a central objective.
- 27. Efforts must be intensified to persuade the remaining States not Party to join the treaty.² This is no longer an issue of political campaigning. With only seven remaining States not Party (signatory States: Israel and Myanmar; non-signatories: Angola, Democratic People's Republic of Korea, Egypt, Somalia and Syrian Arab Republic), the success of universality efforts will depend on a well-tailored approach that takes full account of the specific security, political and economic conditions of each of the remaining States not Party. The advisory panel strongly encouraged the Director-General to continue to explore in depth the relevant circumstances in each case and to recommend the steps to be taken to achieve universal adherence to the Convention; he should also consider appointing a Special Representative for Universality.
- 28. To achieve universal adherence, all possible avenues (bilateral, regional, international) should be pursued by the OPCW. The OPCW should continue working with States not Party in a proactive way. It should respond positively to invitations to support initiatives to further the goal of universal adherence to the Convention.

Legacy issues including old and abandoned chemical weapons

29. The States Parties will have to continue dealing with the legacy of past chemical warfare programmes and activities for many years to come. They will continue to discover, recover and destroy old and abandoned chemical weapons left behind on battlefields of former wars and in locations previously associated with their production, storage, testing or disposal. These remnants of previous wars and military preparations pose serious risks to people and the environment. Therefore, 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. It is important that these old and abandoned chemical weapons be destroyed as soon as possible and in a manner that is safe for workers, people and the environment.

The Republic of South Sudan became the 193rd Member State of the United Nations on 14 July 2011. With regard to the Convention, the new State can either notify the OPCW through the United Nations that it will join the Convention as a successor State, inheriting the obligations that Sudan has as a State Party, or the new State will have to accede to the Convention.

A recent example is the discovery in early July 2011, of an unexploded Iraqi chemical munition dating back to the Iraq-Iran war in the 1980s.

- 30. With regard to the verification of declarations and the destruction of old and abandoned chemical weapons, the responsibilities of the Technical Secretariat will continue until these remnants of previous programmes and wars have been destroyed. The advisory panel felt that the OPCW should approach these issues from the perspective of facilitating assistance and technical advice for States Parties that need it. The OPCW, for example, could promote studies and surveys into former dumping operations to get a better picture of the situation and the potential risks, and it could promote exchanges and cooperation between States Parties on technical issues related to old and abandoned chemical weapons and their recovery and destruction.
- 31. Also, sea-dumped chemical weapons will remain a reason for concern with regard to protecting the environment. States Parties are not required and may in their discretion decide whether to declare any such chemical weapons, and whether to apply to them the provisions of the Convention dealing with destruction and verification. As a consequence, the OPCW has had little practical exposure to issues related to seadumped chemical weapons. But that does not mean that it can ignore the matter altogether. There may be a need for technical assistance and advice if States Parties request it from or through the OPCW.

Maintaining competence to render technical advice to States Parties regarding chemical weapons issues

- 32. The continued destruction of chemical weapons under strict international verification, and even beyond the 2012 deadline, as well as of old and abandoned chemical weapons must remain a priority task for the OPCW. Furthermore, there will be a need to monitor the destruction of chemical weapons, declared by States, which have joined the Convention after April 2007⁴ or those that could be declared by States, joining the Convention in future. The resources allocated to verification of these destruction operations must be sufficient to meet these requirements.
- 33. The Technical Secretariat must continue to undertake effective and competent verification with regard to chemical weapons and related facilities, and to render technical assistance and advice to States Parties. It must also remain a source of knowledge, expertise and support to States Parties with regard to issues that may come up as a result of the possible discovery of hitherto-unknown remnants of previous chemical warfare activities. If so requested by States Parties, the OPCW needs to be prepared to provide or arrange assistance for them in such tasks as risk assessment and management, site surveying, recovery, temporary storage, and destruction.
- 34. The decrease in the verification effort due to the completion of destruction operations at several chemical weapons destruction facilities projected for the coming years must therefore not lead to a loss of competence and capacity to implement all requirements of the Convention with regard to chemical weapons. Considering that there remain many possible forms of misuse of toxic chemicals for non-peaceful purposes—there

According to paragraph 8 of Article IV of the Convention, States which join the Convention 10 years after its entry into force, i.e. after April 2007, should destroy any chemical weapons they may possess as soon as possible, under timelines and verification measures determined by the Executive Council.

CWC Resource Guide 2013 Page 179 of 488

- continues therefore to be a need to minimize the risk of being unprepared for unforeseen events.
- 35. Even after the complete elimination of all chemical weapons stockpiles world-wide, the OPCW should remain the global repository of knowledge and expertise with regard to chemical weapons disarmament, the verification of their non-possession and non-use, and a repository of knowledge about their destruction. The OPCW should find ways of ensuring continuity in its knowledge base and expertise in these areas.
- IV. UPHOLDING CHEMICAL WEAPONS DISARMAMENT AND PREVENTING NON-STATE ACTORS FROM ACQUIRING TOXIC CHEMICALS FOR HOSTILE PURPOSES
- 36. To ensure that the threat of chemical warfare will never recur, the States Parties have undertaken, under Article I of the Convention, not to engage in any of the activities prohibited to them under the treaty that could lead to the (re)acquisition and use of chemical weapons, and not to assist, encourage or induce in any way anyone to engage in such activities. States Parties are also required to adopt the necessary measures to ensure that toxic chemicals and their precursors are only used for purposes not prohibited under the Convention.
- 37. This all requires effective national implementation and enforcement of the Convention's provisions and prohibitions. National implementation also requires the active participation of all stakeholders including the chemical industry, the scientific and technological research community, and the military and police forces. At the international level, it calls for effective verification of compliance by the Technical Secretariat, close cooperation between States Parties, and regular reviews of how these fundamental undertakings are being implemented by the Conference of the States Parties as foreseen under paragraph 20 of Article VIII of the Convention. The Technical Secretariat should effectively coordinate its work with partner organisations which have mandates that relate to the implementation of the Convention.

The General Purpose Criterion

38. The most important legal protection provided by the Convention against the recurrence of chemical weapons is built into the definition of chemical weapons contained in Article II of the Convention: *any* toxic chemical and precursor chemical is to be considered a chemical weapon unless intended for purposes not prohibited by the Convention, as long as its types and quantities are consistent with such purposes (the "general purpose criterion"). The scope of this definition is thus not constrained by the Schedules of Chemicals, and it covers all toxic and precursor chemicals, even those that have yet to be synthesised or discovered. The general purpose criterion has been included by the negotiators so as to ensure that new developments cannot undermine the legal strength of the Convention's prohibitions.

National implementation

39. The goals of the Convention can only be fully achieved if all State Parties respect, realize and comply with their obligations under it. Thus, Articles VI and VII of the Convention require that all States Parties enact and enforce legislation to ensure that

toxic chemicals and their precursors are not used for prohibited purposes. Besides legislation, regulatory and administrative measures must be adopted to enforce the legislation. All States Parties are required to designate or establish a National Authority which must be empowered to work effectively and coordinate its work with other agencies, both nationally and internationally.

- 40. A key issue in this respect is to implement effective national controls over transfers (exports, imports, transits, transhipments, and re-exports) of relevant chemicals, equipment and technologies. Border control and law enforcement measures need to be applied by States Parties to detect, deter, prevent and combat illicit trafficking and brokering of chemical weapons, and of dual use goods that could be used for chemical weapons purposes. The OPCW should assist and encourage States Parties in this regard and ensure that there will be a "level playing field" for such controls to avoid loopholes as well as discrimination.
- Compliance with the requirements of the Convention cannot merely be achieved by a 41. regulatory approach from governments. It requires support by all stakeholders in chemical industry, research, academia and other relevant sectors of society. To this end, responsible professional conduct needs to be built into their governance systems, and synergies should be sought between the implementation of the Convention, and chemicals management systems such as the Strategic Approach to International Chemicals Management (SAICM) and the Globally Harmonised System of Classification and Labelling (GHS). Important synergies also exist with regard to the European Union's regulation for the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), and related initiatives and measures taken in other regions. The chemical industry itself has taken up these governance challenges in its salutary Responsible Care ® programme. All of these measures, in concert with regulatory and enforcement steps taken by governments under the Convention, should lead to the development of a culture of compliance based on adequate laws and regulations and underpinned by self-regulation and conscious participation in the implementation of the requirements of the Convention by all stakeholders.
- 42. For the OPCW Technical Secretariat, providing tailored and sustainable technical assistance ("implementation support") to States Parties should therefore remain one of the highest priorities. Support to build national capacity could include, for example, the strengthening of National Authorities and systems involved in the Convention's implementation. The Technical Secretariat and States Parties with well-developed national implementation systems should actively provide assistance to States Parties with gaps in their national implementation, by offering legislative advice/assistance, financial and technical support. To this end, the Technical Secretariat should continue to develop work plans and provide platforms for exchange and cooperation through the organisation of workshops and meetings.
- 43. The OPCW should develop and design model structures in support of the strengthening of national capacity to apply the norms of the Convention. The Secretariat can help by providing technical and information support, especially by conducting simulations and assessing how different methodologies may affect implementation efforts of States Parties and verification results, based on declaration data submitted by the States Parties.

- 44. Much more can be done through regional and global networking, assistance with awareness raising and building stakeholder relations, training of national implementation personnel and the sharing of best practices among States Parties. The Technical Secretariat should continue to help with technical assistance to promote peaceful chemical development among States Parties, and with the assessments of needs so as to better tailor technical assistance to the requirements and conditions of States Parties. Adequate budgetary and human resources for such programmes must be earmarked and the programmes designed so as to enable evaluation against the benchmarks set out in the Action Plan on Article VII.
- 45. The advisory panel noted that there are concerns in the chemical industry caused by misgivings about the uneven implementation of the Convention by different States Parties which causes gaps in declarations and unequal regulatory treatment of chemical companies in different States Parties. The support and engagement of the industry is essential for the OPCW to effectively implement its duties. Steps must therefore be taken to reinforce confidence of the industry in the Organisation. A non-bureaucratic and constructive partnership should be created, through an ongoing dialogue that respects the mutual needs of confidentiality and trust. The involvement of the National Authorities, with conscious respect for discretion and confidentiality, is essential for creating the broad dialogue that is required. The Director-General may also consider setting up a group of experts from chemical industry to advise the OPCW on how to better interact with the chemical industry.
- 46. A sustainable culture of compliance will require the continued strengthening of the relationship between the Technical Secretariat and the National Authorities—a genuine partnership that builds on national, regional and OPCW-wide networking, and the wide sharing of experiences in the practical implementation of the Convention.

Verification of compliance

- 47. Preventing the recurrence of the menace of chemical warfare is the second pillar of the Convention. Much progress has been made in setting up an effective verification system to ensure the accuracy of declarations, the completeness of chemical weapons destruction activities, and to provide confidence in the non-production of chemical weapons. The system has been adequate for the initial phase of treaty implementation, which had a strong focus on chemical weapons stockpile declaration and elimination.
- 48. To ensure the continued viability of the routine verification system under Article VI, the OPCW should now take a forward-looking approach. Verification is more than merely the conduct of inspections and the confirmation of declaration data. It is a process of gathering, validating and evaluating information that allows the independent assessment of how each State Party is implementing the treaty. In an era of globalisation with chemical industry spreading around the globe and chemical trade creating global partnerships and dependencies, and where information about chemical activities is available from an ever-expanding pool of authoritative sources on the Internet, it is difficult to comprehend why the Technical Secretariat does not make better use of open source information, particularly that from company websites and information that is officially provided to other international organizations such as the

UN. States Parties should consider providing additional information on a voluntary basis to reduce the likelihood of inspections at facilities that have no relevance to the Convention. The policy-making organs of the OPCW should study the matter of using open source information for verification purposes and provide guidance to the Technical Secretariat so as to find acceptable ways to enhance the verification process.

- 49. Inspections remain a central aspect of verification. The key to achieving confidence in compliance, however, does not lie solely in inspection numbers. The selection of facilities for inspection is equally important, and should be based on the risk posed to the object and purpose of the Convention, taking due account of the conditions stipulated in the relevant parts of the Convention's Verification Annex. What matters most is the quality of the inspection process. The Convention's general inspection aim under the Convention is to verify that the activities at an inspected facility are consistent with the information provided in declarations.
- 50. With regard to facilities which produce (process, consume) scheduled chemicals, much experience has been gathered by the OPCW and the conduct of inspections has provided a significant degree of transparency and confidence. Priority should be given to further increasing efficiencies and ensuring the independence and integrity of the verification process.

The Schedules of Chemicals

- 51. This leads into a consideration of the Schedules of Chemicals, which have remained unchanged since the adoption of the Convention. Given the role that they play in directing routine verification activities in the chemical industry, this constancy has "frozen" much of the industry verification system in the past. The system remains relevant with regard to the verification of non-production of chemical weapons as known from the Cold War. It reflects less and less, however, the emerging threats related to the possibilities of future hostile use of toxic chemicals.⁵
- 52. The OPCW has yet to review the composition of the Schedules in the light of developments in science, technology and industry. States Parties should be making efforts to update the Schedules to take account of risks that had not been considered in the negotiations as well as economic and verification-related implications, realising that any list-based control system will over time loose its relevance unless it is being regularly updated. The advisory panel recommends that reviews of the Schedules should be undertaken on a regular basis by the States Parties. Such reviews could take place every fourth or fifth year and be prepared by the scientific unit proposed elsewhere in this report (see paragraph 78), together with the SAB and after consultations with stakeholders.

Some of the concepts related to the previous text on other organisations having identified toxic chemicals that pose a risk in today's security environment given their toxicological and other properties and their availability in day-to-day life may be taken up in the section on assistance and protection.

Other chemical production facilities (OCPFs)

- 53. Requirements with regard to industry verification that are not covered by the Schedules are covered by the OCPF verification regime. This category of facilities is perhaps the most diverse with respect to the relevance of individual plant sites to the Convention. Experience gathered by the Technical Secretariat shows that whilst some of the OCPFs pose little or no risk to the object and purpose of the Convention, others are highly relevant to demonstrating that no chemical weapons are being produced. Also, when compared to facilities involved with scheduled chemicals, globalisation and advances in science and technology have the most profound impact in the OCPF category of plant sites. With regard to the verification system as it stands, however, the OCPF regime lacks focus given the very general nature of the data contained in the declarations. For all these reasons, OCPF inspections will remain important to maintaining the relevance of the routine verification system in the future, but should be made more effective. To this end, the OPCW must find ways of directing inspections more consistently towards facilities of high relevance to the Convention, taking account of the applicable provisions of the Convention with regard to equitable geographic distribution and the overall ceiling of OCPF inspections per year and State Party.
- 54. There are, in principle, several options as to how this could be achieved (and they can be combined): more specific data could be required in declarations to better characterise a declared facility and its activities (either within the existing legal framework or after technical change of relevant provisions of Part IX of the Verification Annex); the Technical Secretariat could use data it has acquired in its verification and other activities in addition to those contained in declarations (for example, data from previous inspections); States Parties could submit additional data on their facilities on a voluntary basis to reduce the likelihood of inspections at facilities that have no relevance to the Convention.
- 55. At the same time, the OPCW should be aware in its evaluation of verification results that mechanisms have been set up in chemical industry, for reasons other than implementing the Convention, that can nevertheless help prevent the misuse of toxic chemicals for hostile purposes. Examples of relevant complementary regulatory measures include the REACH programme in the European Union, and similar initiatives outside of Europe, such as GHS and SAICM. Within industry itself, self-regulatory mechanisms such as Responsible Care®, and the use of industry standards and quality assurance systems aim at enhancing regulatory compliance and responsible behaviour.

Verification tools and procedures

56. Effective verification requires effective verification tools. OPCW inspectors have at their disposal a suite of approved equipment ranging from analytical field instruments and sample collection and preparation kits to different types of non-destructive evaluation equipment, equipment for personal protection, agent detection and safety monitoring, and other tasks. The Technical Secretariat has put in place standard operating procedures to ensure the proper selection, certification and use of this equipment, and it maintains a high standard of training. Furthermore, with the help of

States Parties, the OPCW has set up a fully-validated analytical database of target chemicals for on-site analysis. The OPCW also has established a network of designated laboratories whose professional standard is regularly evaluated in proficiency tests. This network enables the off-site analysis of environmental samples. A similar capability for the analysis of biomedical samples is currently being developed.

At the same time, to provide extra protections with regard to confidential information unrelated to chemical weapons, certain practices have been adopted which are incompatible with the privileges and immunities which the Convention accords to inspection teams, or which could otherwise compromise the independence of the verification process (for example: copying of inspector notebooks at the end of an onsite inspection to the inspected State Party in spite of the Convention's stipulation that the records of inspector are inviolable, or restriction of the OPCW analytical database to scheduled chemicals only). Such practices can create scenarios where OPCW inspection teams will lack the ability to detect the presence or absence of certain chemicals relevant to compliance, or where their independence is compromised. The policy-making organs and the Technical Secretariat should take measures to ensure that the verification processes of the OPCW enjoy the integrity and independence required under the Convention.

V. RESOLUTION OF CONCERNS OF POSSIBLE NON-COMPLIANCE

- 58. Article IX of the Convention provides for a number of mechanisms to address and resolve non-compliance concerns, ranging from bilateral consultations between the parties concerned to mechanisms under the auspices of the Executive Council, and the clarification and resolution of non-compliance concerns by challenge inspection. Allegations about the use of chemical weapons as well as assistance requests in cases of use or threat of use of chemical weapons against a State Party are subject to investigative mechanisms under Articles IX and X of the Convention.
- 59. Furthermore, there have been situations when States Parties have failed to meet their obligations as a result of a lack of capacity or full understanding of all the requirements of the Convention. The OPCW has dealt with such situations through mechanisms under the Executive Council, subject to review by the Conference of the States Parties, that involved encouragement, transparency measures such as reporting of steps taken to improve the situation, as well as technical assistance by the Technical Secretariat and States Parties when needed.
- 60. As we move closer towards a world without chemical weapons, but one in which instabilities, threats to national and regional security and conflicts have not ceased, effective means of consultation, cooperation and fact-finding will continue to be essential in order to address and resolve non-compliance concerns within the framework of the Convention.

This was requested by the Executive Council in 1997, at the beginning of the inspection operations when there was limited practical experience with OPCW inspection conduct and protection of confidentiality.

61. The emphasis in resolving non-compliance concerns among States Parties has so far been on bilateral mechanisms. The First and Second Review Conferences (in 2003 and 2008 respectively) recognised the value of such bilateral clarifications and encouraged States Parties to continue resolving concerns about possible non-compliance amongst themselves. It should be noted that such bilateral consultations, whilst they have value for resolving concerns amongst States Parties directly involved, remain non-transparent for other States Parties.

Clarification procedures under the Executive Council

- 62. Many of the multilateral mechanisms foreseen in Article IX have not been activated since the entry into force of the Convention. Only recently have certain compliance issues been brought before the Executive Council.
- or the Executive Council to devote a part of its substantive work to promoting and applying the mechanisms of the Convention to address and resolve concerns about possible non-compliance. Consistent with the procedures of the Convention, clarification procedures under the Council could involve a whole range of measures from clarification requests through the Council, to the Council requesting the Director-General to establish a group of experts to examine all available information and data relevant to the situation causing the concern, to the possibility that a State Party could request the Council to clarify a situation that has given rise to concerns about its own compliance (the latter could for example be accomplished by an inspection by invitation of a suspected facility or location, to ally concerns and demonstrate that no violation has occurred). The Conference of the States Parties should strengthen its oversight function, and States Parties should collectively use annual sessions of the Conference to review the compliance status of the Convention.

Challenge inspection

- 64. The right of each State Party to request an on-site challenge inspection for clarifying questions concerning possible non-compliance is an ultimate assurance that all States Parties implement their obligations under the Convention. When the Convention was negotiated, great care and attention was given to the formulation of the relevant treaty language in order to make the provisions unambiguous and easy to implement. However, since the entry into force of the Convention, no State Party has requested a challenge inspection. While this reflects a welcome mutual respect among the States Parties and a determination to use whenever possible consensual means to resolve issues, the non-use of challenge inspections might erode its deterrence effect.
- 65. States Parties should look upon the mechanism of challenge inspections as a necessary safeguard of the Convention that, in order to deter violations, must be operational. The Convention requires that the Director-General inform the Executive Council of situations when a challenge inspection cannot be executed in a timely manner, so that action can be taken to improve the situation. It is therefore essential that the Technical Secretariat maintain the resources, technical competence, operational readiness and professional skills needed to implement a challenge inspection if one is invoked.

66. At the same time, the States Parties themselves should further develop and maintain a good understanding of the procedures of challenge inspection. Past experience with national as well as multilateral trial challenge inspections has shown the benefit of such trials for national preparations to receive and effectively conduct a challenge inspection. The OPCW could help States Parties develop and maintain their practical understanding of these requirements by organizing workshops and exercises. States Parties should also attempt to finally settle the remaining unresolved issues related to challenge inspection.

Investigations of alleged use of chemical weapons

- 67. The capacity of the Technical Secretariat to investigate allegations of the use of chemical weapons will likely become more important in the future as new threats relating to the deliberate release of toxic chemicals emerge. These new threats may call for a re-thinking of operational procedures and a review of how the OPCW interacts with host nations, the United Nations and other actors that are likely to appear on the scene of such an event.
- 68. Maintaining this capacity will be a challenge as it depends on a critical mass of well-trained inspectors with the right mix of technical skills and expertise. As the overall demand for inspectors with chemical weapons expertise and skills related to work in chemical warfare environments declines given the decline in chemical weapons destruction activity, the Technical Secretariat may have to develop new concepts for how it can maintain readiness to conduct investigations of alleged use (such as stronger reliance on expertise outside the Inspectorate; more reliance on the Qualified Experts designated by the Director-General for investigations of alleged use, as envisaged by the Convention).
- 69. With regard to investigations of alleged use by the United Nations Secretary-General in States not Party to the Convention or in territory not under the control of a State Party, it is important that the general provisions contained in the UN-OPCW Relationship Agreement on coordination and cooperation with regard to such investigations be underpinned by operational arrangements and that information is shared on such issues as rosters of experts, laboratories available for off-site analysis, and standard operating procedures. In such events, the OPCW should be able to immediately mobilize and dispatch competent chemical warfare specialists from the Technical Secretariat.
- 70. The roster of experts and laboratories available to the Secretary-General's investigation mechanism in relation to the 1925 Geneva Protocol, as well as related procedures, have recently been updated. Close coordination between the OPCW and the United Nations Secretary-General mechanisms will be essential, taking into account that the OPCW provides the primary international investigation mechanism with regard to the alleged use of chemical weapons. Furthermore, the OPCW through its network of National Authorities, wide inspection experience, and functioning links with chemical industry has an unmatched overview of chemical weapons-related capabilities on a global scale. At a minimum, both mechanisms need to be developed towards procedural inter-operability, similar technical and procedural standards and operational coordination.

VI. MONITORING AND EVALUATING ADVANCES IN SCIENCE AND TECHNOLOGY

- 71. The Convention's objective—to ban comprehensively and permanently the development, production, possession, transfer and use of chemical weapons—will only be successfully achieved and maintained if advances in science and technology are effectively monitored and evaluated. To achieve this, the OPCW, building on its accomplishments so far, should improve and widen the scope of monitoring and evaluating developments in chemical science and technology and, at the same time, make full use of these developments to improve the quality of its own work. This is recognised by the provisions in Article VIII of the Convention which require the OPCW to consider measures to make use of these advances for verification purposes, the establishment of a Scientific Advisory Board (SAB), and the need to review the impact of these advances on the operation of the Convention through periodic Review Conferences.
- 72. The OPCW needs good science advice and effective mechanisms to review and evaluate the impact of scientific advances on the Convention. Since its establishment in 1998, the SAB has played an important role in this respect. But there have been deficiencies in how the OPCW has called for science advice as well as how it has incorporated such advice into its operations. There should be more clarity about the purposes of SAB advice to the OPCW, in accordance with the requirements of the Convention and the SAB's terms of reference. The advisory panel suggests that these purposes could include:
 - The provision of information and technical assessments to allow the evaluation of risks associated with new chemicals and technologies
 - A Proposals for the improvement of existing and the adoption of new verification methods and types of inspection equipment
 - Advice on the need to adapt verification methods in light of new technological and scientific developments that affect the conduct of verification
 - A Technical advice in the context of fact-finding measures
 - Technical advice on new issues that may affect the operation of the Convention, for example the convergence between chemistry and biology
 - Technical advice regarding preparedness for response to releases of toxic chemicals, and with respect to remedial measures after such releases
 - A Identification of opportunities in science and technology to improve international cooperation among States Parties in the peaceful uses of chemistry
 - A Sharing of information and experience with regard to technologies for the destruction of (in the future predominantly non-stockpile) chemical weapons.
- 73. Progress in science and technology affects the Convention in several ways. It can change the technological environment within which the OPCW functions (e.g., in

chemical industry); create new risks for the potential misuse of toxic chemicals; improve means of protection against toxic chemicals; bring about more effective means and methods of verification; and create new opportunities for international cooperation among States Parties in the peaceful uses of chemistry.

- 74. Firstly, with the finalization of the destruction of existing chemical weapons stockpiles as well as the destruction of old and abandoned chemical weapons, attention must be directed towards the potential spread of chemical weapons capabilities to governmental and non-governmental actors. In that context, developments in electronic communications may make chemical weapons information more accessible. Compared to nuclear and certain types of biological weapons, the technological hurdles before the synthesis of toxic chemicals and the improvisation of delivery system are much lower in the case of improvised chemical weapons.
- 75. At the same time, it is important not to overstate the risks associated with these advances in science and technology—in the absence of dedicated weapons programmes, the various developments of chemical weapons-relevant technology will remain several long and costly steps away from the construction and production of a usable weapon.
- 76. Secondly, there should be genuine exchanges involving the technical as well as policy communities of the Convention, including the SAB, government experts and policy makers, to clarify what scientific advice is needed. There should then also be a strong relationship between the SAB and the wider science, technology and industry communities to ensure that its advice is based on a thorough understanding of what is happening at the frontiers of science and technology.
- 77. With regard to the chemical sciences community, the OPCW and the SAB have developed a productive relationship with the International Union of Pure and Applied Chemistry (IUAPC), the global international science union in the field of chemistry. It is important to make this partnership constant, both in order to solicit authoritative and broad-based science advice for the OPCW, and to help governance mechanisms within the scientific community to improve awareness of the Convention's goals and requirements and ensure respect for its norms.
- 78. But even with an expanded role for the SAB and an enhanced relationship with IUPAC, the Organisation's scientific competence must be strengthened further. Therefore, resources should be set aside for the creation within the Technical Secretariat of adequate capacity to manage and support the systematic monitoring of relevant scientific developments. This could for example be a Science Adviser, or a small unit or part of an office working directly under the guidance of the Director-General and at the same time having access to all Divisions of the Technical Secretariat. Such a function could also serve as a permanent secretariat of the SAB and assist with the proposing and drafting of the agenda of the SAB and the compilation of documentation on scientific matters under review by the SAB. Furthermore, it could assist the Director-General and the Executive Council in assessing scientific and technological information made available to the Organisation, including the findings of the SAB.

- 79. A relatively new issue is the convergence between chemistry and biology. This convergence calls for a closer interaction in the implementation of the Convention, and the Biological Weapons Convention. Convergence in the sciences does not in itself lead to convergence of the regimes, but exchanges of experience and joint technical reviews could be helpful to understand how it affects the implementation of both treaties at the interface between chemistry and biology. That is particularly pertinent as there is an overlap between the two treaties with regard to the prohibition of toxin weapons.
- 80. An important partner in these conversations must be the chemical industry. The chemical industry was constructively involved in the design of the Convention's verification regime during the negotiations, and contributed to the preparatory work before the entry into force of the Convention, including by helping with the training of future OPCW inspectors.

VII. PREPAREDNESS FOR AND RESPONSE TO EVENTS INVOLVING THE RELEASE OF TOXIC CHEMICALS FOR HOSTILE PURPOSES

- 81. Article X of the Convention makes provision for the strengthening of national capacities of States Parties to prepare for and respond to attacks with chemical weapons or their threatened use. Article X includes provisions for expert advice though the OPCW on how to enhance national protection against toxic chemicals, and access to the OPCW data bank which contains information on various means of protection against chemical weapons. It also establishes an international response mechanism through the OPCW (directly by States Parties, bilaterally or through the OPCW, as well as by the OPCW itself) to respond to a threat or actual use of chemical weapons and to mitigate the consequences of such attacks. Although these provisions were intended to deal with chemical warfare threats posed by States, they can also be employed if non-State actors such as terrorists use chemical weapons (to be understood as the use of any toxic chemical for hostile purposes).
- 82. As stated earlier in this report, the threats associated with traditional chemical warfare have been gradually declining after the entry into force of the Convention. At the same time, new risks have emerged. Terrorist organisations have attempted to acquire,

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On the one hand, biological science is increasingly making use of chemistry, to the point where it has become possible to chemically synthesize components of biological systems and simple biological agents such as viruses. The chemical synthesis of more complex living organisms such as bacteria has yet to be accomplished but research to this end is well under way. This trend blurs the borderlines between what should be considered a chemical agent, and what is a biological one. At the same time, the manufacturing of some chemical products makes use of biological processes. Examples include the use of bio-catalysts in chemical synthesis or even the use of living organisms (plants and animals) as production vessels for certain chemical products (for example, certain medicines and biofuels). Similarly, biological systems are used in chemical analysis. Last but not least, the approach in the search for new biologically active chemical compounds (for example medicines or pest control agents) is changing. When in the past, chemical synthesis would provide large numbers of chemical compounds derived from certain lead molecules which would then be screened for their biological effects, the trend is now towards investigating in detail the chemical structure, configuration and functionalities of the biological targets and on that basis to design chemical structures that can specifically interfere with these biological functions. As this approach in the life sciences gains ground, it will increasingly become meaningless from a scientific point of view to distinguish between chemical and biological agents.

and some have actually used, chemical warfare agents and improvised dissemination devices. There have also been concerns about the possible use of toxic chemicals in intra-State conflicts. Assistance and protection no longer aims primarily at saving lives in classic cases of chemical weapons use on the battlefield. Other objectives have become equally if not more pressing: the protection of non-combatants following the deliberate release of toxic chemicals, by whichever actor(s) and in a variety of possible scenarios. This threat is more complex than "traditional" chemical warfare. It can involve chemical, biological, radiological and nuclear (CBRN) materials; it can be instigated by States but also non-State actors such as terrorists; and it is often directed at civilians rather than military forces.

- 83. The responsibility to counter these new threats lies primarily with governments, who exercise this responsibility within their own jurisdiction as well as collectively in a (sub)regional context and globally under relevant UN Security Council resolutions. Chemical industry also is making its contribution to ensuring the safety and security of its facilities, and voluntary codes of conduct are being put in place worldwide to enhance the safety and security of chemical installations. The OPCW, at the same time, has recognised its responsibility to contribute to the global fight against terrorism. One of its contributions relates to helping States Parties build capacity in the area of prevention and response to deliberate release of toxic chemicals by terrorists, including to possible attacks on chemical installations and transportation.
- 84. For the development of effective preventive strategies, it is important to recognise a change in the chemical risk spectrum associated with these new threats. Traditional chemical warfare agents are not necessarily the primary concern (although the experience of Tokyo in 1995 has shown they must not be ignored). Terrorist chemical weapons threats are driven by accessibility and opportunity. The deliberate release of toxic industrial chemicals as well as the ad hoc synthesis of chemical agents using readily-available chemicals, including simple household goods, cannot be ignored. Delivery methods may include not only improvised dissemination devices but also attempts to poison food or drinking water. The objective may not be mass casualties but mass terror. Although these threats are much smaller in scale than those of traditional chemcial warfare, in a world of spreading industrial capacity, intensive trade and the broad diffusion of chemistry into daily life, an "all-risks approach" will be needed.
- 85. In this changing environment, the nature and format of assistance and protection under the Convention should be adapted to meet these new requirements. Building resilience at the local and national level and improving strategic and operational (sub)regional cooperation are of critical importance. The OPCW should contribute to this based upon its competence, its access to expertise of States Parties, and its global reach.
- 86. This could, for example, include OPCW support for the establishment, in regions or subregions where such capabilities are lacking, of regional centres to prepare for and respond to threats related to releases of toxic chemicals (for example, by expert advice, training, or the facilitation of cooperation with other such centres and relevant institutions of other States Parties). Providing assistance and expert advice to

such regional initiatives would enable broader regional buy-in and facilitate donor contributions.

- 87. With this shift in emphasis towards stronger support for regional, subregional and national preparedness, the future role of the OPCW in response to requests for assistance in case of use or threat of use of chemical weapons should be reviewed. The OPCW mechanism will remain important whenever national and subregional response systems lack capacity, in particular in the event of multiple attacks with toxic chemicals. But any such international assistance can only back up the response at the local level—it is the ability to take effective measures immediately, within hours, that matter in scenarios involving the release of toxic chemicals.
- 88. To strengthen local, national and regional capacities to prevent, prepare for and respond to chemical incidents, States Parties will require tools (nonbinding guidelines and decision making tools, for example), as well as practical advice that helps them with needs assessment and contingency planning, training and different forms of exercises. The OPCW has already developed a portfolio of programmes and projects in this regard and it should continue offering such measures to States Parties. At the same time, other international and regional organisations are providing similar support, and it is important for the OPCW to coordinate its activities with these other actors. The Technical Secretariat could for example explore the possibilities of cooperation with the World Health Organisation, including, as appropriate, joint workshops, databases and action to support surviving victims. 8
- 89. In addition, the international community will continue to expect the OPCW to maintain the professional competence and operational capability to investigate allegations of the use of chemical weapons. These issues have already been discussed under heading V. It should be recalled here that the OPCW investigation mechanism is today the primary international mechanism to investigate allegations of the use of chemical weapons.

VIII. FOSTERING INTERNATIONAL COOPERATION IN THE FIELD OF PEACEFUL USES OF CHEMISTRY

90. Fostering international cooperation in the field of peaceful uses of chemistry is an important goal of the Convention. Article XI sets out the basic principles to this end, and Article VIII assigns responsibility to the Conference of the States Parties to promote international cooperation among States Parties.

91. This objective will gain in importance among OPCW priorities in the future. For many States Parties, it is and will remain a major incentive to stay engaged with the Convention and the OPCW. There are two aspects of international cooperation: not hampering the economic and technological development of the States Parties, and

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One of the areas that may require more attention from the OPCW is the treatment of chemical casualties, irrespective of whether they result from the use of chemical weapons, accidents with old and abandoned chemical weapons, terrorist use of toxic chemicals or other incidents. Specific and quite different methodologies are required to save lives immediately after exposure and to manage long term, chronic effects from which many victims are still suffering today. The OPCW is not a medical institution, but it has some relevant expertise.

developing attractive OPCW programmes to promote international cooperation among States Parties.

<u>Transfer controls and the economic and technological development of the States</u> Parties

- 92. In today's globalised environment, rapidly growing chemical trade is indispensable for economic development. To ensure that the trade in dual use chemicals, equipment and technologies will only serve legitimate purposes and not contribute to the re-emergence of chemical weapons threats, the OPCW must use its institutional competence to help States Parties implement effective national controls, without hampering the economic and technological development of all States Parties.
- 93. Furthermore, the OPCW should provide assistance to National Authorities to better understand and meet their responsibilities under the Convention in this regard. For example, the OPCW could develop voluntary guidelines on how best to control chemical trade, offer practical technical assistance to help States Parties adapt these guidelines to their specific national conditions, and provide training, implementation tools and other forms of implementation support.
- 94. An informal group of 40 States called the Australia Group has, since its inception in 1985, contributed to international security by regulating and controlling exports of chemicals which could be used in the production of chemical weapons. When the Convention was adopted in 1992, a statement was made on behalf of the Group to the effect that, after the entry into force of the Convention and in light of its implementation, each participant in the group would undertake to review the measures they have taken to prevent the spread of chemical substances and equipment for purposes contrary to the objectives of the Convention, with the aim of removing such measures for the benefit of States Parties acting in full compliance with their obligations under the Convention.
- 95. Today, after 14 years of functioning of the Convention, it can be concluded that the implementation of the Convention has generally met the expectations of its States Parties. The OPCW up to this date has in most cases successfully carried out its duties as defined by the Convention, including the effective prohibition of any transfer of chemical weapons. The remaining tasks are clearly defined (enduring enforcement of the prohibitions with regard to non-transfers of chemical weapons and the undertaking not to assist, encourage or induce any activity prohibited under the Convention; further strengthening of national implementation systems including in the area of transfer controls as required by the Convention; reviews of existing national regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of the Convention). The OPCW appears well equipped and ready to deal with these issues—it has already taken them up in the context of its Article VII Action Plan.
- 96. To move this process further, the OPCW could seek to promote dialogue between export licensing organisations and customs authorities where they have not to date interacted and cooperated, for example to identify elements of the Australia

Group guidelines that can help the National Authorities to better monitor transfers of dual use chemicals of relevance to the Convention.

97. Nevertheless, whether justified or not, the continuation of Australia Group measures vis-à-vis States Parties of the Convention has given rise to resentment. Such resentment is not a healthy or propitious development, and efforts should be made to correct it. A way in which cases of transfer denials might be addressed is through consultation and cooperation within the framework of the OPCW. This has not happened in the past. The advisory panel recommends an approach whereby any State Party feeling discriminated against over transfer denials could address a complaint to the Director-General, who might use his good offices to bring the parties together to discuss and if possible resolve the matter including by addressing the reasons that have led to the denial. Such a mechanism might increase transparency and help to dispel concerns.

Fostering international cooperation in the peaceful uses of chemistry

- 98. With regard to the OPCW's programmes to promote international cooperation in the peaceful uses of chemistry, some progress has been made since the entry into force of the Convention. However, these programme areas have received inadequate resources in the past. With the release of resources from chemical weapons-related verification in the future, greater attention should be provided for the implementation of Articles XI. Effective implementation of this important Article, which involves the entire membership of the Convention, will contribute to the overall objective of enhancing compliance. To the extent possible, Article XI programmes should not be primarily dependent on voluntary contributions which by nature will be ad hoc, but programmes should be strengthened through the regular OPCW budget as well.
- 99. In developing future cooperation programmes, the OPCW should link these to its own technical competence and strengths. Thereby the OPCW should make full use of its knowledge base and of its networks with National Authorities, various organisations, institutions and experts in the States Parties. This would give further legitimacy and appeal to these programmes, and make them distinct from international cooperation programmes offered by other international organisations. What the OPCW can bring to the table is its specific technical understanding and competencies related to toxic chemicals, its experience with regard to assisting States Parties with national implementation measures, its ability to network and connect partners, and its global reach.
- 100. Examples for programme initiatives that draw from these strengths include:
 - Improving the regulatory framework in States Parties technical assistance with regard to legislation, regulations and enforcement;
 - Chemical safety and security development of guidelines for States Parties and help with promoting implementation practices and standards;
 - Issues related to facilitating trade in chemicals, chemical equipment and technologies;

- Support to States Parties regarding their efforts to prevent illicit trafficking in chemical dual use goods, including by supporting the work of customs organisations, and export/import licensing;
- Training and exercises related to the issues mentioned above;
- Education and awareness raising with regard to the norms and requirements enshrined in the Convention, the adoption of self-regulatory measures (codes of conduct, guidelines, compliance initiatives in industry and the like), and the promotion of international cooperation in full compliance with the requirements of the Convention.
- 101. New opportunities for the OPCW have been identified in the Article XI workshop organised by the OPCW in November 2010, and could include *inter alia*:
 - Setting up a facility to trace and evaluate incidents involving toxic chemicals;
 - Facilitating technology transfers for the development of peaceful uses of chemistry;
 - Promoting risk assessment and clean-up programmes related to old and abandoned chemical weapons;
 - Promoting risk assessments and other measures related to mitigate the risks regarding sea-dumped chemical weapons;
 - Developing other risk assessment and management tools that States Parties could use; and
 - Promoting the ethical dimension of chemical weapons disarmament and the rendering of support to initiatives to categorize as a crime against humanity the hostile use of toxic chemicals.
- 102. Government policies are important in creating and maintaining a regulatory context that invites and accommodates scientific, technological and economic development. A contribution that the OPCW can make to economic development, therefore, is to help States Parties create and maintain regulatory frameworks that fully implement the Convention thereby furthering conditions for economic development and international exchanges.
- 103. The OPCW should also strengthen its managerial approach towards its international cooperation programmes. Efforts are needed to develop and use more tailored and reliable tools for assessment of needs, programme impact and results. This will be necessary to ensure that the contribution of the OPCW to international cooperation remains relevant and sustainable for States Parties. Models for such managerial systems and experiences with their application exist in other international technical assistance programmes; these should be looked at with a view to adapting their lessons-learned to the OPCW context.

- 104. The future OPCW international cooperation programme needs to strike the right balance between programmes to enhance States Parties' capacity with regard to toxic chemicals in general, and their capacity to fully and effectively implement the Convention. Both directions should be pursued in parallel. The advisory panel recommends that OPCW programmes should be directed towards enhancing and promoting the interaction among National Authorities, and between National Authorities and the OPCW.
- 105. As previously discussed, a stronger regional approach would benefit both the States Parties and the OPCW. Regional or subregional cooperation centres could be set up, perhaps starting with one or more pilot projects, where demand and need exist. This could be done with technical support from the OPCW, in partnership with other international and regional organisations, active participation of the States Parties from the region or subregion, and with voluntary sponsorship by other donors. These centres would eventually have to become self-sufficient and independent of external financial support to be sustainable. At the same time, they would allow the region or subregion, with advice and technical support from OPCW, to develop projects and cooperation mechanisms among the States Parties of the region or subregion that meet their specific needs and conditions, whilst being able to tap into expertise and support from other States Parties from outside the region.
- 106. Furthermore, the OPCW's international cooperation programmes need to be developed with the clear understanding that the OPCW is only one of several actors on the international scene that promote cooperation in the field of peaceful uses of chemistry. It is important to embed the OPCW and its international cooperation programmes in that broader domain of international cooperation in the chemical field, through programme coordination, networking, the development of partnerships, and the exploitation of synergies.

IX. MANAGING THE TRANSITION

- 107. The OPCW has become the global repository of knowledge and a centre of operational and technical expertise with regard to the prevention of chemical warfare, the elimination of chemical weapons, and international verification. This capacity will also be relevant in the future. Even after all chemical weapons stockpiles have been eliminated, attention needs to be paid to emerging threats associated with the possible hostile use of toxic chemicals. Also, old and abandoned chemical weapons will continue to need to be destroyed subject to the provisions of the Convention. Furthermore, sea-dumped chemical weapons constitute risks to people and the environment and the OPCW can make contributions to mitigating these risks. The sooner the existing chemical weapons stockpiles can be eliminated, the greater the prospects for the OPCW to make its transition to a world without chemical weapons.
- 108. The adoption of new priorities will require institutional change and managerial adaptation. It is essential for the future of the Convention and the OPCW to find effective and acceptable ways to adapt—the alternative could be institutional fossilisation. The Convention provides sufficient flexibility for institutional change through policy development, decision making by the policy-making organs, gradual modifications of work and operational practices. In doing so, the OPCW should make

- full use of principles such as its inclusive approach, transparency, non-discrimination and consensus building.
- 109. How exactly the new priorities will affect the future size, structure and functioning of the Technical Secretariat goes beyond the scope of this report. The Director-General has appointed a consultant to review the structure of the Technical Secretariat, and to report to him later in 2011. However some general principles should be highlighted, emphasizing that transition and reform should be controlled and gradual.
- 110. **Institutionally, the OPCW needs to preserve its independence and competence to remain both relevant and credible.** Micromanagement would be counterproductive and should therefore be avoided. Also, the OPCW's staffing levels with regard to qualified and well-trained staff need to be retained above a "critical mass" in relation to all future programme priorities.
- 111. Changing circumstances and priorities will require some degree of restructuring. It is also apparent that particular vulnerabilities may exist with regard to maintaining an inspectorate that matches the routine tasks in hand after near completion of chemical weapons stockpile elimination, and that is nevertheless strong enough to meet requirements of a less frequent nature such as challenge inspections or investigations of alleged use. The Technical Secretariat must maintain adequate levels of verification resources to ensure that the destruction of chemical weapons remains subject to international verification as required by the Convention, and to make certain that the verification regime as a whole remains credible. There will be a need for some flexibility within the structure of the Technical Secretariat to create a reserve that is engaged in routine programme delivery, but that can be relied upon when special demands in the verification areas occur. This will pose managerial challenges with regard to the protection of confidentiality. Robust procedures will be needed to ensure that the OPCW can maintain its high standards in this regard.
- 112. Another key requirement is the preservation and expansion of institutional competence, knowledge and professionalism. The implementation of the OPCW's tenure policy is already under review and it appears that additional flexibility will be required in the manner in which the policy is applied. Learning and training mechanisms should also be further improved.
- 113. The shift in priorities may also require a review of the OPCW's budget structure. The Convention requires that the OPCW divide its budget into two chapters: chapter I for verification costs and chapter II for all other costs including administration. Chapter II contains key elements of programme delivery, including assistance and protection against chemical weapons, implementation support to National Authorities, and international cooperation programmes.
- 114. Ever since the entry into force of the Convention, practice has been to maintain parity between both Chapters. With the reduction of chemical weapons-related verification activity, this should no longer be so. At the same time, the current budget format combines programme delivery expenses with administrative costs under a single chapter.

- 115. The OPCW programme and budget structure should be changed to better reflect the different types of contributions that the OPCW programme outputs make. These should be clearly separated, to the extent possible, from the administrative costs needed to run the OPCW and to support the work of its policy making organs.
- 116. With regard to budget allocation, it has already been observed in this report that greater attention should be given to Articles X and XI. In this context, it will be important to ensure that future OPCW programme delivery will not become dependent on voluntary contributions—these are welcome but core business should be funded from the regular budget. At the same time, voluntary contributions by States Parties and other donors such as the EU should be encouraged to expand the possible margins of programme delivery.
- 117. In this context, a move to a two-year budget cycle should also be considered, so as to ensure stability and predictability in programme output. This could be important to increase impact and sustainability of OPCW programmes.
- 118. Needless to say, States Parties should pay their dues on time. It remains a serious concern that at the end of 2010 a total of 81 States Parties were in arrears with their annual contributions that year. The Working Capital Fund, designed to meet short-term liquidity problems, would allow the OPCW to manage cash flow problems. The policy making organs should keep this matter under their purview to ensure the timely and effective use of the Working Capital Fund with regard to full programme delivery.
- 119. The engagement and contribution of the Convention's stakeholders is becoming ever more important. Their role (with the exception of chemical industry) was limited at the beginning of the Convention's operation—when the focus was on the elimination of State programmes—but is bound to increase and become more critical as the focus moves to prevention and cooperation. More efforts should be made by the OPCW to engage with chemical industry. Also, there have been some initial contacts with the Biological Weapons Convention given the underlying trends in science and technology; these should be strengthened. The **Technical Secretariat should establish a liaison (e.g., a point of contact) with the BWC implementation process**.
- 120. Furthermore, a much stronger engagement with civil society will be needed, and the advisory panel supports the Director-General's efforts to enhance public diplomacy by the OPCW. Externally, what is needed is for the OPCW to further develop an effective networking approach to reach out to the different stakeholder communities, and also to reach back into their expertise as new implementation challenges emerge. Internally, the Technical Secretariat should consider splitting the functions of media relations and public diplomacy.
- 121. The transition of the OPCW to a renewed set of mandates, new programme priorities and an adapted staffing structure of the Technical Secretariat, create an opportunity to also look carefully at other conditions that affect its work. The Hague as the seat of the OPCW has certain advantages but at the same time lacks the *in-situ* interaction with an international diplomatic and expert community in the arms control, non-

proliferation and disarmament field. It also lacks the presence of a strong NGO community with a focus on disarmament, and the opportunity of a daily interaction with other international agencies that work in fields relevant to the future mission of the OPCW. The OPCW has had to work around these and other constraints. But as the transition to a new mission focus gets under way, States Parties may wish to use this as an opportunity to study how these constraints can be overcome. One option could be to review and if necessary renegotiate aspects of the relationship with the Host Country. Another option, which is not an alternative to the first one, could be creating an OPCW presence in the UN centres where there is a need for joint programming and coordination. The advisory panel proposes that a full range of options be carefully studied, from the perspective of opportunity costs and benefits, with a particular focus on what sort of environment the OPCW requires for the long-term future.

Annex 3

LIST OF MEMBERS OF THE ADVISORY ON FUTURE OPCW PRIORITIES

Chair: H.E. Mr. Rolf Ekéus (Sweden)

H.E. Ms Noor Farida Ariffin (Malaysia)

H.E. Mr Sergei Batsanov (Russian Federation)

H.E. Mr Marcos de Azambuja (Brazil)

Mr Claude Eon (France)

H.E. Mr Roberto Garcia Moritan (Argentina)

Mr Juesheng Gu (China)

H.E. Mr Abuelgasim Idris (Sudan)

H.E. Mr Eric Javits (United States of America)

Ms Patricia Lewis (United Kingdom of Great Britain and Northern Ireland)

H.E. Mr Abdul Minty (South Africa)

Mr Bunro Shiozawa (Japan)

H.E. Mr Rakesh Sood (India)

Mr Ralf Trapp (Germany)

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OPCW

Conference of the States Parties

Fourteenth Session 30 November – 4 December 2009 C-14/DEC.11 4 December 2009 Original: ENGLISH

DECISION

ON THE FULL IMPLEMENTATION OF ARTICLE XI

The Conference of the States Parties,

Re-emphasising the importance of the provisions of Article XI of the Chemical Weapons Convention (hereinafter "the Convention") on the economic and technological development of States Parties and recalling that the full, effective and non-discriminatory implementation of Article XI is essential for the realisation of the object and purpose of the Convention;

Recalling the decision on the full implementation of Article XI adopted by the Conference of the States Parties (hereinafter "the Conference") at its Tenth Session (C-10/DEC.14, dated 11 November 2005);

Noting that the Conference at its Eleventh Session recommended that the Executive Council (hereinafter "the Council") enhance its deliberations on the agenda item "fostering of international cooperation for peaceful purposes in the field of chemical activities" and "as a matter of priority appoint a facilitator to start informal consultations to explore all options and submit concrete measures for the full implementation of Article XI" and that it present a report to the Conference at its Twelfth Session (paragraph 17.2 of C-11/5, dated 8 December 2006);

Recalling that at its Twelfth Session, the Conference requested the Council, pursuant to previous decisions, to continue its intensive consultations at regular intervals to develop concrete measures within an agreed framework to ensure the full implementation of Article XI (C-12/DEC.10, dated 9 November 2007);

Recalling the report of the Second Special Session of the Conference of the State Parties to Review the Operation of the Chemical Weapons Convention (RC-2/4, dated 18 April 2008);

Welcoming the widely supported initiative on the convening of a workshop proposed by the delegation of Cuba;

Bearing in mind that the Council, at its Fifty-Eighth Session, requested the facilitator on Article XI to continue to conduct such consultations on the full implementation of Article XI, with a view to preparing and submitting recommendations, as appropriate, to the Conference for consideration at its Fourteenth Session, and also to conduct consultations on the



convening of a workshop in 2010 to exchange views on the full implementation of Article XI, taking into account all the views expressed on this issue during the consultations, and encouraged further deliberations in order to finalise the elaboration of all its aspects (paragraph 5.29 of EC-58/9, dated 16 October 2009); and

Welcoming the report by the Director-General on the status of implementation of Article XI (EC-55/DG.13, dated 5 February 2009);

Hereby:

- 1. **Requests** the Council, pursuant to previous decisions of the Conference, to intensify consultations at regular intervals to develop concrete measures and recommendations within an agreed framework to ensure the full, effective and non-discriminatory implementation of Article XI, and report back to the Conference at its Fifteenth Session for consideration:
- 2. **Requests** the Technical Secretariat (hereinafter "the Secretariat") to organise in 2010 a workshop for the exchange of ideas among States Parties, relevant stakeholders from States Parties, including inter alia, chemical industry associations, non-governmental organisations, regional and international institutions, which could assist, as appropriate, the policy-making organs of the OPCW to explore, identify and develop concrete measures on the full implementation of Article XI of the Convention;
- 3. **Requests** the Secretariat, in full agreement with the Council through the ongoing consultations, to finalise and set up the arrangements of the aforementioned workshop;
- 4. **Requests** the State Parties and the Secretariat to continue to actively implement decision C-10/DEC.14; and
- 5. **Requests** the Director-General to continue to report on the status of implementation of Article XI.

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Executive Council

Sixty-First Session 29 June – 2 July 2010 EC-61/DEC.1 29 June 2010 Original: ENGLISH

DECISION

AGREED DETAILED PLAN FOR VERIFICATION OF THE DESTRUCTION AT THE ABANDONED CHEMICAL WEAPONS MOBILE DESTRUCTION FACILITY OF THE CHEMICAL WEAPONS ABANDONED BY JAPAN ON THE TERRITORY OF THE PEOPLE'S REPUBLIC OF CHINA

The Executive Council,

Noting that the Government of the People's Republic of China, the Government of Japan, and the Technical Secretariat (hereinafter "the Secretariat") have agreed on a detailed plan for verification of the destruction at the Abandoned Chemical Weapons Mobile Destruction Facility (ACW-MDF) of chemical weapons abandoned by Japan on the territory of China;

Noting further that the above-mentioned agreed detailed plan for verification of the destruction at the ACW-MDF of chemical weapons abandoned by Japan on the territory of China is without prejudice to the relevant provisions of the Chemical Weapons Convention (hereinafter "the Convention"); that nothing in the agreed detailed plan shall be applied or interpreted in a way that is contradictory to the provisions of the Convention; and that, in the event of a conflict between the provisions of the agreed detailed plan for the verification of destruction and the Convention, the Convention shall take precedence;

Noting also that the specific verification elements described in the present agreed detailed plan are complementary to any verification arrangements set out in the arrangement for the destruction at the ACW-MDF of chemical weapons abandoned by Japan on the territory of China, the mutually agreed plan for destruction established in accordance with paragraph 14 of Part IV(B) of the Verification Annex to the Convention, or other separate arrangements, and are subject to the provisions of the Convention and/or relevant decisions of the Conference of the States Parties; and

Recognising that States Parties remain free either to draw upon the present agreed detailed plan for verification of destruction for the conclusion of other such agreed detailed plans for the verification of destruction or to depart from it, where they deem this to be appropriate, provided that the new agreed detailed plans for the verification of destruction conform to the Convention;

EC-61/DEC.1 page 2

Hereby:

Approves the agreed detailed plan, annexed hereto, for verification of the destruction at the ACW-MDF of chemical weapons abandoned by Japan on the territory of China.

Annex (English only):

Agreed Detailed Plan for Verification of the Destruction at the Abandoned Chemical Weapons Mobile Destruction Facility of Chemical Weapons Abandoned by Japan on the Territory of the People's Republic of China

Annex

AGREED DETAILED PLAN FOR VERIFICATION OF THE DESTRUCTION AT THE ABANDONED CHEMICAL WEAPONS MOBILE DESTRUCTION FACILITY

OF CHEMICAL WEAPONS ABANDONED BY JAPAN ON THE TERRITORY OF THE PEOPLE'S REPUBLIC OF CHINA

1. Introduction

This document is an agreed detailed plan for verification of the destruction of chemical weapons abandoned by Japan, hereinafter referred to as the "Abandoning State Party (ASP)", on the territory of The People's Republic of China, hereinafter referred to as the "Territorial State Party (TSP)", at the Abandoned Chemical Weapons Mobile Destruction Facility (ACW- MDF) and has been developed on the basis of the provisions of the Chemical Weapons Convention ("the Convention") and applicable sections of the Verification Annex. The specific verification elements presented below are complementary to any verification arrangements set out in the facility arrangement, the mutually agreed plan for destruction as per paragraph 14 of Part IV(B) of the Verification Annex, or other separate arrangements, and are subject to the provisions of the Convention and/or relevant decisions of the Conference of the States Parties. Any substantive change to the verification regime anticipated for the facility, as described in the present plan, will be mutually decided among the Technical Secretariat (TS), the ASP and the TSP and submitted to the Executive Council of the Organisation for the Prohibition of Chemical Weapons (OPCW) for review and approval prior to its implementation.

The ACW-MDF consisting of mobile abandoned chemical weapons (ACW) destruction units, individual or combined in groups of two or more, will destroy explosively and non-explosively configured ACW located in China. The ACW-MDF will be deployed to various operational locations, as required. Nanjing is the initial deployment location for the ACW-MDF.

Two destruction technologies are currently applicable for the destruction of ACW in China: a detonation chamber and a static kiln detonation furnace. If other mobile destruction technologies become available to the ACW-MDF after approval of the present plan, the necessary information will be submitted to the TS by the TSP and the ASP prior to the planned destruction operations, but preferably not later than 180 days in advance of such operations. Any modifications of the present plan required due to the introduction of new technologies will be mutually decided among the TS, the ASP and the TSP and submitted to the Executive Council for review and approval prior to its implementation.

The Executive Council will be also informed on a regular basis with respect to destruction operations verified under this plan.

The TSP and the ASP will jointly establish a point of contact (POC) for contacts with the inspection team during on-site activities, which will comprise representatives from the TSP and the ASP, and will inform the IT prior to the commencement of onsite inspection activities at the ACW-MDF.

2. Planning data

(a) Anticipated start and end dates of destruction:

ACW-MDF operations will be verified, as they occur, through the physical presence of inspectors during operations and/or subsequent review of relevant documentation.

(b) ACW considered for destruction using the ACW-MDF:

The ACW-MDF will destroy both explosively and non-explosively configured ACW with chemical fills including, inter alia, sulphur mustard/lewisite (yellow), phosgene (blue/white), diphenylchloroarsine/ diphenylcyanoarsine (red), chloracetophenone (green) and hydrogen cyanide (brown).

- (c) Approximate inspection team size: three to four inspectors
- (d) Frequency and duration of inspections: the frequency and duration of inspections will be determined upon consensus among the TS, the TSP and the ASP, dependent upon, *inter alia*, quantity, type, anticipated fill of the ACW to be destroyed at the deployment location, and anticipated duration of the ACW-MDF destruction operations, including the possibility of consolidation of ACW storage areas, which may be decided by the TSP and the ASP. It is planned that destruction activities conducted during each ACW-MDF deployment will be inspected on-site at least once.
- (e) Number of inspection sub-teams to be accommodated: one or two sub-teams
- (f) Estimated weight of equipment to be brought on-site by the inspection team: 200 kg

3. Proposed measures for verification

- (a) The inspection team will conduct verification of the destruction of ACW in accordance with the relevant provisions of the Convention, and the facility arrangement.
- (b) The verification of the ongoing destruction process will be carried out at the location notified for the ACW-MDF operations and, if appropriate, the associated storage area at that particular deployment location. Additionally, the review of relevant records and documentation related to ACW-MDF operations not witnessed by an inspection team may be conducted at the location of destruction operations or at any other location decided upon.

- (c) Verification measures will take into account the following factors:
 - (i) The ACW-MDF will consist of mobile units, which are designed to destroy explosively and non-explosively configured ACW. Two technologies are currently applicable for the destruction of ACW in China a detonation chamber and a static kiln.
 - (ii) The static kiln is designed to destroy both explosively and non-explosively configured ACW within a furnace. The destruction process consists of the detonation of the explosive components and burning of the residual munition fill. Off gases are routed through a chemical scrubber to complete the process.
 - (iii) The detonation chamber is designed to destroy both explosively and non-explosively configured ACW within a containment vessel. The chamber employs an explosive charge to breach the munition wall, detonate any explosive components, and thermally destroy the chemical fill. Off gases are further treated in a combustion furnace.
 - (iv) Each ACW-MDF deployment and operation will be notified to the TS preferably not later than 90 days in advance of the actual deployment. Such notification will include location, administrative support and arrangements, specific item(s) to be destroyed, physical or other potential constraints on inspection activities, safety requirements and medical support. In the event ACW are determined by the TSP and the ASP to be unsafe for storage and require emergency destruction, the TS will be notified prior to destruction.
 - (v) On-site verification activities during ACW-MDF operations will comprise the inspection of the destruction facility and associated destruction activities, as well as inspection of the related ACW storage area at that particular deployment location.
 - (vi) An inventory of all chemical weapons received and destroyed during an ACW-MDF operation will be maintained by the TSP and the ASP and made available to the inspection team.
 - (vii) Relevant documentation will be provided by the TSP and the ASP to the inspection team for its review, including, as applicable: shipping/transfer and destruction records, results of non-destructive evaluation (NDE) and assessment data, ACW-MDF operational records and process documentation, video recordings of destruction operations, photographs of the ACW before and after destruction, analytical results of wastes, and air-monitoring data.

- (viii) The inspection team will be granted unimpeded physical access to the location notified for individual ACW-MDF operations and, if appropriate, the associated storage area at that particular deployment location, subject to safety requirements.
- (ix) During its presence on-site, the inspection team will have the opportunity to access the Control Room and observe the operating conditions of the process as well as the ACW delivery, preparation, and destruction activities via the real-time views provided by closed circuit television (CCTV) cameras installed by the TSP upon request of the ASP or by the ASP at the ACW-MDF. All CCTV cameras will be positioned in a manner to allow observation of ACW delivery, preparation and destruction activities within the operational area and remain under the control of ACW-MDF personnel. Recordings of ACW destruction operations which occur in the absence of the inspection team will be available for the review of the inspection team.
- (x) The inspection team may use seals and tags, as applicable and decided with the TSP and the ASP, to maintain the integrity of the facility and in support of inventory. Items to be destroyed may, at the discretion of the inspection team, be clearly marked with OPCW tags, as decided with the TSP and the ASP. The inspection team may perform periodic checks of the tags and seals that have been applied.
- (xi) If, in accordance with facility procedures and requirements, samples are collected and analysed by the TSP and the ASP, the inspection team may observe, via physical presence or CCTV cameras, these activities or, alternatively, the inspection team may review, upon request, relevant analytical data.
- (xii) Administrative workspace and space for secured storage of inspection equipment will be available in an administrative building or other suitable area at the facility. In the absence of on-site administrative buildings or other suitable area at the facility, at remote locations, administrative workspace may be made available off-site.

(d) Utilisation of inspectors:

The destruction of ACW will be verified, under normal circumstances, by physical presence of inspectors during ACW-MDF operations and use of monitoring equipment.

In the event that the TS chooses not to have inspectors present during an ACW-MDF operation or part thereof, the TSP and the ASP will provide video recordings related to the process of destruction as well as other relevant documentation as listed under subparagraph 3(c)(vii) above, for subsequent review by the TS.

- (e) Both in the case of currently available technologies as well as in the case of future mobile technologies, the TS will conduct visits to familiarise itself with the deployment location and the destruction technology to be used as well as to assess the adequacy of the mutually decided verification measures. Such visits may be conducted in conjunction with other verification activities at the deployment location.
- (f) Activities during on-site verification of ACW-MDF operations may include those listed below.
 - (i) Receive a pre-inspection briefing, to include the health and safety regulations, procedures and requirements applicable at the site.
 - (ii) Perform a walk-through of the facility, to include, if appropriate, the ACW storage area associated with the ACW-MDF operation.
 - (iii) Discuss any outstanding issues concerning notified activities. Review and, if appropriate, update verification activities with the TSP and the ASP.
 - (iv) Verify the receipt of ACW at the facility by observing the delivery of ACW at the ACW-MDF operational area during inspectors' physical presence in that area and/or by means of CCTV monitoring and reviewing of the shipping/transfer documents.
 - (v) Verify by physical access or by means of CCTV cameras, and by reviewing shipping/transfer documents, the temporary holding area at the ACW-MDF and/or the storage area associated with the ACW-MDF and perform an inventory of the ACW stored in that area.
 - (vi) Verify the specific type and quantity of ACW being destroyed through monitoring with facility monitoring instruments, physical presence, and/or by reviewing relevant documentation. Review destruction and daily operation records provided by the TSP and the ASP and reconcile any discrepancies.
 - (vii) Verify the process of destruction of the ACW by observing the destruction process with monitoring equipment, and by performing periodic walks throughout the ACW-MDF.
 - (viii) Confirm the complete and irreversible mutilation of metal parts through direct visual observation, subject to safety requirements, the use of the CCTV system, or by a review of the available documentation, including photographs and/or video-recordings.

- (ix) Observe the collection and analysis of waste samples, which may be performed by the TSP and the ASP in accordance with site procedures and requirements, or alternatively review the results of such analyses.
- (x) Review and confirm environmental monitoring for the purpose of the health and safety of the inspection team, as applicable.
- (xi) Discuss anomalies and obtain clarification from the TSP and the ASP, if required.
- (xii) Prepare a report covering the notified activities.
- (g) Upon completion of destruction operations at each ACW-MDF deployment location, the TS will prepare a report covering the entire period of operations for that deployment (the "Report on Destruction Operations"). The report will be based on the results of verification activities conducted by the TS during individual on-site inspections as well as on the review of destruction-related records. The report will provide a summary of all ACW destroyed during a particular ACW-MDF deployment, including their type and quantity, and highlighting the main developments. The report will be provided to the representatives of the TSP and the ASP for their review as soon as practicable but not later than 30 days following the completion of operations for a specific deployment.

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OPCW

Conference of the States Parties

Sixteenth Session 28 November – 2 December 2011

C-16/DEC.11 1 December 2011 Original: ENGLISH

DECISION

FINAL EXTENDED DEADLINE OF 29 APRIL 2012

The Conference of the States Parties,

Recalling the Obligation under Article 1 of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (hereinafter referred to as the "Convention") in terms of which "Each State Party undertakes to destroy chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention";

Recalling further that the Convention determines under Article IV that for each State Party "Such destruction shall begin not later than two years after this Convention enters into force for it and shall finish not later than 10 years after entry into force of this Convention" and that an extension of the deadline for destruction can be requested under Part IV (A) of the Convention's Annex on Implementation and Verification (hereinafter referred to as the "Verification Annex") "but in no case shall the deadline for a State Party to complete its destruction be extended beyond 15 years after the entry into force of this Convention";

Recalling and again welcoming the completion of the full destruction of the chemical weapons that had been owned, or possessed, by Albania, India, and a State Party, in accordance with the provisions of the Convention;

Recalling that Libya, the Russian Federation, and the United States of America (hereinafter referred to as the "possessor State concerned" or "possessor States concerned") were granted an extension of the deadline for the destruction of their chemical weapons by the Conference of the States Parties to the Convention (hereinafter referred to as the "Conference") in terms of decisions C-11/DEC.17 and C-11/DEC.18 dated 8 December 2006;

Recalling further that the final extended deadline for the destruction of chemical weapons by the possessor States concerned that was established by the Conference in accordance with Part IV (A) of the Convention's Verification Annex is 29 April 2012 and that further extensions of the deadline beyond this date are not possible;

Recalling further that the Executive Council of the Organisation for the Prohibition of Chemical Weapons (hereinafter referred to respectively as the "Executive Council" and the "Organisation") as reported in EC-64/5 dated 3 May 2011 has already been addressing the



concern in accordance with Paragraph 36 of Article VIII of the Convention that the final extended deadline of 29 April 2012 may not be fully met and that the matter has also been brought to the attention of the Conference;

Recalling further that the Conference at its Fifteenth Session:

- (a) "Considered and noted a report by the Director-General on the progress made by those States Parties that have been granted extensions of deadlines for the destruction of their Category 1 chemical weapons (C-15/DG.13, dated 11 November 2010)."
- (b) "Reaffirmed the obligation of possessor States Parties to destroy their chemical weapons within the extended deadlines, in accordance with the relevant decisions by the Conference at its Eleventh Session, and to that end emphasised the timely commencement of destruction activities at all chemical weapons destruction facilities."
- (c) "Noted with concern that the final extended deadline of 29 April 2012 may not be fully met (and) ... urged all possessor States Parties to take every necessary measure with a view to ensuring their compliance with the final extended destruction deadline."
- (d) "Stressed in this regard that no action should be undertaken that would undermine the Convention or that would raise questions about the commitment of States Parties, or lead to the rewriting of or reinterpreting of Convention's provisions."
- (e) "Further stressed that issues in this regard should be dealt with faithfully in accordance with the relevant provisions of the Convention."

Recalling further that the "Second Review Conference reaffirmed that complete destruction of chemical weapons, and conversion or complete destruction of CWPFs, is essential for the realisation of the object and purpose of the Convention. The Second Review Conference also reaffirmed the importance of the obligation of the possessor States Parties to complete the destruction of their chemical weapons stockpiles within the final extended deadlines as established by the Conference at its Eleventh Session."

Noting the statements by Libya, the Russian Federation, and the United States of America underlining their unequivocal commitment to their Obligations under Articles I and IV of the Convention for the destruction of their remaining chemical weapons in accordance with the provisions of this Convention and **taking note** that the inability to fully meet the final extended deadline of 29 April 2012 would come about due to reasons that are unrelated to the commitment of these States Parties to the General Obligations for the destruction of chemical weapons established under Article I of the Convention;

On the basis of the powers and functions of the Conference to take specific actions to promote the object and purpose of the Convention, to oversee implementation, or to ensure compliance with the Convention's provisions, and **underlining** that, in the event that the final extended deadline is not fully met, the destruction of the remaining chemical weapons of the possessor States concerned shall continue in accordance with the provisions of the Convention and its Annex on Implementation and Verification ("Verification Annex"), and with the application of the measures contained in this decision;

Hereby:

- 1. **Decides** that the Sixty-Eighth Session of the Executive Council shall be held immediately after the expiry of the final extended deadline of 29 April 2012 for the destruction of chemical weapons;
- 2. **Requests** the Director-General of the Organisation's Technical Secretariat (hereinafter referred to as the "Director-General") to report to the Sixty-Eighth Session of the Executive Council whether or not the final extended deadline has been fully met. The report to be submitted is to include information on the quantities of chemical weapons that have been fully destroyed and that remain to be destroyed by each of the possessor States concerned;
- 3. **Decides** that, if the Director-General reports that the final extended deadline has not been fully met, the following measures are to be implemented by the Organisation and the possessor States concerned:
 - (a) The destruction of the remaining chemical weapons in the possessor States concerned shall be completed in the shortest time possible in accordance with the provisions of the Convention and its Verification Annex and under the verification of the Technical Secretariat of the Organisation as prescribed under the Convention and its Verification Annex.
 - (b) The costs for the continued destruction of the chemical weapons by the possessor States concerned and the verification of their destruction shall continue to be met in accordance with Paragraph 16 of Article IV of the Convention;
 - (c) Each possessor State concerned is to submit a detailed plan for the destruction of its remaining chemical weapons, which are to be destroyed in the shortest time possible, to the Sixty-Eighth Session of the Executive Council. The plan submitted by each possessor State, which is to also be considered and noted by the Council at its Sixty-Eighth Session, is to specify the planned completion date by which the destruction of its remaining chemical weapons is to be completed (hereinafter referred to as the "planned completion date"). The possessor States concerned are to take appropriate measures to meet the planned completion date. The detailed plan is to inter alia specify:
 - (i) A schedule for destruction, giving types and approximate quantities of chemical weapons planned to be destroyed in each annual destruction period until completion for each existing destruction facility and, if possible, for each planned destruction facility.
 - (ii) The number of destruction facilities existing or planned to be operated over the destruction period until completion.
 - (iii) For each existing and planned chemical weapons destruction facility:
 - a. Name and location;

b. The types and approximate quantities of chemical weapons, and the type (for example, nerve agent or blister agent) and approximate quantity of chemical fill, to be destroyed.

The submission of this detailed plan for destruction does not alter, modify or cancel any other requirements contained in the Convention and its Verification Annex for the submission of other destruction plans.

- (d) Each possessor State concerned is to report, and provide a briefing in a closed meeting, at each regular session of the Executive Council on the progress achieved towards the complete destruction of remaining stockpiles, including information on measures to accelerate such progress, and identifying progress made since the last briefing in order to meet the planned completion date. These reports and briefings are to also include reporting on any specific measures undertaken to overcome problems in the destruction programme.
- (e) The Director-General is to provide a written report at each regular session of the Executive Council on the overall destruction progress by the possessor States concerned that is based on the independent information that is received by the Technical Secretariat from the Organisation's inspectors undertaking verification in accordance with Part IV (A) D of the Verification Annex and that is to include information on:
 - (i) The progress achieved to meet the planned completion date(s).
 - (ii) The effectiveness of any specific measures that have been undertaken to overcome problems in the destruction programmes.
- (f) The Conference of the States Parties is to undertake an annual review of the implementation of this decision at a specially designated meeting(s) of the Conference. At the annual Conference of the States Parties in 2017 an extra day is to be added for a specially designated meeting(s) for this purpose, unless otherwise decided at the Conference of the States Parties in 2016. Each possessor State concerned is to provide an annual report to the Conference of the States Parties, and provide an annual briefing at a closed meeting of the Conference of the States Parties, on the progress in the destruction of its remaining stockpiles of chemical weapons and identifying progress made since the last briefing in order to meet planned completion date. These reports, and briefings, are to also include:
 - (i) Reporting on any specific measures undertaken to overcome problems in the destruction programmes.
 - (ii) Information on the projected schedule for destruction activities to meet the planned completion date.
- (g) The Director-General is to provide an annual written report to the Conference of the States Parties on the overall destruction progress by the possessor States concerned that is based on the independent information that is received by the Technical Secretariat from the Organisation's inspectors undertaking

verification in accordance with Part IV (A) D of the Verification Annex and that is to include information on:

- (i) The progress achieved to meet the planned completion date(s).
- (ii) The effectiveness of any specific measures that have been undertaken to overcome problems in the destruction programmes.
- (h) The Review Conference is to conduct a comprehensive review on the implementation of this decision at a specially designated meeting(s) of the Conference. This review is to be based on:
 - (i) Reports by the possessor States concerned on the progress achieved to meet the planned completion date. These reports are to also include:
 - a. Reporting on any specific measures undertaken to overcome problems in the destruction programmes.
 - b. Information on the projected schedule for destruction activities to meet the planned destruction date.
 - (ii) A written report by the Director-General of the Technical Secretariat that is based on the independent information that is received by the Technical Secretariat from the Organisation's inspectors undertaking verification in accordance with Part IV (A) D of the Verification Annex and that is to include information on:
 - a. The progress achieved to meet the planned completion date(s).
 - b. The effectiveness of any specific measures that have been undertaken to overcome problems in the destruction programmes.
- (i) The submission of the reports under operative paragraphs 3 (d), (f) and (h)i of this decision do not alter, modify or cancel any other requirements contained in the Convention and its Verification Annex for the submission of other reports.
- (j) The possessor States concerned are to invite the Chairperson of the Executive Council, the Director-General and a delegation representing the Executive Council to undertake visits to obtain an overview of the destruction programmes being undertaken. These visits are to inter alia include visits to destruction facilities as well as meetings with parliamentarians, if possible, and government officials in capitals as a formal part of the visits. Invitations are to also be extended to observers to participate in the Executive Council delegation. The visits are to take place annually on the basis of biennial visits to the major possessor States concerned consecutively. Visits would also take place to Libya on a biennial basis.
- 4. **Notes** that the Director-General has reported to the First Committee of the 66th Session of the United Nations General Assembly on the steps that have been undertaken by the Organisation in the event that the final extended deadline for the

C-16/DEC.11 page 6

destruction of chemical weapons of the possessor States concerned is not met and that the Director-General will also address this issue when he reports to the 67th Session of the United Nations General Assembly.

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MEDIUM-TERM PLAN FOR THE PERIOD FROM 2013 TO 2015

BACKGROUND

- 1. This Medium-Term Plan (MTP) for the period from 2013 to 2015 has been prepared to accompany the Draft Programme and Budget of the OPCW for 2013 (EC-70/CRP.1, dated 6 July 2012) and the preliminary estimates submitted to the Executive Council (hereinafter "the Council") in accordance with Financial Regulation 3.8. In line with established practice, it also provides a broad overview of the objectives and programme priorities for the period of the MTP, and identifies areas of strategic emphasis, as well as challenges and opportunities.
- 2. The starting point for this MTP was the plan for 2012 to 2014 (EC-66/S/1 C-16/S/1, dated 8 July 2011 and Corr.1, dated 30 September 2011); the results that States Parties want to achieve, as expressed in the core objectives that were approved as part of the Programme and Budget of the OPCW for 2005 by the Conference of the States Parties (hereinafter "the Conference") at its Ninth Session (C-9/DEC.14, dated 2 December 2004); and the indicators of achievement proposed for the Draft Programme and Budget for 2013, as reflected in the annex to this MTP.
- 3. This MTP sets the context for the Draft Programme and Budget for 2013, and complies with the requirements of the Chemical Weapons Convention (hereinafter "the Convention") and with the Financial Regulations and Rules of the OPCW.

CHALLENGES FOR THE PERIOD FROM 2013 TO 2015

The evolving global context

4. The global context in which the Convention operates is rapidly evolving. On the one hand, the threat of "traditional" chemical warfare with mass casualties has declined significantly, yet the possibility remains that some States not Party and non-State actors may be ready to resort to the misuse of toxic chemicals and even certain types of chemical weapons. Ever-advancing science and technology, coupled with growing interdependence of the world, are bringing about new security-related challenges that the OPCW should be ready to address.

- 5. The seven core objectives of the OPCW, namely, chemical demilitarisation, non-proliferation, assistance and protection, international cooperation, universality, national implementation, and organisational effectiveness, will remain unchanged.
- 6. As destruction of declared chemical weapons stockpiles continues to progress, the Organisation has entered a prolonged period of change that is likely to go beyond the end of the forthcoming medium-term period. The change process will be a gradual one and will focus on:
 - (a) reordering the priorities of the Organisation;
 - (b) reviewing internal processes that can be streamlined and made more efficient;
 - (c) identifying efficiencies in the allocation of staffing resources; and
 - (d) rearranging existing units of the Technical Secretariat (hereinafter "the Secretariat").
- 7. While discussions on the recommendations of the report of the Advisory Panel on Future OPCW Priorities are in progress, an Internal Review Committee has been set up to make recommendations in the above areas based on inputs from States Parties, independent experts, and OPCW staff members.
- 8. As the changes start to take shape, the following areas of strategic emphasis will be explored in the medium term:
 - (a) how to prevent the re-emergence of chemical weapons and the hostile use or misuse of toxic chemicals:
 - (b) how to ensure an effective response to chemical-emergency situations;
 - (c) how to improve the full and effective implementation of the Convention; and
 - (d) how to further promote international cooperation in the field of the peaceful use of chemistry.

Other areas of strategic emphasis may also be explored in the years ahead, as the changes take on a clearer shape.

- 9. Areas of strategic emphasis to help achieve the core objectives and to support the exploration of the two areas of strategic emphasis in the medium term include: robust analysis of science and technology; focused, integrated, and effective advice on chemical safety and security; tailored national implementation; and enhanced engagement with the widest range of stakeholders:
 - (a) <u>Science and technology</u>: In a time of rapid advances in science and technology, new chemical compounds and production methods are constantly being discovered and researched. This creates a need to review scientific developments and to consider possible policy implications. The close coordination between the Scientific Advisory Board and the Secretariat will be carried out by the Science Policy Adviser. This focal point will also work

with the wider scientific community and governmental experts to ensure that the Secretariat is well informed and able to respond to the current threats involving chemical weapons.

- (b) Chemical safety and chemical security: Articles VI, VII, X, and XI of the Convention together provide the rationale for OPCW to engage in chemical safety and security activities. The OPCW's contribution in this area needs to become more focused and better integrated. Because of the multitude of international instruments and lead agencies in chemical safety, the OPCW would be more suitable as a complementary partner in some aspects of safety. By contrast, the OPCW is well placed to be one of the lead international organisations in chemical security. Bearing this in mind, the anticipated focus would be to identify best practices, catalyse international partnerships, and promote national capabilities by providing advice that is integrated with other international players.
- (c) Tailored national implementation: National Authorities are responsible for the full and effective implementation of the Convention. Attention should be given to finding ways to encourage those States Parties that are lagging behind to accord priority to the implementation of the Convention. Similarly, ways should be sought to encourage all States Parties to increase their bilateral contacts with each other and address this matter in the context of their regional cooperation schemes. States Parties should also address security aspects when coordinating the implementation of the Convention at the national level. Therefore, a more tailor-made approach vis-à-vis individual States Parties, based on needs and capabilities, should be pursued. However, care must be taken not to lose sight of the comprehensive nature of the prohibitions covered by the scope of the "general-purpose criterion" of the Convention.
- (d) Enhanced engagement with the widest range of stakeholders: The OPCW will strive to promote public diplomacy, mindful of increasing recognition of its achievements, in order to engender greater confidence in its role as a security and disarmament organisation and to enhance its engagement with key stakeholder communities. This will increase its recognition as a trusted partner in the fields of multilateralism and international cooperation. Partnerships are essential for the OPCW in order to accomplish its mission and achieve its objectives. Success will depend not only on the OPCW's own capacity, but also on the effectiveness with which the OPCW acts in partnership with all its key stakeholders¹. The use of social media and e-learning tools should be increased to make outreach efforts more effective. In working more closely with the chemical industry it would be beneficial to emulate the spirit of engagement that was helpful during the negotiation of the Convention.
- 10. In April 2013, the OPCW will hold the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter "the Third Review Conference)". As the Secretariat needs to provide overall support and cooperation in the areas of substantive and logistical matters for

Governmental authorities, regional and international organisations, civil society, scientific communities, and—not least—the chemical industry.

the Third Review Conference, an internal task force has been appointed to assist the open-ended working group created by the Council to prepare for the event. The activities related to the preparation of the Third Review Conference and the Third Review Conference itself are important for the development and future of the Organisation and for the continued implementation of the Convention.

Key risks in the medium term

- 11. The Secretariat has begun to take an Organisation-wide approach to risk management to ensure that uncertainties (both risks and opportunities) are identified and managed at the strategic, programme, and, as necessary, operational levels. The Organisation will introduce a coherent and consistent approach to better identify, assess, and act upon risks as well as opportunities that could have either a positive or negative impact on its performance. A straightforward but effective risk-management approach increases the success rate of achieving both OPCW programmes and core objectives.
- 12. While effective risk management is a key component in determining the success of the Organisation in achieving its stated outcomes in the context of results-based management (RBM), it is also important in ensuring that programme managers are held accountable for identifying and managing the uncertainties associated with their respective programmes. In this regard, the Secretariat is in the process of developing a programme monitoring and reporting system (PMRS), which incorporates a risk-assessment tool.
- 13. The following is a general overview of the main risks identified during the risk-management process.

Inability to respond to the verification mandate under the Convention

- 14. As the complete destruction of chemical weapons will not be concluded during the period covered by the current MTP, destruction activities will need to continue. The pace of destruction, however, is uncertain, as new discoveries continue to be made (especially of old and abandoned chemical weapons (OACWs)), and any new States Parties acceding to the Convention could conceivably possess chemical weapons that would need to be verifiably destroyed. This uncertainty could lead to a reduced capability of the OPCW to respond to its verification mandate under the Convention.
- 15. The Organisation will therefore need, within existing resources, to retain the competence, staff, and technical expertise to manage the verification of destruction activities at declared chemical weapons facilities and the verification of the destruction of OACWs. At the same time, it will need to have the capacity to respond to potential declarations from States not yet Party to the Convention, and to conduct challenge inspections (CIs) and investigations of alleged use (IAUs). The Secretariat's inability to calibrate its inspection- and verification-related staff resources in a way that allows it to respond to a surge in requirements when needed (while not retaining redundant capacity on a routine basis) could pose a significant risk of failure to carry out the primary mandate under the Convention.

Re-emergence of chemical weapons and/or the misuse of toxic chemicals

- 16. Another major challenge in the coming years will be to prevent the re-emergence of chemical weapons and, equally importantly, to ensure that toxic chemicals are not misused by individuals or members of non-State groups to inflict terror or cause social or economic instability.
- 17. The Secretariat will maintain a robust regime of inspections under Article VI. This will be coupled with data analysis and monitoring of declarations received from all States Parties. In addition, Member States will be provided with assistance to respond to the possible misuse of toxic chemicals. In collaboration with the international scientific community, the chemical industry, and Member State governments, the Secretariat will develop the necessary guidelines to ensure the responsible management of toxic chemicals.
- 18. As is the case for the risk outlined above, the Secretariat will need, within existing resources, to retain the competence, staff, technical expertise, and information-systems capability in order to have the capacity to manage the Article VI regime and to respond to requests for assistance from Member States.

Reduced interest by States Parties in implementing the Convention

- 19. Despite the achievements to date in implementing the Convention and the increasing efforts by the Secretariat to reach out to States Parties to offer assistance in this field, many States Parties still do not have adequate national implementing legislation. This is mainly due to the lack of legal technical capacity and/or of the political will to pass Convention-related legislation through legislative bodies. Understandably, some States Parties have other domestic legislation priorities, and at the same time the benefits of implementing the Convention are not always evident in terms of enhancing chemical safety and security, and promoting trade and cooperation for the peaceful use of chemistry.
- 20. In the forthcoming years, given the progress made towards the complete destruction of chemical weapons stockpiles by possessor States and the possible increase in the perception that the burden of implementing the Convention outweighs the benefits, there is a possible risk of a reduced interest by States Parties in implementing the Convention. This could, in turn, compromise the integrity and effectiveness of the non-proliferation regime.
- 21. To mitigate this risk, the Organisation is in the process of reviewing its plan of action regarding the implementation of Article VII obligations, with the aim of providing more agile, needs-based assistance to States Parties that will lead to the more effective and broader implementation of the Convention. The Secretariat is also designing new cooperation-and-assistance activities, making use of best practices in Member States. All of these activities will be part of a sustained programme of engagement with States Parties that are not chemical weapons possessors, are not industrialised, and which have a comparatively low level of potential declarations or inspections, but form an integral part of a robust and sustainable non-proliferation regime.

Financial constraints of States Parties

- 22. Governments are expected to continue to tighten public expenditure in light of the continuing fragility of the global economy. The austerity cutbacks being imposed domestically by many governments are likely to limit the resources being made available to the Secretariat for the fulfilment of its mandate.
- 23. The Secretariat will, therefore, need to manage this reality by becoming more efficient in its day-to-day operations within the available appropriations. It will also need to address with Member States their obligations under the Convention to pay their assessed contributions in full and on time.

POLICY ORIENTATION AND STRATEGY

24. The issues outlined above and their relationship to the core objectives are set out in the following paragraphs.

Core objective 1

Elimination of chemical weapons stockpiles and chemical weapons production facilities (CWPFs) subject to the verification measures provided for in the Convention

- 25. As provided for by the Convention and the relevant decisions of the Conference, Member States that have declared possession of chemical weapons or CWPFs, or both, are responsible for their elimination within the prescribed time frames, and for meeting the costs of related inspections.
- 26. Verification of destruction activities will continue to be the major priority for the OPCW in the coming years. The role of the Secretariat is to provide assurances, through verification, regarding the identity and quantities of chemical weapons that have been declared, destroyed, or have yet to be destroyed, and the number of CWPFs that have been declared, that have been destroyed or converted, and that have yet to be destroyed or converted. Verification of the conversion of CWPFs will continue for a 10-year period following conversion. The nature of continued verification measures at converted facilities for which 10 years have elapsed after the Director-General's certification of their conversion will take place in accordance with the relevant decision of the Council (EC-67/DEC.7, dated 16 February 2012). The Secretariat will continue to conduct verification, through on-site inspections, in respect of declared OACWs, and of the destruction of abandoned chemical weapons (ACWs).
- 27. There is a continuing need to retain an adequate level of core expertise related to chemical weapons. Due to the technical requirements associated with OACWs, CIs, and IAUs, expertise in these areas must be maintained in order to meet operational needs. This will also be necessary to be able to respond to requests for assistance from States Parties in situations of misuse or release of toxic chemicals. Attention should also be given to the resource requirements associated with the possible accession of new possessor States Parties.² An appropriate level of expertise to verify the destruction of

Any additional requirements for inspector days due to the possible accession of new possessor States Parties are not included in the projections contained in this MTP.

chemical weapons is needed, in the event that such inspections become necessary in the future as a result of new declarations from States not Party to the Convention.

28. The Secretariat must be able to fulfil its responsibilities in a timely manner at the requisite levels. Table 1 shows the projected number of inspectable facilities under Articles IV and V for each year covered by this MTP.

TABLE 1: PROJECTED NUMBER OF ARTICLE IV AND V INSPECTABLE FACILITIES³

Type of Facility ⁴	2012	2013	2014	2015
CWDF	75	76	77	88
CWPF	22	22	22	22
CWSF	9	9	9	9
OACW site	21	21	21	18

29. The number of inspections to be conducted during the year and the number of inspector days required to undertake them are calculated based on, inter alia: the planned schedules of destruction operations as submitted by States Parties⁹; the recommendations for determining the frequency of systematic on-site inspections of CWSFs (C-I/DEC.10, dated 14 May 1997); the risk assessment to determine the frequency of inspections needed at each individual CWPF and the nature of continued verification measures at converted facilities for which 10 years have elapsed after the Director-General's certification of their conversion as established by EC-67/DEC.7; the agreed frequency of inspections at ACW destruction sites, as reflected in facility arrangements; and other specifically tailored circumstances in the case of old chemical weapons (OCW) inspections. Furthermore, the Secretariat has to take into account the inspection-team sizes agreed with States Parties following the implementation of optimisation measures. The projected requirements for inspector days are shown in Table 2 below.

Declared facilities, which are subject to systematic verification under Article IV and V.

⁴ CWDF = chemical weapons destruction facility; CWSF = chemical weapons storage facility.

One CWDF in Libya for four months; four CWDFs in the Russian Federation for 12 months and one for three months; and one CWDF in the United States of America for four months.

One CWDF in Iraq for three months; one CWDF in Libya for 10 months; and four CWDFs in the Russian Federation for 12 months and one for nine months.

One CWDF in Iraq for 12 months; one CWDF in Libya for one month; and five CWDFs in the Russian Federation for 12 months.

One CWDF in Iraq for 12 months; one CWDF in Libya for 12 months; five CWDFs in the Russian Federation for 12 months; and one CWDF in the United States of America for one month.

The planned schedules of destruction activities as submitted to date by the States Parties concerned do not take into consideration additional delays caused by unexpected technical challenges or periods of inactivity, or further rescheduling with respect to the start of operations at facilities/units under construction. In view of this, while preparing the Programme and Budget for 2013, the Secretariat took into account the previous experience with regard to destruction activities.

TABLE 2: PROJECTED REQUIREMENTS FOR INSPECTOR DAYS FOR ARTICLE IV AND V INSPECTIONS

Type of Facility	2012	2013	2014	2015
CWDF	9,754	12,974	13,526	15,397
CWPF	139	180	184	150
CWSF	530	611	611	547
OACW site	598	770	770	738
Totals	11,021	14,535	15,091	16,832

- 30. The variations in projected requirements for inspector days for Article IV and V inspections are triggered primarily by the requirement to verify the destruction of chemical weapons. Therefore, the number of CWDFs in operation during any given year will have a significant bearing on the overall requirement for inspector days. In comparison with 2012, the Secretariat anticipates a 31.9% increase in 2013 in terms of the inspector-day requirements for verification of Article IV and V inspections. The level of inspector days reached in 2013 would then increase by 3.8% in 2014 and by 11.5% in 2015.
- 31. A fluctuation in the number of inspector days ranging between an increase of 29.5% in 2013 and a reduction of 18.5% in 2015 is currently projected for verification at CWPFs (given that 91.4% of them have been certified as destroyed or converted for legitimate purposes). In comparison with 2012, the Secretariat anticipates a 28.8% increase in 2013 in the number of OACW-related inspections due to a projected increase with respect to the destruction of chemical weapons abandoned by Japan on the territory of China. This number is expected to remain stable until 2014 as compared with 2013, and to decrease by 4.2% in 2015. Verification at CWSFs is also expected to decrease as stockpiles are eliminated.
- 32. The Secretariat will continue its efforts to optimise the use of verification resources, notably by implementing an optimised verification approach at CWDFs and through the continuation of the scheme for on-call inspectors, whereby such inspectors work under a special-service agreement.

Core objective 2

Non-proliferation of chemical weapons, through the application of the verification and implementation measures provided for in the Convention, which also serve to build confidence between States Parties

- 33. In accordance with the Convention, the Secretariat provides assurances regarding the non-proliferation of chemical weapons through timely and effective verification.
- 34. Due to the dynamic nature of the chemical-production industry, the verification of Article VI sites will become more important to the integrity of the Convention. Currently, the number of newly declared other chemical production facilities (OCPFs) is greater than the number of annual OCPF inspections. The OCPF inspection regime encompasses over 80% of the inspectable facilities.
- 35. In order to strengthen the internal capabilities of individual States Parties, it is important to ensure that the National Authorities are capable of monitoring their

- domestic chemical industries. The security of States Parties requires that the inspections be distributed among as many States Parties as possible, in keeping with the stipulations of the Convention.
- 36. The number of inspectable industry facilities (those covered by Article VI) producing scheduled or unscheduled chemicals is not expected to change significantly during the period covered by this MTP. Their geographical distribution is expected to continue to shift towards emerging economies. As a consequence, the number of States Parties that declare these types of facilities is expected to remain stable or decrease slightly, and the technical complexity is expected to increase, particularly for OCPFs, as new technologies are introduced. As decided by the Conference at its Sixteenth Session, the number of Article VI inspections will increase in 2013 and 2014, compared to 2012 (C-16/DEC.12, dated 2 December 2011). Therefore, the Secretariat expects to perform 229 inspections in 2013, and 241 in 2014. From 2015 or earlier, the situation with regard to the number of Schedule 1, 2, and 3 chemical facility inspections will be reviewed. Schedule 3 inspections will need particular evaluation in light of the completion of initial inspections of Schedule 3 plant sites in all States Parties but one. The total number of Article VI inspections is expected to be reviewed in 2014 to decide the number of inspections to be conducted in 2015.
- 37. As a confidence-building measure and to verify the absence of undeclared scheduled chemicals, the number of Article VI inspections involving sampling and analysis is likely to be in the region of eight to 12 inspections per year.
- 38. Establishing a credible level of assurance for non-proliferation remains a priority for all Article VI inspections and, in particular, for OCPF inspections, due to, inter alia, the large number of plant sites that have yet to be inspected. The revised OCPF site-selection methodology will continue to be employed as an interim measure until States Parties reach agreement on how to incorporate the provisions of subparagraph 11(c) of Part IX of the Verification Annex to the Convention (hereinafter the "Verification Annex") into the selection methodology.
- 39. The Secretariat will continue to maintain its readiness to conduct a CI or IAU under Articles IX and X of the Convention, through various activities, namely, conducting training, implementing lessons identified in mock exercises, improving methods for on-site analysis, and conducting headquarters and field exercises to demonstrate/benchmark preparedness and identify any further areas to improve. The Secretariat will continue to rely on the support of States Parties. Efforts related to IAUs will also contribute towards core objective 3.
- 40. The Verification Information System (VIS) and the electronic declarations tool for National Authorities (EDNA) have become key enabling software applications for the attainment of core objectives. Priority will be given to the maintenance and continuing improvement of these systems, accompanied by work to enhance capabilities for data governance and analysis, data-quality management, and business-continuity and risk management. Further work will also be undertaken to investigate options for the direct secure transmission to the Secretariat of declarations by States Parties.

- 41. Since the VIS has come into use, it has been possible to conduct more in-depth data analysis of declarations as part of the Secretariat's routine data-monitoring activities. Initial work on the transfers regime has been extended to examine trends in aggregate national data as potential indicators of additional declarable activities. These analyses have had significant success in assisting a number of States Parties to identify additional declarable activities (both plant sites and imports/exports). Work will continue to extend and refine the scope of the Secretariat's data-monitoring activities, while supporting efforts by States Parties to address the high level of transfer discrepancies.
- 42. Work will also continue, as resources permit, to support States Parties through the provision of direct and indirect support, including bilateral assistance, support to training and outreach activities, the development of e-learning tools, the review and updating/improvement of information on the OPCW website and extranet, and updates and improvements to chemical databases provided by the Secretariat to assist in the identification of scheduled chemicals, such as the Handbook on Chemicals and the online scheduled chemicals database. Many of these activities will also contribute towards the attainment of other core objectives, in particular 3, 4, 5, and 6.
- 43. An efficient and secure information centre is fundamental to the operation of the verification and non-proliferation regimes. Work will continue towards the adoption of "best practice" within this area of operations, including improvements to information-management systems, the ongoing development of retention schedules, and policies for the long-term conservation of holdings.

Core objective 3

Assistance and protection against chemical weapons, their use, or threat of use, in accordance with the provisions of Article X of the Convention

- 44. During the period covered by this MTP, the preparedness of the OPCW to provide emergency assistance in case of use or threat of use of chemical weapons will continue to be a key priority. The lessons drawn from the ASSISTEX 3 exercise, which was held in Tunisia from 11 to 15 October 2010, will be followed up and taken into consideration when planning for ASSISTEX 4 in the medium term. Further deliberations will be conducted with States Parties to continue to strengthen the existing measures for emergency assistance.
- 45. Cooperation with other relevant international organisations on emergency response to the use or threat of use of chemical weapons will continue to be further developed. The Secretariat will work on enhancing cooperation with international organisations in the field of delivery of assistance and will participate in joint exercises in order to improve interoperability and coordination.
- 46. The Secretariat will also promote the utilisation of the formats and procedures approved by the Conference for facilitating Member States' fulfilment of their obligations under Article X of the Convention. The provision of the information by Member States will be used to improve the Secretariat's efforts to provide expert advice on this and other core objectives of the Convention.

- 47. The Secretariat will continue to support Member States in the development and/or improvement of their protective programmes against chemical weapons in accordance with the requirements stipulated in Article X. Technical assistance and expert advice will be provided to Member States upon request or by means of the analysis of requirements through training courses, workshops, and exercises, and by continuing to improve and update the data bank on assistance and protection established in accordance with paragraph 5 of Article X.
- 48. In order to provide expert advice to Member States in a more systematic and cost-effective manner, the Secretariat has developed a regional assistance-and-protection concept (S/984/2012, dated 7 February 2012). This concept is intended to encourage the Member States to establish regional and/or subregional Chemical Weapons Convention Assistance-and-Protection Centres (CWCAPCs) and networks in order to improve their ability to deal with and respond to a possible chemical attack.
- 49. The Secretariat will play a facilitating role by providing assistance to States Parties wishing to establish CWCAPCs. It will provide relevant expert and technical support and will, within the resources available, jointly organise and sponsor training activities for CWCAPC instructors, as well as for participants from the Member States in the region in question. The OPCW will be also able to provide training curricula used in its capacity-building programmes under Article X.
- 50. In addition, the OPCW will strengthen cooperation with other relevant organisations involved in the development of CBRN¹⁰ protection capabilities, including regional centres of excellence, in order to avoid duplication of effort and to increase States Parties' capacities.
- 51. The Conference at its Sixteenth Session endorsed a proposal for the establishment of the international support network for victims of chemical weapons and the establishment of a voluntary trust fund for this purpose (C-16/DEC.13, dated 2 December 2011).
- 52. The Secretariat will continue to encourage the States Parties to actively support the network by, inter alia, providing financial contributions to the trust fund and medical treatment to victims of chemical weapons in their countries; organising events to raise awareness at the national level about victims of chemical weapons; exchanging information on experiences related to treatment of victims of chemical weapons; and facilitating materials- and equipment-related assistance to States Parties to assist and support the victims of chemical weapons (S/1000/2012, dated 3 March 2012).
- 53. The Open-Ended Working Group on Terrorism will continue to serve as a forum for sharing information and best practices among Member States, as well as for substantive discussions on the issue of the OPCW's contribution to the global efforts against terrorism. The Secretariat will strengthen contacts and exchanges with relevant international, regional, and subregional organisations in the field of

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CBRN = chemical, biological, radiological, and nuclear.

counter-terrorism and will support the United Nations Global Counter-Terrorism Strategy by participating in the work of the United Nations Counter-Terrorism Implementation Task Force.

54. States Parties have expressed a renewed interest in the ability of the OPCW to assist in the prevention of, preparedness for, and response to incidents involving the misuse or release of toxic chemicals. In response, the Secretariat has created a Chemical Safety and Security Task Force (CSSTF). Among its tasks, the CSSTF is considering potential roles for the OPCW to contribute to chemical safety and security in the international framework by identifying best practices, enhancing cooperation with international partners in the field, and assisting in national capacity-building. The OPCW is well placed to become one of the leading international repositories of expertise in chemical security.

Core objective 4

Economic and technological development through international cooperation in the field of chemical activities for purposes not prohibited under the Convention in accordance with the provisions of Article XI

- 55. The decision on components of an agreed framework for the full implementation of Article XI taken by the Conference at its Sixteenth Session (C-16/DEC.10, dated 1 December 2011) has provided a new set of priorities, in addition to endorsing the current activities with a view to implementing the promotion of peaceful uses of chemistry.
- 56. During the coming years, the Secretariat will focus on implementing activities in the area of international cooperation for economic and technological development in accordance with the aforementioned decision. The main measures identified have been classified into the following four categories:
 - (a) national capacity-building for the research, development, storage, production, and safe use of chemicals for purposes not prohibited under the Convention;
 - (b) promoting networking and exchange among scientific communities, academic institutions, chemical-industry associations, non-governmental organisations, and regional and international institutions;
 - (c) enhancing the effectiveness of current international-cooperation programmes of the OPCW; and
 - (d) measures by States Parties and the OPCW to facilitate States Parties' participation in the full exchange of chemicals-related, equipment-related, and scientific and technical information relating to the development and application of chemistry, in accordance with the provisions of the Convention.
- 57. The proposed strategy for the medium term will be to implement the decision on Article XI (C-16/DEC.10) within the existing financial and human resources and voluntary contributions, as well as with the support received from Member States through the participation in and contribution to regional and national resource

partnerships and centres of excellence. The concept of "resource partnership" will be developed to indentify, on a voluntary basis and with the assistance of National Authorities, international, regional, and national institutions that would provide support and collaborate in implementing the activities identified in the agreed framework. These initiatives will be developed to implement the strategy and to integrate activities on a regional basis.

- 58. The aforementioned measures would be complemented by the ongoing activities in the areas of integrated chemical management, enhancing laboratories' capabilities, chemical knowledge promotion and exchange, and industry outreach. The emphasis in these activities will be on streamlining processes to maximise efficiency, while obtaining the widest possible geographical involvement. In the area of industry outreach, increased attention will be paid to issues related to chemical safety and security.
- 59. International-cooperation programmes will continue to be evaluated in order to enhance efficiency and to further refine future activities accordingly. Furthermore, the Secretariat will continue to develop relations with relevant international organisations with regard to the planning and formulating of projects for the promotion of the peaceful uses of chemistry.

Core objective 5

Universal adherence to the Convention

- 60. While recognising the significant progress achieved over the past years towards the goal of universal adherence by all States Parties to the Convention, with the number of Member States having reached 188 in 2009, the Secretariat is aware of the critical importance of achieving complete universality as enshrined in the Convention to "exclude completely the possibility of the use of chemical weapons" for the sake of mankind.
- 61. Guided in this respect by successive decisions of the Conference and the Council, and by the universality action plan in particular, the Secretariat will continue to encourage the remaining States not Party to join the Convention at the earliest opportunity. The Secretariat will intensify its efforts towards implementing the decisions of the organs through undertaking various activities. policy-making communicating and reaching out to States not Party, providing technical assistance, and offering opportunities to participate in OPCW activities in order to create awareness of the Convention and of the benefits and incentives that are provided to Member States. These activities will be carried out in consultation with States Parties in order to increase the membership during the medium-term period.

Core Objective 6

Full and effective implementation by States Parties of the provisions of Article VII of the Convention

62. The provision of implementation support to States Parties will remain one of the highest priorities of the OPCW, in accordance with numerous decisions of the policy-making organs. During the period covered by the MTP, the Secretariat will

continue to assist those States Parties that have yet to fully implement their Article VII obligations, on the basis of a mutually developed and agreed programme of implementation assistance. The programme will particularly take into account the needs of new States Parties that would require assistance to establish their National Authorities, as well as to draft and enact legislation for national implementation. The Secretariat will work with the States Parties towards establishing a tailor-made approach to the adoption of regulatory- or administrative-level instruments that will address all of the fundamental requirements of the Convention, while taking into account the extent and structure of individual States Parties' chemical industries, trade profile, and national security requirements.

- 63. The Secretariat will also provide support to those States Parties that are still in the process of finalising their legislation and will facilitate the adoption of those of which the final drafts continue to be pending before the respective legislative bodies. Furthermore, assistance with the drafting of subsidiary regulations that are necessary to provide the framework for successful domestic implementation of the Convention will be provided to those States Parties that so request. With regard to the latter, the Secretariat will implement and evaluate a pilot programme of legal internships that will bring legal drafters from States Parties working on their legislation or regulations to OPCW Headquarters for a period of a week at a time, where they will have the opportunity to work directly with the Secretariat's legal advisers and other experts on finalising their drafts.
- 64. While realising that full and effective national implementation of the Convention will also enhance national security, States Parties are increasingly seeking advice on formulating practical measures in regard to how they can comply with particularly complex technical-implementation issues, such as those relating to Article VI. The Secretariat will continue to build capacity among the customs authorities of States Parties to work together with National Authorities to monitor the trade and transfer of scheduled chemicals and to facilitate the submission of required declarations to the Secretariat in this regard. The Secretariat will also continue to provide tailor-made technical evaluations and support to States Parties, where possible through regional and/or subregional approaches, in order to facilitate effective national implementation.
- 65. The Secretariat will explore options to facilitate and assist National Authorities to work cooperatively with one another in further developing their capacities and to share experience and knowledge among themselves. In this regard, the Secretariat will implement and evaluate a pilot mentorship programme that will see an expert from well-established National Authorities being seconded by the Secretariat, for a week at a time, to National Authorities for which the expertise is still developing, so as to assist them in the development of structures and work methods designed to improve their functioning. Reciprocal visits by developing National Authorities' staff members to higher functioning National Authorities are also envisaged as part of the programme.
- 66. Furthermore, as part of its blended learning strategy, the Secretariat will continue to develop a series of e-learning modules (initially six modules are intended) covering the basic aspects of national implementation. These e-learning modules are expected to enable the Secretariat to provide fundamental and background information about

the Convention to National Authorities, associated stakeholders, and the general public. It is expected that by providing such training electronically, the Secretariat will be able to make more effective use of the face-to-face training opportunities.

Core objective 7

Full, effective, and non-discriminatory implementation of all provisions of the Convention by the OPCW

- 67. The Director-General, with the support of his Senior Management team, is responsible for ensuring that the Organisation performs to the highest standards of efficiency and economy in order to meet its core objectives.
- 68. As part of his strategic management role, the Director-General will continue to provide guidance and direction, effective governance and accountability, and organisational management and leadership within the OPCW to support the Secretariat's wider activities.
- 69. With regard to RBM, the Secretariat will continue to institutionalise the principles of RBM in its management processes and practices. The aim is to ensure that the work of the Secretariat effectively contributes to the achievement of clearly defined results and, thus, to the core objectives of the Organisation.
- 70. As mentioned in paragraph 12 above, further to the capacity already built on RBM, the Secretariat is developing the PMRS, which will draw on consistent and reliable data from various databases and other sources in the Secretariat to better track programme implementation and overall organisational performance. It will also incorporate a risk-assessment tool. In an initial phase, the most essential functions will be incorporated in the PMRS. The focus for the period covered by this MTP is twofold. Firstly, the Secretariat will seek to strengthen the principles of RBM through the continuous and harmonised utilisation of the PMRS. Secondly, further enhancement of the system will take place through the addition of other functionalities that will contribute to improved effectiveness and efficiency in programme delivery.
- 71. The size of the overall Programme and Budget for a given year, and the size of its individual components, will continue to be kept to the minimum required level. Budget appropriations must continue to provide the resources needed to achieve the desired results. For its part, the Secretariat must, therefore, continue to demonstrate to States Parties that requests for resources are reasonable and that those resources are being efficiently used.
- 72. For their part, States Parties must ensure that assessed contributions and reimbursements under Articles IV and V are paid in full and on time.
- 73. The managerial and administrative challenges for the Organisation in the medium term lie in defining and institutionalising an organisational structure that is suited to the evolving priorities of the OPCW as defined by the policy-making organs.
- 74. In parallel, the Organisation as a whole must review its processes with the aim of making them more efficient, user-friendly, and cost-effective. Amongst others, this

will include improving recruitment procedures, performance and post management, and automation of procedures for entitlements and benefits.

- 75. Regular updating of the information-services strategic plan will play a key role in the medium term, in which SMARTStream will continue as the OPCW's enterprise-resource-planning software and will be proactively maintained and upgraded periodically, to integrate business processes. The update will include an assessment of the necessity to replace the existing enterprise-resource-planning software. Other specific projects include:
 - support for the completion of the different VIS modules (core objectives 1 and 2), and the proactive support of the security-critical network;
 - (b) the development of subsequent phases of the EDNA (core objectives 1 and 2); and
 - (c) the proactive support of the data bank on assistance and protection (core objective 3), and of the National Implementation Profile System—until the latter is phased out and replaced by the Event Management System (core objective 4).
- 76. With a view to continuing the implementation of cooperation agreements, the OPCW will continue to participate in meetings and provide support and expertise to the United Nations and its relevant agencies as may be required. The Secretariat will organise joint activities and events (i.e. related to chemical safety and security) within the framework of the Relationship Agreement between the United Nations and the OPCW. Promotion of the goals and objectives of the Convention through the United Nations and its agencies will be continued and intensified.
- 77. The Secretariat is also aware of the importance of cultivating the necessary institutional environment for the OPCW to operate in and benefit from. Such an effort primarily involves close engagement with all Member States and their relevant domestic authorities and core stakeholders, as well as with regional or international organisations, the media, civil society, non-governmental organisations, and academic and research institutions that make up the general landscape. The Secretariat will continue to maintain and, where possible, increase the level of participation of stakeholders in the OPCW's activities. Towards this end, voluntary contributions from Member States will be encouraged in order to increase the level of bilateral activities.
- 78. The Secretariat will continue to raise the public profile of the OPCW globally by delivering core messages on its mission, capabilities, and historic achievements. These efforts will build on the OPCW's successful record in eliminating chemical weapons and preventing their re-emergence, and on the mandate entrusted to the Member States, in line with the goals and objectives defined by the OPCW's public diplomacy initiative. The Secretariat will intensify the use of social media, internet, and e-learning tools to interact with States Parties, other stakeholders, and the general public.

- 79. The Secretariat will also continue to extend high-quality and efficient support to the States Parties in respect of accreditation and conference assistance, by introducing tools such as office automation.
- 80. The Secretariat will continue to implement the new United Nations Laissez-Passer with biometric features introduced by the United Nations, in a manner that will not affect the operational requirements of the Organisation.
- 81. The Secretariat will continue to provide high quality security-management services in the maintenance and management of the stringent confidentiality regime mandated by States Parties. It will also further develop its higher-level security-risk-management capability. In this regard, the Secretariat will ensure that it is able to provide competent risk-based security advice, mitigation, and options for further improvement. The Secretariat will also ensure that it is able to support OPCW activities on missions with the provision of competent operational security advice and security liaison capabilities.
- 82. The Office of Internal Oversight will continue, as it has in the past, to provide high standards of audit recommendations in order to support Management in identifying opportunities to improve the functioning and performance of programmes and operations and in maintaining accreditation of the Quality Management System of the Organisation.

Annex:

Core Objectives and Indicators of Achievement, as Presented in the Programme and Budget of the OPCW for 2013

Annex

CORE OBJECTIVES AND INDICATORS OF ACHIEVEMENT, AS PRESENTED IN THE PROGRAMME AND BUDGET OF THE OPCW FOR 2013

- 1. The OPCW's programmes and resourcing are directed towards its *core objectives* (or corresponding "outcomes") reflecting the mandates and required results established by the Convention.
- 2. These core objectives and indicators of their achievement are listed in the table below:

TABLE 3: CORE OBJECTIVES AND INDICATORS OF ACHIEVEMENT FOR THE PROGRAMME AND BUDGET OF THE OPCW FOR 2013¹¹

	201311	
	Core Objectives	Indicators of Achievement
1.	Elimination of chemical weapons stockpiles and CWPFs subject to the verification measures provided for in the Convention.	 (a) Results of all destruction activities related to elimination of chemical weapons and their production facilities, as confirmed by systematic verification in accordance with the Convention. (b) Results of destruction activities of ACWs and OCWs, as confirmed by verification in accordance with the Convention. (c) Results of conversion of CWPFs for purposes not prohibited under the Convention, as confirmed by verification in accordance with the Convention. (d) No undetected removal of chemical weapons except for destruction takes place CWSFs, as confirmed during systematic verification of these facilities.
2.	Non-proliferation of chemical weapons, through the application of the verification and implementation measures provided for in the Convention, which also serve to build confidence between States Parties.	Assessment of the extent to which the relevant verification and implementation provisions of the Convention are met, and in particular: (a) Assessment of the extent to which the inspection aims of systematic inspections of Schedule 1 facilities stipulated in the Convention were attained, taking into account the factors provided for in Part VI(E) of the Verification Annex; (b) Assessment of the extent to which the inspection aims of inspections of Schedule 2 facilities stipulated in the Convention were attained, taking into account the factors provided for in Part VII(B) of the Verification Annex;

Some indicators of achievement may be relevant to more than one objective.

	Core Objectives	Indicators of Achievement
		 (c) Assessment of the extent to which the inspection aims of inspections of Schedule 3 facilities stipulated in the Convention were attained, taking into account the factors provided for in Part VIII(B) of the Verification Annex; and (d) Assessment of the extent to which the inspection aims of inspections OCPFs stipulated in the Convention were attained, taking into account the factors provided for in Part IX(B) of the Verification Annex.
3.	Assistance and protection against chemical weapons, their use, or threat of use, in accordance with the provisions of Article X of the Convention.	 (a) Number, nature, and results of responses to requests for expert advice and/or assistance under paragraph 5 of Article X. (b) Assets and assistance items ready to be dispatched within 24 hours. (c) Percentage of States Parties that have protective programmes or are in the process of their development pursuant to paragraph 4 of Article X.
4.	Economic and technological development through international cooperation in the field of chemical activities for purposes not prohibited under the Convention in accordance with the provisions of Article XI.	 (a) Quantity, quality, and results of cooperation relating to peaceful uses of chemistry. (b) Qualitative response to requests for international cooperation for economic and technological development in the field of chemical activities.
5.	Universal adherence to the Convention.	 (a) The number of States that are Party to the Convention. (b) The percentage of States not Party that have reached each of two stages of interest/participation; the first level indicated by requests for information and participation, the second by requests for assistance and/or active consideration of membership by national bodies.
6.	Full and effective implementation by States Parties of the provisions of Article VII of the Convention.	The percentage of States Parties reaching each of three defined levels of implementation, which are based on an assessment of each State Party's national implementation profile.

	Core Objectives	Indicators of Achievement
7.	Full, effective, and	Efficient and effective operation of the
	non-discriminatory	policy-making organs, the Senior Management, and
	implementation of all	the Secretariat at large in accordance with the
	provisions of the	Convention, including through:
	Convention by the	(a) delivery of programme outputs and all functional
	OPCW.	services on time, in the best achievable quality
		and within the agreed budget;
		(b) timely and efficient preparation and conduct of
		meetings;
		(c) assured provision of all possible facilitation to
		States Parties for their engagement in OPCW
		conferences, including sessions of the
		policy-making organs, and other activities; and
		(d) assured tools, platforms, arrangements for
		outreach activities, media management, and
		information provision, through the execution of
		the public-diplomacy strategy.





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REPORT BY THE DIRECTOR-GENERAL

PROGRESS REPORT ON AND THE STATUS OF IMPLEMENTATION OF ARTICLE XI OF THE CHEMICAL WEAPONS CONVENTION FOR THE PERIOD 1 JANUARY to 15 AUGUST 2012

1. INTRODUCTION

- 1.1 The Conference of the States Parties (hereinafter "the Conference") at its Sixteenth Session adopted a decision regarding components of an agreed framework for the full implementation of Article XI of the Chemical Weapons Convention (hereinafter "the Convention") (C-16/DEC.10, dated 1 December 2011), and requested the Technical Secretariat (hereinafter "the Secretariat") to report to the Conference at each annual session on the progress of concrete measures undertaken in implementing the decision, <u>and</u> on the status of implementation of Article XI. This was followed by a request made by the Executive Council (hereinafter "the Council") to the Secretariat to provide a progress report to the Seventieth Session of the Council on the implementation of the relevant decision. The components included activities in the following areas:
 - (a) national capacity-building for the research, development, storage, production, and safe use of chemicals for purposes not prohibited under the Convention;
 - (b) promoting networking and exchange among scientific communities, academic institutions, chemical-industry associations, non-governmental organisations (NGOs), and regional and international institutions;
 - (c) enhancing the effectiveness of current international-cooperation programmes of the OPCW; and
 - (d) measures by States Parties and the OPCW to facilitate States Parties' participation in the fullest possible exchange of chemicals, equipment, and scientific and technical information relating to the development and application of chemistry, in accordance with the provisions of the Convention.
- 1.2 The report provides the progress of concrete measures undertaken in implementing the aforementioned decision, as well as the status of implementation of Article XI and covers the period from 1 January to 15 August 2012. Unless otherwise stated, all dates given herein fall within this reporting period.

2. ACTIVITIES UNDER DECISION C-16/DEC.10 ON FULL IMPLEMENTATION OF ARTICLE XI OF THE CONVENTION

- 2.1 During the reporting period, the OPCW implemented Article XI of the Convention through various programmes and activities.
- 2.2 In accordance with the results-based approach that the Secretariat took during the reporting period, the effectiveness of these programmes was assessed according to whether skills and capabilities were enhanced in the four focal areas relating to the peaceful application of chemistry: integrated chemicals management, chemical knowledge and the exchange of information, enhancement of laboratory capabilities, and outreach to industry.

National capacity-building for the research, development, storage, production, and safe use of chemicals for purposes not prohibited under the Convention

Associate Programme

- 2.3 The Associate Programme aims to address the objectives set out in Article XI of the Convention in terms of capacity-building and implementation of the Convention in areas relating to chemistry for peaceful purposes—in particular in developing countries and countries with economies in transition.
- 2.4 The programme facilitates capacity-building of States Parties by imparting to qualified chemists and chemical engineers the skills and exposure to modern chemical practices required to operate effectively and safely in a modern chemical-industry environment. Moreover, it enhances the ability of States Parties to implement the industry-related provisions of the Convention and broadens the talent pool of those assuming the responsibility for implementation in the National Authorities and other relevant institutions. The programme also facilitates the trade of chemicals by communicating the best practices in this field. To date, 13 editions of the Associate Programme have been attended by a total of 297 qualified personnel from 102 countries.
- 2.5 The Associate Programme supports the Responsible Care® programme of the chemical industry. It contributes to enhancing knowledge of the modern practices relating to chemical safety and security, while at the same time generating greater awareness about the peaceful uses of chemistry.
- 2.6 On account of the continued interest demonstrated in the programme, in 2011, a decision was made to increase the intake for the 2012 edition to 32 participants. The 2012 edition of the Associate Programme was held from 2 August to 5 October, with 32 participants from the following 32 Member States: Algeria, Argentina, Bangladesh, Barbados, Burkina Faso, Colombia, Costa Rica, Cuba, Eritrea, Ethiopia, Ghana, Honduras, India, Jordan, Malaysia, Namibia, Nigeria, Pakistan, Romania, Rwanda, Saint Vincent and the Grenadines, the Seychelles, Sri Lanka, Sudan, Tajikistan, the former Yugoslav Republic of Macedonia, Uganda, the United Republic of Tanzania, Uruguay, Viet Nam, Zambia, and Zimbabwe. It is noteworthy that—as a result of outreach efforts by the Secretariat to those States Parties that had not sent participants to the programme previously—Barbados, Honduras, Namibia, Saint

Vincent and the Grenadines, the Seychelles, and the former Yugoslav Republic of Macedonia, were represented for the first time. In addition, in accordance with the objectives of the Programme to Strengthen Cooperation with Africa on the Chemical Weapons Convention (hereinafter "the Africa Programme"), 14 of the participants came from African Member States.

- As part of the Associate Programme, participants undertook a three-week university module, organised by the University of Surrey in the United Kingdom of Great Britain and Northern Ireland, as well as a three-week industrial attachment in 17 modern chemical industries located in 12 States Parties (see paragraph 2.8 below). During the university module, the participants benefited from an intensive chemical engineering skills-development course and upgraded their knowledge in terms of the national implementation of the Convention. During the industrial attachment, participants received training in relation to various industrial operations and gained exposure to working environments in the chemical industry.
- 2.8 The programme received an in-kind contribution from Japan. In addition, Belgium, the Czech Republic, Denmark, Germany, Japan, Malaysia, the Netherlands, Poland, Portugal, Spain, and Switzerland have extended their continuous support by identifying placements in their chemical industries for the participants; Croatia came forward, for the first time, with a training opportunity for two associates in its chemical industry. The companies that offered industrial attachments in 2012 were as follows: "Evonik Degussa Antwerpen N.V" (Belgium), "Petrokemija Ple" (Croatia), "Enaspol a.s." (Czech Republic), "Dupont" (Denmark), "BASF" and "Currenta GmbH und Co. OHG" (Germany), "Asahi Kasei Chemicals Corporation" and "Mitsubishi Chemical Corporation" (Japan), "CCM Chemicals Sdn Bhd" and "BASF Petronas Chemicals Sdn Bhd" (Malaysia), "Dow Benelux B.V." and "Dupont de Nemours B.V." (Netherlands), "Azoty Tarnów S.A." (Poland), "Hovione" and "Dow Portugal- Produtos Químicos, S.A" (Portugal), "Dow Chemical Ibérica SL" (Spain), and "Clariant Produkte (Schweiz) AG" (Switzerland).
- 2.9 The programme also benefited from the continuous support of the World Customs Organization (WCO), the European Chemical Industry Council (CEFIC¹) under its "Responsible Care®" policy, the European Chemicals Agency (ECHA), the European Association of Chemical Distributors (FECC), the Dutch Customs Authorities, the Port of Rotterdam, the Rotterdam Investment Agency, and the Technical University of Delft (TU Delft).

Analytical-skills-development courses

- 2.10 Analytical-skills-development courses are two-week courses aimed at assisting qualified analytical chemists in acquiring further experience and practical skills in the analysis of chemicals related to the Convention. Additionally, these courses serve to:
 - (a) enhance national capacities in analytical chemistry for personnel from industry, academic institutions, and government laboratories in the States Parties sending participants;

¹ CEFIC = Conseil Européen de l'Industrie Chimique.

- (b) facilitate the adoption of good laboratory practices; and
- (c) broaden the pool of human resources from which National Authorities and the Secretariat can draw in the future.
- 2.11 The first week focuses on basic training and on providing hands-on experience in gas chromatography (GC) and gas-chromatography-mass spectrometry (GC-MS). In the second week, participants receive training in the preparation of environmental samples and on the analysis of such samples for chemicals related to the Convention. Participants are also introduced to a range of extraction, clean-up, and derivatisation procedures.
- 2.12 The courses for the enhancement of laboratory skills focus on the enhancement of skills in using liquid chromatography-mass spectrometry (LC-MS) or nuclear magnetic resonance spectroscopy (NMR) to analyse chemicals related to the Convention. These are two-week courses, for a maximum of four participants each, who have previous practical experience of LC, GC, NMR, or MS techniques. Participants are introduced to sample preparation and are then given demonstrations and practical exercises in these techniques. The courses also cover theoretical aspects of LC/GC and LC-MS/GC-MS or NMR, quality assurance, and instrument maintenance.
- 2.13 During the period under consideration, three courses—one analytical-skills-development course and two courses on the enhancement of laboratory skills—were organised at VERIFIN.
- 2.14 The analytical-skills-development course took place from 1 to 15 June with 20 participants from Algeria, Argentina, Bangladesh, Belarus, Botswana, Brazil, Indonesia, Lesotho, Pakistan, Paraguay, Romania, Saint Lucia, South Africa, Sri Lanka, Tunisia, Turkey, Ukraine, Uruguay, Yemen, and Zimbabwe.
- 2.15 The course on the enhancement of laboratory skills using LC-MS was held from 16 to 27 April and hosted four participants from Botswana, Brazil, South Africa, and Ukraine. The course on the enhancement of laboratory skills using NMR took place from 7 to 18 May and hosted four participants from four States Parties, namely, Bangladesh, Jamaica, South Africa, and Tajikistan.
- 2.16 The Secretariat, in collaboration with Protechnik Laboratory in Pretoria, South Africa and VERIFIN, conducted the fourth edition of the analytical chemistry course under the Africa Programme. This course took place from 30 April to 11 May in Pretoria, South Africa. Twelve participants from the following 12 Member States successfully completed the course: Botswana, Burkina Faso, Cameroon, Ghana, Lesotho, Mauritius, Morocco, Seychelles, Sudan, the United Republic of Tanzania, Zambia, and Zimbabwe.
- 2.17 In addition, as a result of the great demand for training in advanced analytical techniques on the part of Spanish-speaking personnel from laboratories in the GRULAC² region, and with the active support of the Spanish National Authority, the

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² GRULAC = Group of Latin American and Caribbean States.

Secretariat held the second edition of the "Basic Course on the Analysis of Chemicals related to the Chemical Weapons Convention in the Framework of OPCW Proficiency Testing" at the Laboratorio de Verificación para las Armas Químicas, Instituto Tecnológico La Marañosa (LAVEMA), in Madrid, Spain, from 21 May to 1 June. The course accommodated 13 participants from 12 countries in the GRULAC region: Argentina, Brazil, Colombia, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru, and Uruguay. A participant from Portugal also attended the course in order to establish a network for the support of similar activities in future.

Industry outreach

- 2.18 The chemical-safety management programme is an international-cooperation programme designed to focus on chemical-industry outreach and industry-related aspects of the implementation of the Convention. Under this programme, seminars are held in order to meet the increasing need for specific safety and security training with regard to the rapidly expanding and increasingly complex chemical industries. Through the seminars, OPCW Member States and their industries are provided with the tools and knowledge required to mitigate the risks arising from chemical-industry accidents and the threat of terrorism. With this in mind, participants are sensitised to the new approaches that can be adopted in relation to safety and security management, focusing on small- and medium-sized enterprises. By promoting and disseminating standardised and best practices in chemical safety, the seminars benefit chemical-industry personnel involved in safety-management issues, enhance the capacities of National Authorities and chemical-industry associations in the Member States, and indirectly benefit the general public.
- 2.19 The industry-outreach activity that has taken place during the period under consideration was generously supported through voluntary contributions from the Governments of Japan and the United States of America and was organised in cooperation with the National Authority of Malaysia.
- 2.20 A chemical-safety-and-security management seminar took place in Kuala Lumpur, Malaysia, from 8 to 11 May 2012. The seminar was attended by 36 participants represented, inter alia, by the Directors of National Authorities, chief executive officers in the chemical industry, general managers of chemical industry associations and research and educational institutes from Cambodia, Germany, India, Indonesia, Japan, the Lao People's Democratic Republic, Malaysia, Pakistan, Palau, the Philippines, the Republic of Korea, Singapore, Sri Lanka, Thailand, the United States of America, and Viet Nam. In addition, a representative from Myanmar, which is a not a State Party to the Convention, participated in the seminar.
- 2.21 An OPCW experts' meeting on chemical safety and security took place in The Hague, the Netherlands, on 7 and 8 June 2012. The meeting was convened to discuss how the role of the OPCW in the fields of chemical safety and security could be further expanded and what else could be done to promote OPCW engagement with the chemical industry in these activities. The meeting was attended by 20 experts from various professional backgrounds in chemical safety and security, representing a wide range of views, as well as members of the Secretariat's Task Force on Chemical Safety and Security. A summary of the key discussion points was presented during

EC-70/DG.10/Rev.1 C-17/DG.11/Rev.1 page 6

the informal consultations on Article XI and the report of the meeting was shared with the delegations. A number of participants from developing countries were supported by the voluntary contribution from the United States of America.

Promoting networking and exchange among scientific communities, academic institutions, chemical-industry associations, non-governmental organisations, and regional and international institutions

Conference-Support Programme

- 2.22 The Convention encourages the fullest possible exchange of scientific and technical information relating to the development and application of chemistry for purposes not prohibited under the Convention. The Conference-Support Programme provides financial support for conferences, workshops, and seminars on special topics relevant to the Convention. The support is generally in the form of sponsorship of scientists, technical personnel, and resource persons from Member States to attend such events and to enable the cost of publications to be met. Sponsorship is channelled through scientific institutions and conference organisers in Member States.
- 2.23 During the period under review, 10 events in 10 different Member States were supported, with a view to facilitating the exchange of scientific and technical information in areas relating to the peaceful use of chemistry. A list of the titles of the conferences supported and the countries of participants sponsored during the reporting period is provided in Annex 1.

<u>Internship-Support Programme</u>

- 2.24 The Internship-Support Programme assists scientists and engineers from countries whose economies are developing or in transition, to gain experience by working for a limited period in more advanced research laboratories and facilities in other Member States. A key objective of this programme is to facilitate the exchange of scientific and technical information, while at the same time strengthening the institutions in the targeted countries through capacity-building. A total of six internships were undertaken during the period under review. A table containing details of internships carried out is provided in Annex 2.
- 2.25 The "Training Programme on Chemical Engineering for African Countries", supported through a generous voluntary contribution from China for two interns from African States Parties at the Beijing University of Chemical Technology in Beijing, China, was completed in July 2012.

Programme for Support of Research Projects

2.26 Under this programme, support is extended for small-scale research projects in countries whose economies are developing or in transition, in order to promote the development of scientific and technical knowledge in chemistry for industrial, agricultural, research, medical, pharmaceutical, and other peaceful purposes relevant to the Convention. Funding for such projects may be provided either solely by the OPCW or jointly with another organisation.

2.27 During the period under review, the OPCW provided direct funding for seven new research projects by nationals from Argentina, India, Pakistan (2), South Africa, and Uruguay (2). The collaboration for joint funding of new research projects with the International Foundation for Science (IFS) in Stockholm, Sweden, continued during the year. Twenty-eight new research projects were supported jointly with the IFS, whilst a further nine final reports were received from the IFS and were reviewed and accepted by the OPCW Research Review Committee. Details of the new projects supported are given in Annexes 3 and 4.

Information service

2.28 During the reporting period, the Secretariat continued to maintain an information service that provides information, upon request, to Member States and their institutions on the properties of chemicals and the contact details of both suppliers and producers of chemicals and chemical technologies. The service has access to the on-line services of the Science and Technology Network, which enables it to respond quickly and effectively to requests for information. National Authorities are encouraged to inform national institutions and enterprises on the availability of this service. Requests for information can be made directly to the Secretariat or through the National Authority concerned. This service is particularly useful for participants in the Associate Programme for their literature surveys when writing up their research projects.

The Programme to Strengthen Cooperation with Africa on the Chemical Weapons Convention

- 2.29 The Africa Programme focuses on activities and interventions to respond to the particular needs of African Member States. The Director-General presented a Note entitled "The Second Phase of the Programme to Strengthen Cooperation with Africa on the Chemical Weapons Convention" to the Council at its Sixty-Fourth Session (EC-64/DG.5, dated 6 April 2011). Since the submission of the Director-General's Note on the same subject to the Conference at its Sixteenth Session (EC-66/DG.13 C-16/DG.14, dated 20 September 2011), progress has continued in realising the objectives set under the second phase of the programme.
- 2.30 The following activities during the period under review have served to continue the implementation and strengthening of the Africa Programme, in particular, with respect to promoting networking and the exchange among scientific communities:
 - (a) Six of the seven individuals supported under the Internship-Support Programme came from African Member States (see Annex 2).
 - (b) Ten researchers (from a total of 32 research projects funded directly by the Secretariat and jointly with IFS) were from African Member States (see Annex 3).
 - (c) The 2012 Associate Programme accommodated 14 Africans out of a total of 32 participants under the Africa Programme.

- (d) Analytical-skills-development courses, including the courses on the enhancement of laboratory skills, and other regional courses, were successfully completed by a total of 13 participants from Africa.
- (e) The Secretariat, in collaboration with Protechnik Laboratory in Pretoria, South Africa and VERIFIN in Helsinki, Finland, held the fourth analytical-chemistry course under the Africa Programme. Twelve participants from 12 African States Parties successfully completed the course.
- Through a generous voluntary contribution from Norway, the second experts' (f) workshop for heads of laboratories in the Africa Region was held at the OPCW Headquarters in The Hague, from 25 to 27 June. The workshop drew participants from Botswana, Burkina Faso, Ghana, Kenya (2), Mauritius, Morocco, South Africa (2), Sudan, Tunisia, the United Republic of Tanzania, and Zimbabwe. An expert from Sweden representing the International Science Programme also participated. The 14 participants included individuals from universities, industries, and government institutions. workshop was successful in developing criteria for the identification of potential regional resource partners that could partner with the Secretariat, through its international-cooperation programmes, in capacity-building activities in relevant fields related to the Convention. Furthermore, centres that could pilot the concept of regional resource partners in identified thematic areas were proposed.
- (g) Also under the Norwegian voluntary funding, a natural products chemistry training and development programme was conducted at the Institute of Bioproduct Development, Universiti Technologi Malaysia (UTM), from 2 to 17 July. The training programme was designed to expose qualified natural products chemists and scientists from Member States in Africa to science-based chemical research in natural products, with particular emphasis on value addition through the development of marketable products. The training attracted participation from personnel from industry, academic institutions, and government laboratories from Botswana, Cameroon, Ghana, Kenya, Mauritius, Nigeria, the Seychelles, Swaziland, Tunisia, Uganda, and Zimbabwe.

Enhancing the effectiveness of current international-cooperation programmes of the OPCW

- 2.31 To enhance programme effectiveness in all the programmes and activities undertaken, the Secretariat has incorporated evaluation systems and tools to provide for continuous review and improvement in programme delivery.
- 2.32 The Associate Programme has five distinct components, each of which is evaluated by both participants and tutors, as well as by mentors in the chemical industry—thus, all components are comprehensively and fully assessed. The programme continues to be upgraded through the provision of new presentations and lectures and on the basis of current research and industry assignment topics.
- 2.33 A meeting to assess the results of the 2012 Associate Programme will be held at OPCW Headquarters after the completion of the programme. Designed to bring

together the various stakeholders of the programme, as well representatives of States Parties, the meeting will review the content and structure of the programme. Feedback from the University of Surrey and the participants in the various segments will be shared with the attendees.

- 2.34 In the case of the Support for Research and Internship-Support Programmes, proposals are assessed and evaluated by a committee that includes two members of the Scientific Advisory Board (SAB) in the case of research projects. The criteria used to assess the research include an examination of the quality of the scientific proposal and its relevance to the Convention, both at the proposal review and final report stages.
- 2.35 For the analytical-skills-development courses, evaluation is achieved through test exercises during the course, and by means of a post-course evaluation meeting held with participants and trainers.

Measures by States Parties and the OPCW to facilitate States Parties' participation in the fullest possible exchange of chemicals, equipment, and scientific and technical information relating to the development and application of chemistry, in accordance with the provisions of the Convention

Review of existing regulations in the field of trade in chemicals

- 2.36 The plan of action regarding the implementation of Article VII obligations, adopted by the Conference at its Eighth Session (C-8/DEC.16, dated 24 October 2003), urges States Parties that have not yet done so to review their existing regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of the Convention.
- 2.37 Throughout the period under review, as in the other years since the Article VII plan of action was adopted, the Secretariat raised this issue with States Parties both during technical-assistance visits and in the margins of other meetings.
- 2.38 To facilitate reporting by States Parties in regard to this issue, a question (question 9) on subparagraphs 2(c), (d), and (e) of Article XI was included in the "Questionnaire on the Implementation of Trade Measures under the Chemical Weapons Convention" (Annex to S/440/2004, dated 23 August 2004). The responses to that question, together with those to the version of the question that appeared in the first Legislation Questionnaire ("Survey of National Measures to Regulate Scheduled Chemicals under the Chemical Weapons Convention") (Annex to S/194/2000, dated 8 June 2000) and the submissions received by the Secretariat in respect of the Article VII plan of action, show that, as at 13 December 2011, out of 188 States Parties:
 - (a) Sixty-six States Parties (35%) have completed a review and found their regulations consistent with the Convention.
 - (b) Two States Parties (1%) are amending their legislation as a result of their review of their existing legislation.
 - (c) Twenty-one States Parties (11%) are carrying out the above-mentioned review.

EC-70/DG.10/Rev.1 C-17/DG.11/Rev.1 page 10

(d) One hundred States Parties (53%) have neither provided any information on the matter nor have they indicated that they have begun their review.

Decision on Article XI (C-16/DEC.10): Funding measures

2.39 The implementation of the above-mentioned concrete measures has been funded from within the resources of the annual Programme and Budget of the OPCW and, where mentioned, through voluntary contributions from States Parties.

Decision on Article XI (C-16/DEC.10): Further review

2.40 A further review of the status of the implementation of this decision will be submitted to the Conference at its Eighteenth Session to consider and take appropriate measures, if necessary, in order to further promote the full implementation of Article XI.

Annexes (English only):

- Annex 1: Conference-Support Programme: Conferences Supported from 1 January to 15 August 2012
- Annex 2: Internship-Support Programme: Projects Conducted from 1 January to 15 August 2012
- Annex 3: Research Projects Funded Directly by the OPCW from 1 January to 15 August 2012
- Annex 4: Research Projects Funded Jointly with the IFS from 1 January to 15 August 2012

nnex I

CONFERENCE-SUPPORT PROGRAMME: CONFERENCES SUPPORTED FROM 1 JANUARY TO 15 AUGUST 2012

Number of Sponsored Participants	7	9	9	5	8	4	5	4	3	5
State Party of Sponsored Participants	Bangladesh, China, Nepal, Republic of Korea (2), United Kingdom of Great Britain and Northern Ireland (2)	Bulgaria, Iraq, Japan, Jordan, Republic of Korea, Sri Lanka	Italy, Japan (2), Jordan, United States of America (2)	Austria, India, Iran, South Africa, Turkey	China (2), Iran, Macedonia, Nigeria, Russian Federation, Ukraine, Uzbekistan	Greece, India, Mexico, United States of America	Kenya, Lesotho, Malawi, Sudan, United Republic of Tanzania	China, India, Iraq, Kenya	Brazil (2), Costa Rica	Australia, United Kingdom of Great Britain and Northern Ireland (2), United States of America (2)
Duration	26 – 30 March	3 – 4 March	16 – 21 April	8 – 10 April	7-9 May	31 May – 10 June	8-11 July	2-6 July	8 – 13 July	20 – 22 June
Location	Dubrovnik, Croatia	Udaipur, India	Corfu, Greece	Amman, Jordan	Spiez, Switzerland	Erice, Sicily, Italy	Maputo, Mozambique	Reduit, Mauritius	Honolulu, Hawaii	Colombo, Sri Lanka
Conference Title	POLYCHAR 20	International Conference on Global Trends in Pure and Applied Chemical Sciences (ICGTCS - 2012)	12th Eurasia Conference on Chemical Sciences	International Conference for Young Chemists (ICYC)	Chemical Biological Medical Treatment Symposium (CBMTS IX) 2012	Present and Future Methods for Biomolecular Crystallography	4th SEANAC International Conference on Analytical Chemistry for the Environment, Health and Water	International Conference on Pure and Applied Chemistry (ICPAC 2012)	17th World Congress of the International Society of Toxicology (IST) and Venom Week 2012	International Conference on Chemical Sciences
	1	2	3	4	5	9	7	8	6	10

Annex 2 page 12

INTERNSHIP-SUPPORT PROGRAMME: PROJECTS CONDUCTED FROM 1 JANUARY TO 15 AUGUST 2012

	Title of Project	Location of Internship	Duration	State Party of Intern
-:	Internship for developing skills to assess research competence in basic and applied sciences in institutions of the Fellows of the African Academy of Sciences	African Academy of Sciences, Nairobi, Kenya	17 October 2011 – 16 April 2012	Cameroon
2.	Best Practice and Trends in High Performance Liquid Chromatography: Method Development and Optimisation	Katholieke Universiteit Leuven, Leuven, Belgium	16 December 2011 – 15 March 2012	Congo
3.	Quantitative characterization of chemical compounds in maize tassel for biosorption of chemical contaminants and toxic chemicals in water and soils	Institute for the Environment, Brunel University, Uxbridge, United Kingdom of Great Britain and Northern Ireland	5 December 2011 – 5 March 2012	South Africa
4	Solar photo catalytic removal of pollutants from drinking water. Advanced oxidation treatment involves solar or artificial ultraviolet irradiation of polluted water in the presence of an oxidant or a catalyst	Delft University of Technology, Netherlands	16 January – 15 July	Algeria
5.	Solar photo catalytic removal of pollutants from drinking water. Advanced oxidation treatment involves solar or artificial ultraviolet irradiation of polluted water in the presence of an oxidant or a catalyst	Delft University of Technology, Netherlands	1 April – 30 September	Turkey
6.	Training programme on chemical engineering for African countries	Beijing University of Chemical Technology, Beijing, China	15 February – 14 June	Two African States Parties

Annex 3

RESEARCH PROJECTS FUNDED DIRECTLY BY THE OPCW FROM 1 JANUARY TO 15 AUGUST 2012

		State Party
	Title	of
		Researcher
1	Persistent pesticide contamination in horticultural peri-urban production units	Argentina
2	Development of recyclable catalytic systems based on nano-particles and nano-particulate assemblies for the treatment of toxic effluent generated from Indian pesticide industries	India
3	Discovery and exploration of new biologically important heterocycles for the treatment of H.pylori and other pathologies	Pakistan
4	Electrospray-tandem mass spectrometric studies on steroidal alkaloids of buxus species for structure fragmentation relationship development-rapid dereplication for unambiguous identification of medicinally important steroids	Pakistan
5	Concentration of brominated flame retardants in indoor dust from homes and offices from developing countries: A case study of implication for human exposure in South Africa and Nigeria	South Africa
6	Chemoenzymatic synthesis of a gabosines, carbasugars and related compounds library	Uruguay
7	Microbial lipids as alternative raw material for biodiesel production	Uruguay

Annex 4

RESEARCH PROJECTS FUNDED JOINTLY WITH THE IFS FROM 1 JANUARY TO 15 AUGUST 2012

	Title	State Party of
	Titte	Researcher
1	Bio-regenerative treatments of high-strength wastewater using bio-fringe and white jute (<i>Corchorus capsularis</i>) fibres	Bangladesh
2	Biofertiliser production using humic acids and plant growth promoting microorganisms	Brazil
3	Propriétés insecticides et répulsives de quelques extraits de plantes tropicales contre <i>Anopheles gambiae</i> et <i>Aedes aegypti</i> , moustiques vecteurs de maladies humaines au Burkina Faso	Burkina Faso
4	Evaluation du potentiel thérapeutique des galles de Guiera senegalensis J.F. GMEL (Combretaceae) pour le traitement du diabète de type 2 et/ou de ses complications au Burkina Faso	Burkina Faso
5	Antimycobacterial, Anti-HIV and cytotoxicity properties of extracts and compounds from Cameroonian medicinal plants	Cameroon
6	New antiplasmodial compounds from <i>Dacryodes edulis (G.Don) Lam</i> . and <i>Coula edulis Baill</i> : selected medicinal plants used to treat malaria symptoms in Western Cameroon	Cameroon
7	Study on chemical fractions and bioavailability of oxytetracycline in soil environments	China
8	Monitoring of bioavailability, toxicity and trophic transfer of manufactured metal oxide nanoparticles in marine ecosystems	India
9	Agricultural waste for heavy metal removal in waste water treatment	Indonesia
10	Characterisation of landfill leachate and assessment of potential impact on aquatic ecosystem	Malaysia
11	Development and application of granular biomass in palm oil mill effluent (POME) treatment	Malaysia
12	Risk assessment of exposure to toxic arsenic in drinking water in Mongolia (a survey of arsenic and other trace elements concentrations in surface waters and hot springs of Mongolia)	Mongolia
13	<i>In vivo</i> evaluation of some antimalarial drugs contained in solid lipid microspheres	Nigeria
14	Thermally curable thiol-ene coatings based on epoxidised <i>Albizia</i> benth and <i>Plukenetia conophora</i> oil	Nigeria
15	Examination of plant-endophyte partnerships in constructed wetlands for the treatment for textile wastewater	Pakistan
16	Development of environmentally benign novel natural bio-insecticides for effective insect control derived from the naturally occurring toxic genes in the female secretions of insect parasitoids	Pakistan
17	Low cost small scale domestic wastewater treatment technology development	South Africa

	Title	State Party of Researcher
18	Natural dissolution mechanisms of serpentinite: Possible toxic elements leaching to the environment	Sri Lanka
19	Development of a micro fluidic device for arsenic monitoring in water samples	Thailand
20	Synthesis and biological activity of bivalent SFTI-l inhibitor against human-beta tryptase	Thailand
21	Traitements des eaux par photocatalyse hétérogène à l'échelle pilote à base de nouveaux matériaux sensibles aux rayonnements solaires	Togo
22	Chemical modification of palmatine molecular framework and evaluation of chemical structure - antimalarial-cytotoxicity activity relationship of analogues	United Republic of Tanzania
23	Isolation and characterisation of bacteria from mangroves in northern Viet Nam for polyhydroxyalkanoates production	Viet Nam
24	Development of nanoconjugate based on biocompatible chitosan for multimodal cancerous monitoring and magnetic drug targeting	Viet Nam
25	Anti-caries agents from garcinia mangostana I: improved protection against dental caries	Viet Nam



Executive Council

Seventieth Session 25 – 28 September 2012

EC-70/5 28 September 2012 Original: ENGLISH

REPORT OF THE SEVENTIETH SESSION OF THE EXECUTIVE COUNCIL

1. AGENDA ITEM ONE – Opening of the session

The Chairperson of the Executive Council (hereinafter "the Council"), Ambassador Bhaswati Mukherjee of India, opened its Seventieth Session in The Hague at 10:29 on 25 September 2012.

2. AGENDA ITEM TWO – Adoption of the agenda

The Council **considered** and **adopted** the following agenda:

- 1. Opening of the session
- 2. Adoption of the agenda
- 3. Opening statement by the Director-General
- 4. Reports by the Vice-Chairpersons on the activities conducted under their respective clusters of issues
- 5. General debate
- 6. Status of implementation of the Convention:
 - (a) Reports by the Director-General on destruction-related issues
 - (b) Implementation of the Conference of the States Parties and Executive Council decisions on destruction-related issues
 - (c) Other verification-related issues
 - (d) Supplement to the 2011 Verification Implementation Report
 - (e) Status of implementation of Article VII
 - (f) Status of implementation of Article XI
 - (g) Progress made in the implementation of the action plan for the universality of the Convention



- (h) Report by the Director-General on the readiness of the Technical Secretariat to conduct a challenge inspection and an investigation of alleged use
- 7. Administrative and financial matters:
 - (a) Report of the Advisory Body on Administrative and Financial Matters
 - (b) Draft Programme and Budget of the OPCW for 2013, and all items pertaining to this Budget
 - (c) Financial Statements of the OPCW and the External Auditor's report for the year ending 31 December 2011
 - (d) OPCW income and expenditure for the financial year to 30 June 2012; the cash situation and the use of the Working Capital Fund for the financial year to 31 August 2012
 - (e) Status of implementation by States Parties of agreed multi-year payment plans to regularise the payment of their outstanding annual contributions
 - (f) Amendments to the Financial Regulations and Rules of the OPCW
 - (g) Amendment to the OPCW Staff Regulations
- 8. The OPCW Programme for Africa
- 9. Draft report of the Executive Council on the performance of its activities
- 10. Report by the Committee on Relations with the Host Country
- 11. Briefing by the Chairperson of the Open-Ended Working Group for the Preparation of the Third Review Conference¹
- 12. Dates for regular sessions of the Executive Council in 2013
- 13. Any other business
- 14. Adoption of the report
- 15. Closure

13. Closui

3. AGENDA ITEM THREE – Opening statement by the Director-General

- 3.1 The Council **noted** the opening statement by the Director-General (EC-70/DG.18, dated 25 September 2012).
- 3.2 The Director-General informed the Council about the "Supplementary Arrangement Concerning the Implementation of Article II(2)(c) of the Relationship Agreement between the United Nations and the Organisation for the Prohibition of Chemical Weapons" that he concluded with the Secretary-General of the United Nations.

The Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention

3.3 The Council **requested** that, in case the provisions of paragraph 27 of Part XI of the Verification Annex to the Chemical Weapons Convention (hereinafter "the Verification Annex") or any other document related thereto and concluded between the OPCW and the United Nations are invoked, the Director-General will promptly inform the Council and all States Parties of the request and of the actions that the Technical Secretariat (hereinafter "the Secretariat") is undertaking to respond to the request.

4. AGENDA ITEM FOUR – Reports by the Vice-Chairpersons on the activities under their respective clusters of issues

- 4.1 The Vice-Chairpersons and coordinators for clusters of issues reported to the Council on informal consultations held during the intersessional period: Ambassador Miguel Eduardo Calahorrano Camino of Ecuador on chemical weapons issues, Ambassador Robert P. Mikulak of the United States of America on chemical-industry and other Article VI issues, Ambassador Sirajuddin Hamid Yousif of Sudan on administrative and financial issues, and Ambassador Roman Kolodkin of the Russian Federation on legal, organisational, and other issues. The Chairperson also reported on her own activities on behalf of the Council during the intersessional period.
- 4.2 The Council **concurred** with the recommendation of the coordinator for chemical-industry and other Article VI issues, Ambassador Robert P. Mikulak, that the issue of "Understanding on access to records during Schedule 2, Schedule 3, and DOC/PSF plant-site inspections (item II.3 of EC-70/INF.1, dated 30 July 2012) be considered closed and requiring no further action. The Council **forwarded** this recommendation to the Conference of the States Parties (hereinafter "the Conference") for consideration at its Seventeenth Session.
- 4.3 The Council **welcomed** the appointment of Mrs Sarah Broughton of the United Kingdom of Great Britain and Northern Ireland as the facilitator for the issue of assistance and protection against chemical weapons.

5. AGENDA ITEM FIVE – General debate

The following delegations made statements during the general debate: the Islamic Republic of Iran (on behalf of the Non-Aligned Movement and China), Cyprus (on behalf of the European Union and associated countries), Sudan (on behalf of the African Group), India, China, Brazil, the Republic of Korea, Ireland, the United States of America, Norway, Canada, the Russian Federation, Malaysia, Sudan (in its national capacity), Chile, Japan, and Pakistan.

6. AGENDA ITEM SIX – Status of implementation of the Convention

Subitem 6(a): Reports by the Director-General on destruction-related issues

6.1 Further to a decision by the Conference at its Sixteenth Session (C-16/DEC.11, dated 1 December 2011), the Council **considered** and **noted** a report by the Director-General on the overall progress of destruction activities by possessor States Parties (EC-70/DG.15, dated 18 September 2012).

6.2 Further to a decision by the Council at its Sixty-Seventh Session (EC-67/DEC.6, dated 15 February 2012), the Council **noted** a report by the Director-General on the "Overall Progress with Respect to the Destruction of the Chemical Weapons Abandoned by Japan in the People's Republic of China" (EC-70/DG.17, dated 21 September 2012 and Corr.1, dated 27 September 2012).

Subitem 6(b): Implementation of the Conference of the States Parties and Executive Council decisions on destruction-related issues

- 6.3 The Secretariat briefed the Council on its destruction-related verification activities.
- 6.4 The United States of America, the Russian Federation, Libya, Japan, and China briefed the Council on their destruction-related activities.
- 6.5 The Council **noted** the statements and comments made by States Parties on the destruction of the remaining chemical weapons by possessor States, recalling the relevant Convention obligations and relevant decisions by the Conference and the Council. The Council **recalled** that the destruction of the remaining chemical weapons by possessor States Parties should continue in accordance with the provisions of the Convention and its Annex on Implementation and Verification and with the application of the measures contained in decision C-16/DEC.11.
- 6.6 Further to a decision by the Conference at its Sixteenth Session (C-16/DEC.11), a national paper by the Russian Federation on the progress made on the completion of the destruction of its chemical weapons, including information on measures to accelerate such progress, as well as on appropriate measures in order to meet the planned completion date (EC-70/P/NAT.1, dated 7 September 2012), was **considered** and **noted** by the Council, along with comments on the issue as mentioned above.
- 6.7 Further to the same decision by the Conference at its Sixteenth Session (C-16/DEC.11), a national paper by the United States of America on the progress made on the completion of the destruction of its chemical weapons, including information on measures to accelerate such progress, as well as on appropriate measures in order to meet the planned completion date (EC-70/NAT.1, dated 27 August 2012), was **considered** and **noted** by the Council, along with comments on the issue as mentioned above.
- 6.8 Further to the same decision by the Conference at its Sixteenth Session (C-16/DEC.11), a national paper by Libya on the progress made on the completion of the destruction of its chemical weapons, including information on measures to accelerate such progress, as well as on appropriate measures in order to meet the planned completion date (EC-70/NAT.2, dated 3 September 2012), was **considered** and **noted** by the Council, along with comments on the issue as mentioned above.
- 6.9 Further to a decision by the Council at its Sixty-Seventh Session (EC-67/DEC.6), the Council conducted substantive review on the implementation of the decision, including the progress made for the destruction of ACWs referred to in operative paragraph 8, which is reflected in the Report of the Executive Council on the Performance of its Activities in the Period from 16 July 2011 to 13 July 2012 (EC-70/4 C-17/2, dated 28 September 2012), to which a Note by the Secretariat is

attached. Further to the same decision, a national paper by China (EC-70/NAT.3, dated 14 September 2012) and a national paper by Japan (EC-70/NAT.4, dated 14 September 2012) have been circulated to the members of the Council. While welcoming the progress of the destruction and close cooperation between relevant States Parties, the Council **considered** and **decided** to remain seized of the matter, and **requested** the relevant States Parties to take measures to implement the destruction plan. Both States Parties reaffirmed their commitment to the abovementioned decision.

Subitem 6(c): Other verification-related issues

- 6.10 The Secretariat briefed the Council on its other verification-related activities.
- 6.11 Iraq briefed the Council on its progress made in the Al-Muthanna Bunkers Decommissioning Project.
- 6.12 The Council **adopted** a decision on guidelines for the number, intensity, duration, timing, and mode of inspections at Schedule 1 single small-scale facilities and at other Schedule 1 facilities (EC-70/DEC.4, dated 28 September 2012).

Subitem 6(d): Supplement to the 2011 Verification Implementation Report

- 6.13 The Council **considered** and **noted** the supplement to the 2011 Verification Implementation Report (VIR) (EC-70/HP/DG.2, dated 29 August 2012).
- 6.14 The Council **noted** the comments and views received on the 2011 VIR (EC-70/P/DG.1, dated 1 August 2012).

Subitem 6(e): Status of implementation of Article VII

- 6.15 Further to a decision by the Conference at its Fourteenth Session regarding the implementation of Article VII obligations (C-14/DEC.12, dated 4 December 2009), the Council **noted** the report by the Director-General on the "Status of Implementation of Article VII of the Chemical Weapons Convention as at 27 July 2012: Article VII(1)(a) to (c) and Other Obligations" (EC-70/DG.3 C-17/DG.6, dated 28 August 2012); the report by the Director-General on the "Status of Implementation of Article VII of the Chemical Weapons Convention as at 27 July 2012: Further Obligations Pursuant to Article VII" (EC-70/DG.4 C-17/DG.7, dated 28 August 2012); and the Note by the Director-General on the "Overview of the Status of Implementation of Article VII of the Chemical Weapons Convention as at 27 July 2012" (EC-70/DG.5 C-17/DG.8, dated 28 August 2012). The Council **forwarded** the documents to the Conference for consideration at its Seventeenth Session.
- 6.16 The facilitator for this issue, Mr Rami Adwan of Lebanon, reported on the consultations carried out during the intersessional period.
- 6.17 The Council **urged** all the States Parties which have not yet completed implementation of their Article VII national measures to do so. The Council **encouraged** the Secretariat and all the States Parties to provide assistance and

technical support to those States Parties to adopt the necessary measures. The Council **suggested** that proposals should be explored, based on tailor-made, results-based measures, through continuation of consultations by the Facilitator.

Subitem 6(f): Status of implementation of Article XI

- 6.18 The Council **considered** and **noted** a report by the Director-General entitled "Progress Report on and the Status of Implementation of Article XI of the Chemical Weapons Convention for the Period 1 January to 15 August 2012" (EC-70/DG.10/Rev.1 C-17/DG.11/Rev.1, dated 26 September 2012).
- 6.19 The facilitator for this issue, Mr Aamir Shouket of Pakistan, reported on the consultations carried out during the intersessional period.

Subitem 6(g): Progress made in the implementation of the action plan for the universality of the Convention

- 6.20 The Council at its Twenty-Third Meeting adopted an action plan for the universality of the Convention (EC-M-23/DEC.3, dated 24 October 2003). The plan requested the Director-General, inter alia, to submit to the Conference at its regular sessions an annual report on the implementation of the action plan, and to keep the Council regularly informed, so that the Conference and the Council may review progress and monitor its implementation effectively.
- 6.21 The facilitator for this issue, Mr Gary Applegarth of the United States of America, reported to the Council on activities conducted during the intersessional period.
- 6.22 The Council **considered** and **noted** the annual report on the implementation of the action plan for the universality of the Convention during the period from 16 September 2011 to 15 August 2012, submitted to both the Council and the Conference (EC-70/DG.14 C-17/DG.13, dated 18 September 2012).
 - Subitem 6(h): Report by the Director-General on the readiness of the Technical Secretariat to conduct a challenge inspection and an investigation of alleged use
- 6.23 The Council **considered** and **noted** a Note by the Director-General reporting on the readiness of the Secretariat to conduct a challenge inspection or an investigation of alleged use (EC-70/DG.12, dated 12 September 2012).
- 7. AGENDA ITEM SEVEN Administrative and financial matters
 - Subitem 7(a): Report of the Advisory Body on Administrative and Financial Matters
- 7.1 The Council **considered** and **noted** the report of the Thirty-Third Session of the Advisory Body on Administrative and Financial Matters (ABAF), which took place from 27 to 30 August 2012 (ABAF-33/1, dated 30 August 2012), and a Note by the Director-General containing comments on the report of the ABAF at that session (EC-70/DG.16, dated 20 September 2012).

Subitem 7(b): Draft Programme and Budget of the OPCW for 2013, and all items pertaining to this Budget

- 7.2 The Council **considered** the Draft Programme and Budget for 2013, which the Director-General had submitted to the Council in accordance with Financial Regulation 3.4, and **forwarded** it to the Conference at its Seventeenth Session, together with its comments and recommendations (EC-70/DEC.3, dated 28 September 2012).
- 7.3 The Medium-Term Plan for the period from 2013 to 2015 (EC-70/S/1 C-17/S/1, dated 28 June 2012 and Corr.1, dated 19 July 2012) was circulated to the members of the Council, along with the Draft Programme and Budget for 2013.
- 7.4 The Note by the Secretariat on the programme performance for the year 2011 (S/1018/2012, dated 23 May 2012) was circulated to the members of the Council.
 - Subitem 7(c) Financial Statements of the OPCW and the External Auditor's report for the year ending 31 December 2011
- 7.5 The Council **noted** the Financial Statements of the OPCW and the report of the External Auditor for the year ending 31 December 2011 (EC-70/DG.1 C-17/DG.4, dated 10 July 2012 and Corr.1, dated 28 September 2012) and **forwarded** them to the Conference for consideration at its Seventeenth Session. The Council **received** a presentation by the External Auditor, Mr Norbert Hauser (EC-70/2, dated 26 September 2012).
- 7.6 The facilitator for this issue, Ms Sakiko Hayakawa of Japan, reported to the Council on consultations held during the intersessional period.
 - Subitem 7(d): OPCW income and expenditure for the financial year to 30 June 2012; the cash situation and the use of the Working Capital Fund for the financial year to 31 August 2012
- 7.7 The Council **considered** and **forwarded** to the Conference at its Seventeenth Session a report by the Director-General on OPCW income and expenditure for the financial year to 30 June 2012 (EC-70/DG.2 C-17/DG.5, dated 19 July 2012 and Corr.1, dated 7 September 2012).
- 7.8 The Council **considered** and **forwarded** to the Conference at its Seventeenth Session a Note by the Director-General on the cash situation and the use of the Working Capital Fund for the financial year to 31 August 2012 (EC-70/DG.11 C-17/DG.12, dated 12 September 2012).
- 7.9 The Council **noted** the Note by the Director-General on the transfer of funds during 2012 and **concurred** on the proposal contained therein (EC-70/DG.13, dated 18 September 2012).

- Subitem 7(e): Status of implementation by States Parties of agreed multi-year payment plans to regularise the payment of their outstanding annual contributions
- 7.10 Further to a decision of the Conference at its Eleventh Session (C-11/DEC.5, dated 7 December 2006), the Council **considered** and **forwarded** to the Conference at its Seventeenth Session a Note by the Director-General on the status of implementation by States Parties of agreed multi-year payment plans (EC-70/DG.6 C-17/DG.9, dated 4 September 2012).
 - Subitem 7(f): Amendments to the Financial Regulations and Rules of the OPCW
- 7.11 The Council **considered** a Note by the Director-General on proposed amendments to the Financial Regulations and Rules of the OPCW (EC-70/DG.8, dated 12 September 2012) and **adopted** a decision on this matter (EC-70/DEC.1, dated 26 September 2012).
 - **Subitem 7(g):** Amendment to the OPCW Staff Regulations
- 7.12 The Council **considered** a Note by the Director-General on the proposed amendment to the Staff Regulations of the OPCW (EC-70/DG.7, dated 12 September 2012) and **adopted** a decision on this matter (EC-70/DEC.2, dated 28 September 2012) and **forwarded** it to the Conference for consideration at its Seventeenth Session. The Council **emphasised** that downward classification of posts will be undertaken without adverse effect on the programme delivery of the operational Divisions (Verification, Inspectorate, and International Cooperation and Assistance) of the Secretariat. The Council **encouraged** the Director-General to submit proposals for all upward classifications simultaneously with release of the Draft Programme and Budget.
- 8. AGENDA ITEM EIGHT The OPCW Programme for Africa

The Council **considered** and **noted** a Note on the Programme to Strengthen Cooperation with Africa on the Chemical Weapons Convention (EC-70/DG.9 C-17/DG.10, dated 12 September 2012).

- 9. AGENDA ITEM NINE Draft report of the Executive Council on the performance of its activities
- 9.1 The Council **considered** and **approved** the report on the performance of its activities in the period from 16 July 2011 to 13 July 2012 (EC-70/4 C-17/2) and **submitted** it to the Conference for consideration at its Seventeenth Session.
- 9.2 A Note by the Secretariat entitled "the Destruction of Chemical Weapons Abandoned by Japan in the People's Republic of China" was attached to the above-mentioned report.

10. AGENDA ITEM TEN – Report by the Committee on Relations with the Host Country

- 10.1 At its Eleventh Session, the Conference adopted a decision establishing a Committee on Relations with the Host Country (hereinafter "the Host Country Committee") (C-11/DEC.9, dated 7 December 2006). The Council **considered** and **noted** a report by the Host Country Committee on the performance of its activities from February to August 2012, and **submitted** it to the Conference for consideration at its Seventeenth Session (EC-70/HCC/1/Rev.1 C-17/HCC/2/Rev.1, dated 27 September 2012).
- 10.2 Pursuant to the concerns expressed at previous Sessions related to the issues under consideration by the Host Country Committee, the Council **received** the report of the Committee on progress made in this regard, and **decided** to remain seized of the matter and, while encouraging the Host Country and concerned delegations to continue their close consultations with a view to finalising a solution, **called upon** the Host Country Committee to report back to the Council at its next regular Session.

11. AGENDA ITEM ELEVEN – Briefing by the Chairperson of the Open-Ended Working Group for the Preparation of the Third Review Conference

The Chairperson of the Open-Ended Working Group (OEWG) for the Preparation of the Third Review Conference, Ambassador Nassima Baghli of Algeria, **briefed** the Council on the activities of the OEWG.

12. AGENDA ITEM TWELVE – Dates for regular sessions of the Executive Council in 2013

- 12.1 The Council **decided** that the Seventy-First Session of the Council shall be held from 19 to 22 February 2013, that the Seventy-Second Session of the Council shall be held from 6 to 8 May 2013, that the Seventy-Third Session of the Council shall be held from 16 to 19 July 2013, and that the Seventy-Fourth Session of the Council shall be held from 8 to 11 October 2013. The Council **decided** to make an effort to reduce the number of days from four to three, to the extent possible.
- 12.2 The Council **decided** that, as from 12 May 2013, the Council shall meet for three regular sessions during its annual cycles.

13. AGENDA ITEM THIRTEEN – Any other business

Issues relating to improvement of the methodology of the work of the Council

The Council **considered** the recommendations contained in the Chairperson's summary of issues raised in the informal consultations held on 29 August 2012 related to the improvement of the methodology of the work of the Council (EC-70/3*, dated 25 September 2012). The Council expressed appreciation for the progress achieved on this matter and the general desire to move forward on some recommendations. The Council **also noted** that other recommendations would require further discussion by the Council, as appropriate. The Council **requested** the Chairperson to continue consultations intersessionally on issues relating to improvement of the methodology of the work of the Council.

14. AGENDA ITEM FOURTEEN – Adoption of the report

The Council **adopted** the report of its Seventieth Session.

15. AGENDA ITEM FIFTEEN – Closure

The Chairperson closed the session at 20:40 on 28 September 2012.

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2. Related CBW Treaties

The existing CBW governance regime is made up of many elements but three multilateral treaties – the 1925 Geneva Protocol, the 1972 Biological Weapons Convention and the 1993 Chemical Weapons Convention – act as the bedrock and the normative heart around which all other elements are built. One other multilateral treaty is important, the 1977 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (the ENMOD Convention), because of its particular provisions prohibiting warfare with herbicides.

This section includes the text of the Geneva Protocol, the BWC and the ENMOD Convention and lists the States Parties, the Signatory States that have not yet ratified and the non-Signatory States to each of these agreements. The CWC is too long to be included here in full, but it is available in hard copy from the OPCW Technical Secretariat or electronically at: http://www.opcw.org/html/db/cwc/eng/cwc_menu.html. Copies of the CWC text in all official languages will also be added as additional material in the electronic versions of the *Resource Guide*.

Readers interested in aspects of control of dual-use chemicals may also wish to examine the treaties relating to the misuse of drugs. There are parallels between the regime to control narcotics and those designed to control chemical weapons -- both are based on control of materials that can have legitimate purposes. Copies of relevant treaties can be found at http://www.unodc.org/unodc/en/treaties/.

2.1 1925 Geneva Protocol

Full name: Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or

Other Gases, and of Bacteriological Methods of Warfare

Date of opening for signature: 17 June 1925 **Date of entry into force:** 8 February 1928

Depositary: Government of France

States Parties: 138

The 1925 Geneva Protocol prohibits 'the use in war of asphyxiating, poisonous, or other gases and of all analogous liquids, materials or devices', and it also bans 'bacteriological methods of warfare'. It was adopted by the Conference for the Supervision of the International Trade in Arms and Ammunition and in Implements of War convened in Geneva by the League of Nations and builds on earlier international agreements on the laws of war, such as those from the 1899 and 1907 peace conferences in The Hague. The Geneva Protocol prohibitions are now widely considered to have entered into customary international law, making them binding on all states, whether or not they have formally joined the treaty.

On joining the Geneva Protocol, over 40 states entered reservations. These reservations upheld the right of the reserving states to use the prohibited weapons against non-parties or in response to the use of these weapons by a violating party, or against the allies of the violating party even if they themselves have not committed a violation. These reservations, which were not strictly necessary as the Protocol was expressly drafted as a contract between its parties, reinforced the fact that the Protocol was essentially a no-first-use agreement. As a result of diplomatic pressure and the entry into force of the treaties banning production and possession of these weapons (the 1972 Biological Weapons Convention and the 1993 Chemical Weapons Convention), at least 17 states withdrew their reservations to

the Protocol. However, according to a non-paper distributed by France during the 2006 session of the UN General Assembly's First Committee, around 22 States Parties retain reservations that are 'often incompatible with the commitments made within the framework of the BTWC and CWC'. A list of High Contracting Parties to the Geneva Protocol and a list of those countries retaining reservations is provided in this section of the *Resource Guide*.

Since the 1980s, resolutions have been passed by both the United Nations Security Council and General Assembly, encouraging the UN Secretary-General to investigate reports of possible violations of the Geneva Protocol. A total of 12 investigations have subsequently been carried out by the Secretary-General, some under the authority of these resolutions. During the Iran-Iraq war of the 1980s UN investigators confirmed the use of chemical weapons by Iraq. In January 1989 States Parties to the Geneva Protocol and other interested states met in Paris to respond to the confirmed use of chemical weapons in the Iran-Iraq war and to support the negotiation of a chemical weapons convention. In the Final Declaration of the conference, they also reaffirmed their 'full support for the Secretary-General in carrying out his responsibilities for investigations in the event of alleged violations of the Geneva Protocol'. More detail of the Secretary-General's investigatory mechanism, and some of the relevant documents, are provided in the UN Documents section of the *Resource Guide*.

The Geneva Protocol currently has 138 High Contracting Parties. States wishing to ratify or accede to the Geneva Protocol should deposit their instrument of ratification/accession with the French Government, which is the Depositary of the Protocol. Instruments of ratification or accession should be sent to:

M. Aurélien Lepine-Kouas
Ministère des Affaires Etrangères
Sous-Direction du Désarmement chimique, biologique et de la maîtrise des armements classiques
37 Quai d'Orsay
75700 Paris 07 SP
France

E-mail: Aurelien.LEPINE-KOUAS@diplomatie.gouv.fr

Phone: +33 1 43 17 43 09 Fax: +33 1 43 17 49 52

2.2. 1972 Biological Weapons Convention

Full name: Convention on the Prohibition of the Development, Production and Stockpiling

of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

Date of adoption: 16 December 1971 (UN General Assembly)

Date of opening for signature: 10 April 1972 (London, Moscow, Washington)

Date of entry into force: 26 March 1975

Depositaries: Governments of Russia, United Kingdom and United States

States Parties: 167 Signatory States: 12

The 1972 Biological and Toxin Weapons Convention prohibits the development, production, stockpiling or other acquisition or retention, or transfer of biological and toxin

weapons (which are defined in Article I using a general purpose criterion) and requires the destruction of existing weapons. BWC States Parties have additionally agreed that BW use is effectively covered by the treaty's prohibitions. The States Parties have therefore renounced germ weapons in order to 'exclude completely' the possibility of such weapons being used against humans, animals or plants. States that have signed but not ratified the BWC are nonetheless obliged to refrain from acts which would defeat the object and purpose of the treaty, such as developing or using biological weapons.

The BWC was negotiated by the Conference of the Committee on Disarmament (a precursor of today's Conference on Disarmament) at a time of heightened international concern about chemical and biological weapons in the late 1960s and was the first occasion when the two categories of weaponry prohibited together in the Geneva Protocol were separated. The justification for separate treatment of the two categories of weapon was the perception that, unlike a comprehensive prohibition of chemical weapons, a ban on biological weapons did not require intrusive verification and that it could therefore be concluded quickly.

The Convention reflects the post-Second World War renunciation of biological weapons by the defeated Axis powers, as found in the 1954 Revised Brussels Treaty, as well as the subsequent unilateral renunciations by other states, particularly by the US in 1969. The BWC extends the existing regime prohibiting the use of chemical or biological weapons (elaborated in the 1925 Geneva Protocol), by explicitly banning the development, production, stockpiling and transfer of biological and toxin weapons. However, the BWC essentially makes no provision for any particular procedures or forms of international cooperation or organization to implement its rules, to verify compliance with its obligations (aside from the consultation and cooperation procedure in Article V and the complaint procedure involving the UN Security Council in Article VI) or to enforce its norm of non-possession. The Convention has been strengthened at its periodic Review Conferences and an attempt was made during the 1990s to negotiate a protocol to strengthen the BWC, although this ultimately failed in 2001.

As of January 2013 the BWC has 167 States Parties and 12 signatories with 17 states which have neither signed nor ratified the Convention. The depositaries of the BWC are the governments of Russia, the UK and the USA. States wishing to ratify (Signatory States) or accede (non-Signatory States) to the treaty should send their instrument of ratification/accession to one or more of these three countries.

Legal Department Ministry of Foreign Affairs of Russia 32/34 Smolenskaya-Sennaya Square Moscow 121 200 Russian Federation

Russia

Phone: ++ 7 495 241 77 18 Fax: ++ 7 495 241 11 66 E-mail: dp@mid.ru

NB: The instruments of ratification or accession are deposited in Moscow upon their transmittal through the established diplomatic channels.

1 Treaty Section (Legal Advisers) Room G62 Old Admiralty Building Foreign and Commonwealth Office London SW1A 2PA United Kingdom

United Kingdom

Telephone: ++ 44 207 008 1109

Fax: ++ 44 207 008 1115

E-Mail: treaty.fco@gtnet.gov.uk Website: www.fco.gov.uk/treaty

NB: Envelopes should be marked "For the attention of the Depositary"

Office of the Assistant Legal Adviser for Treaty Affairs United States Department of State, Suite 5420 2201 C Street, N.W. Washington, D.C. 20520 United States of America

Phone: ++ 1 202 647 1345 E-mail: <u>treatyoffice@state.gov</u> Website: www.state.gov/s/l/treaty/

United States

NB: states wishing to deposit in Washington are advised to forward their instruments of ratification/accession to the Treaty Office through their embassies in Washington. Embassy staff should then call the Depositary Officer at the Treaty Office on the phone number above to schedule an appointment for hand-delivery of the instrument.

2.3 1977 ENMOD Convention

Full name: Convention on the prohibition of military or any other hostile use of

environmental modification techniques **Date of adoption:** 10 December 1976

Date of opening for signature: 18 to 31 May 1977

Date of entry into force: 5 October 1978

Depositary: Secretary General of the United Nations

States Parties: 76 Signatory States: 48

The 1977 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques prohibits using the environment as a weapon in conflicts. Under Article I, States Parties commit not to engage in military or any other hostile use of environmental modification techniques having 'widespread, long-lasting or severe effects' as the means of destruction, damage or injury to any other State Party. Also, States Parties undertake not to assist, encourage or induce any State, group of States or

international organization to engage in such activities. The terms 'widespread', 'long-lasting' and 'severe' were defined in an annex to the 1976 report of the Conference of the Committee on Disarmament (CCD) to the UN General Assembly, not as an integral part of the Convention, but as an interpretative text applicable to, for example, the use of chemical herbicides. This defined 'widespread' as encompassing an area of several hundred square kilometres; 'long-lasting' as a period of months or a season, and 'severe' as involving serious or significant disruption or harm to human life, natural and economic resources or other assets.

Prior to the negotiation of the ENMOD Convention, the massive US use of herbicides in Southeast Asia had become an issue of global controversy. This is partly why the prohibitions set forth in the BWC apply not only to anti-animal agents but also to anti-plant ones. US attempts at environmental modification prompted opposition from some members of the US Congress. After investigation confirmed the cloud seeding attempts of Operation Popeve in 1973, the US Senate passed a resolution urging President Nixon to initiate negotiations leading to a multilateral treaty. After a year of bilateral negotiations, in 1975 the Soviet Union and the United States submitted separate but identical texts of a draft convention to the UN. The draft was then finalized in the CCD and adopted by the UN General Assembly on 10 December 1976. Opened for signature on 18 May 1977, the ENMOD Convention entered into force when Laos, the twentieth State Party, deposited its instrument of ratification on 5 October 1978. States Parties to the Convention have met only twice to review its operation, in 1984 and 1992. The Second ENMOD Review Conference confirmed that the use of herbicides as an environmental modification technique is a violation of the Convention if such use upsets the ecological balance of a region. Similarly, the preamble to the CWC recognizes 'the prohibition, embodied in the pertinent agreements and relevant principles of international law, of the use of herbicides as a method of warfare'.

The UN Secretary-General is depositary of the ENMOD Convention. States wishing to ratify or accede to the treaty should send their instrument of ratification/accession to:

Treaty Section Office of Legal Affairs United Nations New York, NY 10017 USA

E-mail: <u>treaty@un.org</u> Phone: ++ 1 212 963 5047 Fax: ++ 1 212 963 3693 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare. Signed at Geneva, June 17, 1925.

French and English official texts communicated by the President of the Council, Minister for Foreign Affairs of the French Republic. The registration of this Protocol took place September 7, 1929.

THE UNDERSIGNED PLENIPOTENTIARIES, in the name of their respective Governments:

Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilised world; and

Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and

To the end that this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations;

DECLARE:

That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration.

The High Contracting Parties will exert every effort to induce other States to accede to the present Protocol. Such accession will be notified to the Government of the French Republic, and by the latter to all signatory and acceding Powers, and will take effect on the date of the notification by the Government of the French Republic.

The present Protocol, of which the French and English texts are both authentic, shall be ratified as soon as possible. It shall bear today's date.

The ratification of the present Protocol shall be addressed to the Government of the French Republic, which will at once notify the deposit of such ratification to each of the signatory and acceding Powers.

The instruments of ratification of and accession to the present Protocol will remain deposited in the archives of the Government of the French Republic.

The present Protocol will come into force for each signatory Power as from the date of deposit of its ratification, and, from that moment, each Power will be bound as regards other Powers which have already deposited their ratifications.



Protocole concernant la prohibition d'emploi à la guerre de gaz asphyxiants, toxiques ou similaires et de moyens bactériologiques, fait à Genève le 17 juin 1925

Date d'adoption : 17.06.1925

Conditions d'entrée en vigueur : Le jour du dépot de chaque instrument de ratification.;Pour les adhésions, effet le jour de la notification par le gouvernement français.

Date d'entrée en vigueur générale : 08.02.1928

Pays	Date de signature	Instrument	Date Instrument	Date de dépôt
France Afghanistan	17.06.1925	RATIFICATION ADHESION	09.05.1926 25.03.1986	10.05.1926 09.12.1986
Afrique du Sud	******	ADHESION	24.05.1930	24.05.1930
Albanie	*******	ADHESION	20.07.1989	12.12.1989
Algérie		ADHESION	08.01.1992	14.01.1992
Allemagne Fédérale	17.06.1925	RATIFICATION	13.04.1929	25.04.1929
Angola	*****	ADHESION	02.03.1990	30.10.1990
Antigua et Barbuda Arabie Saoudite	*****	SUCCESSION ADHESION	27.04.1988 10.01.1971	01.02.1989 25.01.1971
Argentine	*****	ADHESION	16.04.1969	08.05.1969
Australie	*****	ADHESION	22.01.1930	24.05.1930
Autriche	17.06.1925	RATIFICATION	21.10.1927	09.05.1928
Bahreïn	******	ADHESION	20.10.1988	09.12.1988
Bangladesh	*****	ADHESION	06.01.1989	09.01.1989
Barbade	******	SUCCESSION	22.06.1976	16.07.1976
Belgique	17.06.1925	RATIFICATION	08.11.1928	04.12.1928
Bénin	******	ADHESION	25.04.1986	09.12.1986
Bhoutan	******	ADHESION	27.04.1978	12.06.1978
Bolivie	******	ADHESION	08.11.1984	14.01.1985
Brésil	17.06.1925	RATIFICATION	28.07.1970	28.08.1970
Bulgarie	17.06.1925	RATIFICATION	12.02.1933	07.03.1934
Burkina Faso	*******	RATIFICATION	31.12.1970	03.03.1971
Cambodge	*******	ADHESION	28.01.1983	15.03.1983
Cameroun		ADHESION	28.02.1989	20.07.1989
Canada	17.06.1925	RATIFICATION	03.07.1929	06.05.1930
Cap-Vert	*****	ADHESION ADHESION	27.04.1991 12.06.1970	20.05.1991 30.07.1970
Centrafrique Chili	17.06.1925	RATIFICATION	02.02.1935	02.07.1970
Chine	******	SUCCESSION	13.07.1952	13.07.1952
Chypre	*****	SUCCESSION	21.11.1966	12.12.1966
Corée du Nord	*****	ADHESION	08.12.1988	22.12.1988
Corée du Sud	******	ADHESION	26.12.1988	29.12.1988
Costa-Rica	******	ADHESION	17.03.2009	13.02.2009
Côte d'Ivoire	******	ADHESION	01.06.1970	21.07.1970
Croatie	******	ACCEPTATION	16.08.2006	18.12.2006
Cuba	******	ADHESION	11.08.1965	24.05.1966
Danemark	17.06.1925	RATIFICATION	21.02.1930	05.05.1930
Egypte	17.06.1925	RATIFICATION	24.10.1928	06.12.1928
Equateur	*******	ADHESION	05.08.1970	10.09.1970
Espagne	17.06.1925	RATIFICATION	15.07.1929	22.08.1929
Estonie	17.06.1925	RATIFICATION	17.07.1931	28.08.1931
Etats-Unis	17.06.1925 17.06.1925	RATIFICATION RATIFICATION	22.01.1975 07.10.1935	10.04.1975 07.10.1935
Ethiopie Fidji	17.00.1925 ******	SUCCESSION	26.01.1973	21.03.1973
Finlande	17.06.1925	RATIFICATION	31.05.1929	26.06.1929
Gambie	******	SUCCESSION	11.10.1966	05.11.1966
Ghana	*****	ADHESION	12.04.1967	02.05.1967
Grèce	17.06.1925	RATIFICATION	07.05.1931	30.05.1931
lle de la Grenade	******	SUCCESSION	03.01.1989	03.01.1989

Guatemala	******	ADHESION	02.05.1983	03.05.1983
Guinée Equatoriale	*****	ADHESION	19.07.1988	16.05.1989

Guinée-Bissao		ADHESION	04.01.1989	20.05.1989
Hongrie	******	ADHESION	27.08.1952	11.10.1952
Inde	17.06.1925	RATIFICATION	13.06.1929	09.04.1930
Indonésie	*****	SUCCESSION	13.01.1971	21.01.1971
Irak	*****	ADHESION	07.04.1931	08.09.1931

Iran	*****	ADHESION	04.07.1929	15.08.1929
Irlande		ADHESION	18.08.1930	19.08.1930
Islande	******	ADHESION	16.10.1966	19.12.1966
Israël	*****	ADHESION	22.01.1969	10.02.1969
Italie	17.06.1925	RATIFICATION	01.03.1928	03.04.1928
Jamaïque	******	SUCCESSION	25.06.1970	28.07.1970
	47.00.4005			
Japon	17.06.1925	RATIFICATION	19.05.1970	21.05.1970
Jordanie		ADHESION	10.10.1976	20.01.1977
Kenya	*****	ADHESION	04.06.1970	17.06.1970
Koweït	******	ADHESION	03.01.1971	02.12.1971
Laos	*****	ADHESION	22.12.1988	16.01.1989
Lesotho	*****	SUCCESSION	10.02.1972	10.03.1972
	47.00.4005			
Lettonie	17.06.1925	RATIFICATION	11.02.1931	03.06.1931
Liban		ADHESION	03.03.1969	15.04.1969
Libéria	*****	ADHESION	02.04.1927	17.06.1927
Libye	******	ADHESION	17.10.1971	21.12.1971
Liechtenstein	*****	ADHESION	22.04.1991	16.05.1991
Lituanie	17.06.1925	RATIFICATION	22.12.1932	15.06.1933
Luxembourg	17.06.1925	RATIFICATION	15.07.1936	01.09.1936
Madagascar		ADHESION	01.06.1967	21.06.1967
Malaisie	*****	ADHESION	16.11.1970	07.12.1970
Malawi	*****	ADHESION	14.08.1970	04.09.1970
lles Maldives	*****	SUCCESSION	19.12.1966	27.12.1966
Malte	*****	SUCCESSION	25.09.1970	09.10.1970
Maroc	****	ADHESION	27.07.1970	
	*****			07.10.1970
Ile Maurice		SUCCESSION	27.11.1970	23.12.1970
Mexique	******	ADHESION	15.03.1932	16.03.1932
Monaco	*****	ADHESION	25.10.1966	15.12.1966
Mongolie	******	ADHESION	18.11.1968	*****
Népal	*****	ADHESION	12.03.1969	07.05.1969
Nicaragua	17.06.1925	RATIFICATION	07.09.1990	05.10.1990

Niger	*****	SUCCESSION	18.03.1967	05.04.1967
Nigéria		ADHESION	23.09.1968	09.10.1968
Norvège	17.06.1925	RATIFICATION	27.05.1932	27.07.1932
Nouvelle Zélande	*****	ADHESION	22.01.1930	24.05.1930
Ouganda	*****	ADHESION	02.04.1965	14.04.1965
Pakistan	*****	SUCCESSION	13.04.1960	15.04.1960
Panama	*****	ADHESION	30.10.1970	26.11.1970

Papouasie-Nouvelle Guinée	*****	SUCCESSION	02.09.1980	02.09.1980
Paraguay		ADHESION	22.09.1933	22.10.1933
Pays-Bas	17.06.1925	RATIFICATION	17.10.1930	31.10.1930
Pérou	*****	ADHESION	03.05.1985	05.06.1985
Philippines	*****	ADHESION	10.03.1973	29.05.1973
Pologne	17.06.1925	RATIFICATION	18.10.1928	04.02.1929
Portugal	17.06.1925	RATIFICATION	30.05.1930	01.07.1930
Qatar		ADHESION	18.04.1976	16.09.1976
République Dominicaine	******	ADHESION	06.11.1970	04.12.1970
République Tchèque	*****	SUCCESSION	17.09.1993	*****
Roumanie	17.06.1925	RATIFICATION	02.08.1929	23.08.1929
Royaume-Uni	17.06.1925	RATIFICATION	13.06.1929	09.04.1930
Russie	******	SUCCESSION	******	27.01.1992
	*****		24 02 4004	
Rwanda	****	SUCCESSION	21.03.1964	11.05.1964
Saint-Christophe et Nieves		SUCCESSION	27.04.1989	26.10.1989
Ile Sainte-Lucie	******	SUCCESSION	08.11.1988	05.12.1988
Saint-Siège	*****	ADHESION	01.09.1966	12.10.1966
Saint-Vincent et Grenadines	******	SUCCESSION	24.03.1999	23.04.1999
lles Salomon	*****	SUCCESSION	01.06.1981	11.06.1981
noo oalomon		SOCOLOGION	51.50.1501	11.00.1001

El Salvador	17.06.1925	ADHESION	26.02.2008	*****
Sénégal	******	ADHESION	23.05.1977	15.06.1977
Serbie	******	SUCCESSION	03.06.2006	*****
Sierra Leone	******	ADHESION	09.02.1967	20.02.1967
Slovaquie	******	SUCCESSION	30.06.1997	01.07.1997
Slovénie	******	RATIFICATION	10.03.2008	08.04.2008
Soudan	******	ADHESION	22.04.1976	*****
Sri Lanka	******	ADHESION	18.12.1953	20.01.1954
Suède	17.06.1925	RATIFICATION	21.02.1930	25.04.1930
Suisse	17.06.1925	RATIFICATION	28.06.1932	12.07.1932
Swaziland	******	ADHESION	31.05.1991	10.07.1991
Syrie	******	ADHESION	11.09.1968	22.11.1968
Taïwan	******	ADHESION	07.08.1929	24.08.1929
Tanzanie	******	ADHESION	28.02.1963	22.04.1963
Thaïlande	17.06.1925	RATIFICATION	02.03.1931	06.06.1931
Togo	******	ADHESION	02.11.1970	18.11.1970
Tonga	******	SUCCESSION	22.06.1971	19.07.1971
Trinité et Tobago	******	SUCCESSION	09.10.1970	24.11.1970
Tunisie	******	ADHESION	15.05.1967	12.07.1967
Turquie	17.06.1925	RATIFICATION	25.05.1929	05.10.1929
Ukraine	******	SUCCESSION	15.07.2003	07.08.2003
Uruguay	17.06.1925	RATIFICATION	01.03.1977	12.04.1977
Vénézuéla	17.06.1925	RATIFICATION	*****	08.02.1928
Vietnam	******	ADHESION	23.09.1980	*****
Yémen	*****	ADHESION	26.01.1970	11.03.1971

Ce tableau a été réalisé à partir des instruments déposés dans les Archives du Gouvernement de la République Française.

Date décret : 22.08.1928 **Date décret JO :** 29.08.1928 **Page décret JO :** 9807

Modifié par : Confirmé par l'acte du 11.01.1989 depuis le 11.01.1989

Effet sur : Liaison avec la convention du 17.06.1925 sur le commerce des armes depuis le

17.06.1925

Autres publications: S.D.N., vol. 94, p. 66

Geneva Protocol reservations

[List compiled by Richard Guthrie, October 2011]

Reservations mostly take the form of (1) limiting the remit of the protocol as only binding in relation to states that have become party to it and (2) reserving a right to use the methods of warfare prohibited by the protocol if the state is subject to an attack by such methods.

[Note: A number of Arab states included reservations that, in summary, stated that becoming a party to the Protocol did not constitute recognition of Israel. For space reasons, these reservations, or elements of reservations, have not been included within this list.]

The following states explicitly retain reservations to the Geneva Protocol.

Algeria

"The Algerian Government will be bound by the Protocol only with regard to States which have ratified or have adhered to it and will cease to be bound by the said Protocol with regard to any State whose armed forces or whose allies' armed forces do not respect the provisions of the Protocol".

Angola

"In acceding to the Protocol of 17 June 1925, the People's Republic of Angola declares that the latter is binding only on those States which have signed and ratified or which have definitively acceded to the Protocol. In acceding to the Protocol of 17 June 1925, the People's Republic of Angola declares that the latter would cease to be binding on all enemy States whose armed forces or whose allies, de jure or de facto do not respect the prohibitions which are the object of the said Protocol".

Bahrain

"The said Protocol is only binding on the Government of the State of Bahrain as regards those States which have signed and ratified the Protocol or have acceded thereto; The said Protocol shall cease to be binding on the Government of the State of Bahrain in regard to any enemy State whose armed forces, or the armed forces of whose Allies, fail to respect the prohibitions laid down in the Protocol; ..."

Bangladesh

"The said Protocol is only binding on the Government of Bangladesh as regards those States which have signed and ratified the Protocol or have acceded thereto; The said Protocol shall cease to be binding on the Government of Bangladesh in regard to any enemy State whose armed forces, or the armed forces of whose Allies, fail to respect the prohibitions laid down in the Protocol."

Cambodia

In a note verbale of 30 September 1993, the Ministry of Foreign Affairs and International Cooperation of Cambodia declared that the Royal Government of Cambodia considered itself bound by the Protocol of 17 June 1925, to which the coalition Government of Democratic Cambodia had acceded on 15 March 1983. This accession had been considered invalid by France (the depositary power) as well as by Australia, Bulgaria, Cuba, Czechoslovakia, Ethiopia, Hungary, Mauritius, Mongolia, Poland, the Soviet Union and Viet Nam. The 15 March 1983 instrument contained the following reservation: "The Coalition Government of Democratic Kampuchea (CGDK) reserves the right not to be bound by the aforesaid Protocol as regards any enemy whose armed forces or allies no longer respect the prohibitions contained in this Protocol".

China

On 13 July 1952, the People's Republic of China issued a statement recognizing as binding upon it the accession to the Protocol in the name of China. "The People's Republic of China considers itself bound by the Protocol on condition of reciprocity on the part of all the other contracting and acceding powers".

Fiji

In a declaration of succession of 26 January 1973 addressed to the depositary government, the government of Fiji confirmed that the provisions of the Protocol were applicable to it by virtue of the ratification by the United Kingdom. "The Protocol is only binding on Fiji as regards States which have both signed and ratified it and which will have finally acceded thereto. The Protocol shall cease to be binding on Fiji in regard to any enemy State whose armed forces or the armed forces of whose allies fail to respect the prohibitions which are the object of the Protocol".

India

"(1) The said Protocol is only binding on His Britannic Majesty as regards those States which have both signed and ratified it, or have finally acceded thereto. (2) The said Protocol shall cease to be binding on His Britannic Majesty towards any Power at enmity with Him whose armed forces, or the armed forces of whose allies, fail to respect the prohibitions laid down in the Protocol".

Iraq

"On condition that the Iraq government shall be bound by the provisions of the Protocol only towards those States which have both signed and ratified it or have acceded thereto, and that it shall not be bound by the Protocol towards any State at enmity with Iraq whose armed forces, or the forces of whose allies, do not respect the provisions of the Protocol".

Israel

The said Protocol is only binding on the State of Israel as regards States which have signed and ratified or acceded to it. The said Protocol shall cease ipso facto to be binding on the State of Israel as regards any enemy State whose armed forces, or the armed forces of whose allies, or the regular or irregular forces, or groups or individuals operating from its territory, fail to respect the prohibitions which are the object of this Protocol.

Jordan

"Jordan undertakes to respect the obligations contained in the Protocol with regard to States which have undertaken similar commitments. It is not bound by the Protocol as regards States whose armed forces, regular or irregular, do not respect the provisions of the Protocol".

Korea, Democratic People's Republic of

"The said Protocol is only binding on the Government of the Democratic People's Republic of Korea as regards those States which have signed and ratified the Protocol or have acceded thereto. The said Protocol shall cease to be binding on the Government of the Democratic People's Republic of Korea in regard to any enemy State whose armed forces, or the armed forces of whose Allies, fail to respect the prohibitions laid down in the Protocol".

Kuwait

"In case of breach of the prohibition mentioned in this Protocol by any of the Parties, the State of Kuwait will not be bound, with regard to the Party committing the breach, to apply the provisions of this Protocol".

Libya

"The present Protocol is binding on the Libyan Arab Republic only as regards States which are effectively bound by it and will cease to be binding on the Libyan Arab Republic as regards States whose armed forces, or the armed forces of whose allies, fail to respect the prohibitions which are the object of this Protocol".

Nigeria

"The Protocol is only binding on Nigeria as regards States which are effectively bound by it and shall cease to be binding on Nigeria as regards States whose armed forces or whose allies' armed forces fail to respect the prohibitions which are the object of the Protocol".

Papua New Guinea

"The said Protocol is only binding on the Government of Papua New Guinea as regards those States which have signed and ratified the Protocol or have acceded thereto. The said Protocol shall cease to be binding on the Government of Papua New Guinea in regard to any enemy State whose armed forces, or the armed forces of whose Allies, fail to respect the prohibitions laid down in the Protocol".

Republic of Korea

The said Protocol is only binding on the Government of the Republic of Korea as regards those States which have signed and ratified the Protocol or have acceded thereto. The said Protocol shall cease to be binding on the Government of the Republic of Korea in regard to any enemy State whose armed forces, or the armed forces of whose Allies, fail to respect the prohibitions laid down in the Protocol.

Reservation withdrawn for biological methods of warfare in 2002.

Solomon Islands

"The obligations stemming from the aforesaid Protocol shall be binding upon the Solomon Islands only in their relations with States which have ratified the Protocol or acceded to it and which respect its provisions".

Thailand

"Declares as binding ipso facto, without special agreement with respect to any other Member or State accepting and observing the same obligation, that is to say, on condition of reciprocity, [the Protocol]".

United States of America

"The protocol shall cease to binding on the government of the United States with respect to the use in war of asphyxiating, poisonous or other gases, and all analogous liquids, materials, or devices, in regard to any enemy State if such State or any of its allies fails to respect the prohibitions laid down in the Protocol".

Viet Nam

"The said Protocol is only binding on the Government of Viet Nam as regards those States which have signed and ratified the Protocol or have acceded thereto; The said Protocol shall cease to be binding on the Government of Viet Nam in regard to any enemy State whose armed forces, or the armed forces of whose Allies, fail to respect the prohibitions laid down in the Protocol".

Yugoslavia

"The said Protocol shall cease to be binding on the government of the Serbs, Croats and Slovenes in regard to any enemy State whose armed forces or whose allies fail to respect the prohibitions which are the object of this Protocol".

[*Note*: although the legal relationship between the Yugoslavia that ratified the Geneva Protocol and the current state of Serbia is ambiguous, the latter claims to be a party to the Protocol by virtue of the former's deposit (submission by Serbia and Montenegro to the 1540 committee, as reproduced in UN doc. S/AC.44/2004/(02)/100/Add.1, dated 23 January 2006), but then deposited an instrument of succession with the Government of France on 3 June 2006.]

Withdrawn reservations

States known to have withdrawn their reservations include: Australia, Belgium, Bulgaria, Canada, Chile, Czechoslovakia (as was), Estonia, France, Ireland, Mongolia, the Netherlands, New Zealand, Portugal, Romania, Russia, South Africa, Spain and the UK.

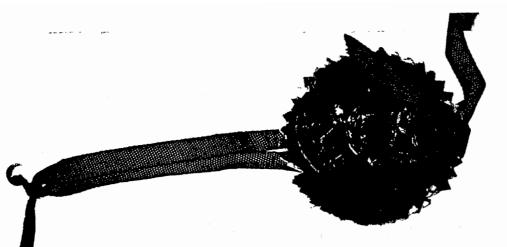
Implicit reservations

Implicit reservations are those that derive from succession of states in circumstances where the predecessor state had a reservation at the time of independence. States with implicit reservations may have inherited them without realising the significance of them. Article 20.1 of the 1978 Vienna Convention on the Succession of States in Respect of Treaties is clear about reservations: "When a newly independent State establishes its status as a party or as a contracting State to a multilateral treaty by a notification of succession ... it shall be considered as maintaining any reservation to that treaty which was applicable at the date of the succession of States in respect of the territory to which the succession of States relates unless, when making the notification of succession, it expresses a contrary intention or formulates a reservation which relates to the same subject-matter as that reservation." This convention codifies what had been the established legal doctrine.

For example, Fiji and the Solomon Islands explicitly maintained the reservation derived from their succession from the United Kingdom, but Barbados, on succession, specifically notified the depositary that it would not be continuing with the UK-derived reservation.

Any state which decided to accede to the protocol rather than be considered a successor state would not be affected by any reservation made by the predecessor state.

Under the terms of the 1978 Vienna Convention on the Succession of States in Respect of Treaties, states that may be regarded as having remaining reservations include: Croatia, Cyprus, Gambia, Grenada, Indonesia, Jamaica, Lesotho, the Maldives, Malta, Mauritius, Niger, Pakistan, Rwanda, St Kitts & Nevis, St Lucia, St Vincent & the Grenadines, Serbia, Slovenia, Tonga and Trinidad and Tobago.



CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION

The States Parties to this Convention,

Determined to act with a view to achieving effective progress towards general and complete disarmament, including the prohibition and elimination of all types of weapons of mass destruction, and convinced that the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective international control,

Recognising the important significance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and conscious also of the contribution which the said Protocol has already made, and continues to make, to mitigating the horrors of war,

Reaffirming their adherence to the principles and objectives of that Protocol and calling upon all States to comply strictly with them,

Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Geneva Protocol of 17 June 1925,

Desiring to contribute to the strengthening of confidence between peoples and the general improvement of the international atmosphere,

Desiring also to contribute to the realisation of the purposes and principles of the Charter of the United Nations,

Convinced of the importance and urgency of eliminating from the arsenals of States, through effective measures, such dangerous weapons of mass destruction as those using chemical or bacteriological (biological) agents,

Recognising that an agreement on the prohibition of bacteriological (biological) and toxin weapons represents a first possible step towards the achievement of agreement on effective measures also for the prohibition of the development, production and stockpiling of chemical weapons, and determined to continue negotiations to that end,

Determined, for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons,

Convinced that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimise this risk,

Have agreed as follows:

ARTICLE I

Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:

- (1) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;
- (2) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

ARTICLE II

Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after the entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this Article all necessary safety precautions shall be observed to protect populations and the environment.

ARTICLE III

Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States or international organisations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in Article I of the Convention.

ARTICLE IV

Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere.

ARTICLE V

The States Parties to this Convention undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. Consultation and co-operation pursuant to this Article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

ARTICLE VI

(1) Any State Party to this Convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council.

(2) Each State Party to this Convention undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Convention of the results of the investigation.

ARTICLE VII

Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.

ARTICLE VIII

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,

ARTICLE IX

Each State Party to this Convention affirms the recognised objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes.

ARTICLE X

- (1) The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also co-operate in contributing individually or together with other States or international organisations to the further development and application of scientific discoveries in the field of bacteriology (biology) for the prevention of disease, or for other peaceful purposes.
- (2) This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international co-operation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.

ARTICLE XI

Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it.

ARTICLE XII

Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the Depositary Governments, a conference of States Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are being realised. Such review shall take into account any new scientific and technological developments relevant to the Convention.

ARTICLE XIII

- (1) This Convention shall be of unlimited duration.
- (2) Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardised the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardised its supreme interests.

ARTICLE XIV

- (1) This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.
- (2) This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.
- (3) This Convention shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositaries of the Convention.
- (4) For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

- (5) The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices.
- (6) This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XV

This Convention, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of the Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

List of States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

as at 22 January 2013

[Derived from document BWC/MSP/MX/2009/INF.6, 27 August 2009, with the addition of Mozambique (acceded 2011), Burundi (2011), the Marshall Islands (2012) and Cameroon (2013), bringing the total number of States Parties to 167.]

Afghanistan Denmark Albania Dominica

Algeria Dominican Republic

Antigua and Barbuda Ecuador
Argentina El Salvador
Armenia Equatorial Guinea

Australia Estonia Ethiopia Austria Azerbaijan Fiji Finland Bahamas Bahrain France Bangladesh Gabon **Barbados** Gambia Belarus Georgia Belgium Germany **Belize** Ghana Benin Greece Grenada Bhutan Bolivia Guatemala Guinea-Bissau Bosnia-Herzegovina Botswana Holy See

Brazil Honduras
Brunei Darussalam Hungary
Bulgaria Iceland
Burkina Faso India
Burundi Indonesia

Cambodia Iran (Islamic Republic of)

Cameroon Iraq Canada Ireland Cape Verde Italy Chile Jamaica China Japan Colombia Jordan Congo Kazakhstan Cook Islands Kenva Costa Rica Kuwait Croatia Kyrgyzstan

Cuba Lao People's Democratic

Cyprus Republic
Czech Republic
Democratic People's Republic of Korea
Democratic Republic of the Congo
Lesotho

Libya Solomon Islands Liechtenstein South Africa

Lithuania Spain Luxembourg Sri Lanka Madagascar Sudan Malaysia Suriname Maldives Swaziland Mali Sweden Malta Switzerland Marshall Islands Tajikistan Mauritius Thailand

Mexico The former Yugoslav Republic of Macedonia

Moldova Timor Leste Monaco Togo Mongolia Tonga

Montenegro Trinidad and Tobago

Morocco Tunisia
Mozambique Turkey
Netherlands Turkmenistan
New Zealand Uganda
Nicaragua Ukraine

Niger United Arab Emirates

Nigeria United Kingdom of Great Britain and Northern

Norway Ireland

Oman United States of America

Pakistan Uruguay Palau Uzbekistan Panama Vanuatu

Papua New Guinea Venezuela (Bolivarian Republic of)

Paraguay Viet Nam
Peru Yemen
Philippines Zambia
Poland Zimbabwe

Portugal

Qatar

Republic of Korea

Romania States that have signed but not ratified the

Russian Federation Convention

Rwanda

Saint Kitts and Nevis Central African Republic

Saint Lucia Côte d'Ivoire Saint Vincent and the Grenadines Egypt

San Marino Guyana
Sao Tome and Principe Haiti
Saudi Arabia Liberia
Senegal Malawi
Serbia Myanmar
Seychelles Nepal
Sierra Leone Somalia

Singapore Syrian Arab Republic
Slovakia United Republic of Tanzania

Slovenia

Seventh Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

13 January 2012

Original: English

Geneva, 5-22 December 2011

Final Document of the Seventh Review Conference



GE.12-60060

BWC/CONF.VII/7

Contents

		Page
I.	Organization and work of the Conference	3
II.	Final Declaration	9
III.	Decisions and recommendations	20
Annexes		
I.	Revised forms for the submission of the Confidence-Building Measures	27
II.	Agenda of the Conference	42
III.	Rules of procedure of the Conference	43
IV.	List of documents of the Conference	55

I. Organization and work of the Conference

A. Introduction

1. The Final Document of the Sixth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BWC/CONF.VI/6), in paragraph 61 of the Final Declaration, contained the following decision:

"The Conference decides that the Seventh Review Conference shall be held in Geneva not later than 2011 and should review the operation of the Convention, taking into account, *inter alia*:

- (i) new scientific and technological developments relevant to the Convention;
- (ii) the progress made by States Parties on the implementation of the obligations under the Convention;
- (iii) progress of the implementation of the decisions and recommendations agreed upon at the Sixth Review Conference".
- 2. By resolution 65/92, adopted without a vote on 8 December 2010, the General Assembly, *inter alia*, noted the proposal to hold the meeting of the Preparatory Committee for the Seventh Review Conference in April 2011 and to hold the Seventh Review Conference in Geneva in December 2011 and requested the Secretary-General to render the necessary assistance and to provide such services as may be required for the Seventh Review Conference and the preparations for it.
- 3. The Preparatory Committee was held at Geneva from 13 to 14 April 2011. The following 93 States Parties to the Convention participated in the Preparatory Committee: Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liechtenstein, Lithuania, Madagascar, Malaysia, Mali, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Zambia, Zimbabwe.
- 4. At its first meeting, on 13 April 2011, the Preparatory Committee elected by acclamation Ambassador Paul van den IJssel (Netherlands) as Chairman of the Preparatory Committee. At the same meeting, it also unanimously elected Ambassador Desra Percaya (Indonesia) and Ms. Judit Körömi (Hungary) as Vice-Chairmen of the Preparatory Committee. The Preparatory Committee authorized the Bureau to handle technical and other matters in the period before the Review Conference was convened.
- 5. On behalf of the Secretary-General of the United Nations, Mr. Jarmo Sareva, Director of the Geneva Branch, Office for Disarmament Affairs, opened the Preparatory Committee. Mr. Richard Lennane, Head of the Implementation Support Unit, served as

Secretary of the Preparatory Committee. Mr. Piers Millett, Political Affairs Officer, Implementation Support Unit, Ms. Ngoc Phuong Huynh, Associate Political Affairs Officer, Implementation Support Unit, and Mr. Joshua Childress served in the Secretariat.

- 6. The Preparatory Committee decided to take its decisions by consensus.
- 7. The Preparatory Committee decided to use Arabic, Chinese, English, French, Russian and Spanish as official languages.
- 8. The Preparatory Committee, taking note of their written requests, decided to invite the representatives of three signatories to the Convention, Egypt, Haiti and Myanmar, to participate in its discussions without the right to take part in the making of decisions.
- 9. The Preparatory Committee, taking note of a written request and in accordance with the draft rule 44, paragraph 2, decided to invite the representative of one state neither party nor signatory to the Convention, Israel, to participate as an Observer.
- 10. In the course of its session, the Preparatory Committee considered the following questions relating to the organization of the Review Conference:
 - (a) Date and duration;
 - (b) Provisional agenda;
 - (c) Draft rules of procedure;
 - (d) Background documentation;
 - (e) Publicity;
 - (f) Final document(s);
 - (g) Appointment of a provisional Secretary-General;
- (h) Financial arrangements for the Preparatory Committee and the Review Conference.
- 11. At its last meeting, on 14 April 2011, the Preparatory Committee adopted its report, which was issued as a pre-session document of the Conference (BWC/CONF.VII/PC/2). The report contained, *inter alia*, the provisional agenda and the draft rules of procedure for the Conference (BWC/CONF.VII/PC/2, Annexes I and II, respectively).
- 12. Pursuant to the request of the Preparatory Committee, the following background documents were prepared by the Implementation Support Unit and issued as pre-session documents for the Conference:
- (a) A background information document on the history and operation of the confidence-building measures agreed at the Second Review Conference and revised at the Third Review Conference. The document included data in summary tabular form on the participation of States Parties in the measures since the last Review Conference;
- (b) A background information document on compliance by States Parties with all their obligations under the Convention, compiled from information submitted by States Parties;
- (c) A background information document on new scientific and technological developments relevant to the Convention, compiled from information submitted by States Parties as well as from information provided by relevant international organisations;
- (d) A background information document on developments since the last Review Conference in other international organizations which may be relevant to the Convention;

- (e) A background information document showing the additional understandings and agreements reached by previous Review Conferences relating to each article of the Convention, extracted from the respective Final Declarations of these conferences;
- (f) A background information document showing the common understandings reached by the Meetings of States Parties during the intersessional programme held from 2007 to 2010:
- (g) A background information document on the status of universalization of the Convention;
- (h) A background information document on the implementation of Article X, compiled from information submitted by States Parties, including information submitted pursuant to paragraph 54 of the Final Declaration of the Sixth Review Conference.

B. Organization of the Conference

- 13. In accordance with the decision of the Preparatory Committee, the Conference was convened at the Palais des Nations in Geneva from 5 to 22 December 2011.
- 14. On behalf of the Secretary-General of the United Nations, Mr. Jarmo Sareva, Director of the Geneva Branch, Office for Disarmament Affairs, opened the Conference.
- 15. At its first meeting, on 5 December, the Conference elected by acclamation Ambassador Paul van den IJssel (Netherlands) as President.
- 16. At the same meeting, the Secretary-General of the United Nations, Mr. Ban Ki-moon, addressed the Conference via a video message.
- 17. The Conference adopted its agenda as recommended by the Preparatory Committee (BWC/CONF.VII/1). The agenda as adopted is attached as Annex I to this Final Document.
- 18. The Conference took note with appreciation of the report of the Preparatory Committee (BWC/CONF.VII/PC/2).
- 19. The Conference adopted its Rules of Procedure as recommended by the Preparatory Committee (BWC/CONF.VII/PC/2, Annex II). The Rules as adopted are attached as Annex II of this Final Document. The Rules of Procedure provided, *inter alia*, for:
- (a) a General Committee, chaired by the President of the Conference, and composed of the President, the 20 Vice-Presidents, the Chairman and the two Vice-Chairmen of the Committee of the Whole, the Chairman and the two Vice-Chairmen of the Drafting Committee, the Chairman and the Vice-Chairman of the Credentials Committee, the three Regional Group Coordinators and the Depositaries (see paragraph 22 of the report of the Preparatory Committee);
 - (b) a Committee of the Whole;
 - (c) a Drafting Committee; and
- (d) a Credentials Committee composed of a Chairman and Vice-Chairman elected by the Conference, and five other members appointed by the Conference on the proposal of the President.
- 20. The Conference elected by acclamation 20 Vice-Presidents from the following States Parties: Algeria, Argentina, Belgium, Brazil, Canada, China, Cuba, Czech Republic, Germany, Iran (Islamic Republic of), Iraq, Italy, Japan, Morocco, Nigeria, Philippines, Romania, Poland, Slovakia, South Africa. It also elected by acclamation the Chairmen and Vice-Chairmen of the Committee of the Whole, the Drafting Committee and the Credentials Committee, as follows:

Committee of the Whole

Chairman: Ambassador Desra Percaya (Indonesia)

Vice-Chairman: Ambassador Gancho Ganev (Bulgaria)

Vice-Chairman: Ambassador Eric Danon (France)

Drafting Committee

Chairman: Ms. Judit Körömi (Hungary)

Vice-Chairman: Mr. John Walker (United Kingdom)
Vice-Chairman: Mr. U. L. M. Jauhar (Sri Lanka)

Credentials Committee

Chairman: Mr. Mário Duarte (Portugal)

Vice-Chairman: Mr. Vipul (India)

The Conference also appointed the following five States Parties as members of the Credentials Committee: Colombia, Ireland, Italy, Malaysia and Serbia.

21. The Conference confirmed the nomination of Mr. Richard Lennane, Head of the Implementation Support Unit, as Secretary-General of the Conference. The nomination had been made by the Secretary-General of the United Nations following an invitation by the Preparatory Committee. Mr. Piers Millett, Political Affairs Officer, Implementation Support Unit, served as Secretary of the Conference. Ms. Ngoc Phuong Huynh, Associate Political Affairs Officer, Implementation Support Unit, Mr. Kevin Ching and Ms. Monica Loveley served in the Secretariat.

C. Participation at the Conference

- 22. One hundred and three States Parties to the Convention participated in the Conference as follows: Afghanistan, Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of Congo, Denmark, Dominican Republic, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Madagascar, Malaysia, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Yemen.
- 23. In addition, five states that had signed the Convention but had not yet ratified it participated in the Conference without taking part in the making of decisions, as provided for in rule 44, paragraph 1 of the Rules of Procedure: Côte d'Ivoire, Egypt, Haiti, Myanmar and the United Republic of Tanzania.

- 24. Two states, Cameroon and Israel, neither parties nor signatories to the Convention, were granted Observer status in accordance with rule 44, paragraph 2 (a).
- 25. The United Nations, including the Office for Disarmament Affairs (UNODA), the United Nations Institute for Disarmament Research (UNIDIR), and the United Nations Interregional Crime and Justice Research Institute (UNICRI), attended the Conference in accordance with rule 44, paragraph 3.
- 26. The African Union, the European Union, the International Committee of the Red Cross (ICRC), the International Criminal Police Organization (INTERPOL), the North Atlantic Treaty Organization (NATO), the Organization for the Prohibition of Chemical Weapons (OPCW), the World Health Organization (WHO), and the World Organisation for Animal Health (OIE) were granted Observer Agency status in accordance with rule 44, paragraph 4.
- 27. Forty-seven non-governmental organizations and research institutes attended the Conference under rule 44, paragraph 5.

D. Work of the Conference

- 28. The Conference held nine plenary meetings between 5 and 22 December 2011.
- 29. At its first plenary meeting, on 5 December, the Conference adopted its indicative programme of work, as set out in BWC/CONF.VII/2.
- 30. The Conference held a general debate, in which 54 States Parties, one signatory, the European Union, the ICRC, INTERPOL, NATO, OIE, OPCW, UNICRI and WHO made statements.
- 31. The Committee of the Whole held 10 meetings between 7 and 16 December, during which it reviewed the provisions of the Convention, article by article. The Committee also examined agenda items 11 and 12. The Committee submitted its report (BWC/CONF.VII/5) to the Conference at the eighth plenary meeting, on 16 December. The Conference took note of the report.
- 32. Following the conclusion of the Committee of the Whole, the President conducted a series of informal consultations, and was assisted in his work by Facilitators in the following areas:

Solemn Declaration: Ambassador Alexandre Fasel (Switzerland)

Articles I-XV: Ms. Judit Körömi (Hungary) and Mr. Daniel Simanjuntak (Indonesia)

Science and technology: Mr. Zahid Rastam (Malaysia)

Assistance and cooperation: Mr. Jesus Domingo (Philippines)

Confidence-building measures (CBMs): Mr. Paul Wilson (Australia)

Intersessional programme: Ambassador Jo Adamson (United Kingdom) and Mr. Ben Steyn (South Africa)

- 33. The Drafting Committee held no formal meetings. The Chairman and Vice-Chairmen of the Committee met, and decided to assist the President with his informal consultations.
- 34. The Credentials Committee held three meetings. At its third and final meeting on 21 December, the Credentials Committee adopted its report (BWC/CONF.VII/6). The Conference took note of the report.

E. Documentation

35. A list of documents of the Conference is contained in Annex IV of this Final Document. All documents on this list are available on the Implementation Support Unit website at http://www.unog.ch/bwc and through the United Nations Official Document System (ODS), at http://documents.un.org.

F. Conclusion of the Conference

- 36. At its ninth and final plenary meeting, on 22 December, the Conference decided that the 2012 Meeting of Experts would be held in Geneva from 16 to 20 July 2012 and that the 2012 Meeting of States Parties would be held in Geneva from 10 to 14 December 2012. The Conference approved the nomination by the Group of the Non-aligned Movement and Other States of Ambassador Idriss Jazaïry (Algeria) as Chairman of the 2012 meetings.
- 37. At the same meeting the Conference adopted by consensus its Final Document, as contained in document BWC/CONF.VII/CRP.2, as orally amended, comprising three parts and four annexes, as follows:

Part I: Organization and work of the Conference

Part II: Final Declaration

Part III: Decisions and recommendations

Annex I: Revised forms for the submission of the Confidence-Building

Measures

Annex II: Agenda of the Conference

Annex III: Rules of Procedure of the Conference
Annex IV: List of documents of the Conference

II. Final Declaration

The States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, which met in Geneva from 5 December to 22 December 2011 to review the operation of the Convention, solemnly declare:

- (i) Their conviction that the Convention is essential for international peace and security;
- (ii) Their determination also to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control including the prohibition and elimination of all weapons of mass destruction and their conviction that the prohibitions of the Convention will facilitate the achievement of this goal;
- (iii) Their reaffirmation of their understanding that the Convention forms a composite whole, as well as of their firm commitment to the purposes of the Preamble and all the provisions of the Convention;
- (iv) Their determination to comply with all their obligations undertaken pursuant to the Convention and their recognition that States Parties not in compliance with their Convention obligations pose fundamental challenges to the Convention's viability, as would the use of bacteriological (biological) and toxin weapons by anyone at any time;
- (v) Their continued determination, for the sake of humankind, to exclude completely the possibility of the use of bacteriological (biological) and toxin weapons, and their conviction that such use would be repugnant to the conscience of humankind;
- (vi) Their reaffirmation that under any circumstances the use, development, production and stockpiling of bacteriological (biological) and toxin weapons is effectively prohibited under Article I of the Convention;
- (vii) Their conviction that terrorism in all its forms and manifestations and whatever its motivation, is abhorrent and unacceptable to the international community, and that terrorists must be prevented from developing, producing, stockpiling, or otherwise acquiring or retaining, and using under any circumstances, biological agents and toxins, equipment, or means of delivery of agents or toxins, for non-peaceful purposes, and their recognition of the contribution of the full and effective implementation of United Nations Security Council Resolution 1540, United Nations General Assembly Resolution 60/288, and other relevant United Nations resolutions;
- (viii) Their reiteration that the effective contribution of the Convention to international peace and security will be enhanced through universal adherence to the Convention, and their call on signatories to ratify and other States, not party, to accede to the Convention without further delay;
- (ix) Their recognition that achieving the objectives of the Convention will be more effectively realized through greater public awareness of its contribution, and through collaboration with relevant regional and international organizations, in keeping within their respective mandates, and their commitment to promote this;
- (x) Their recognition of their consideration of the issues identified in reviewing the operation of the Convention as provided for in Article XII, as well as their consensus on the follow-up actions contained herein.

Article I

- 1. The Conference reaffirms the importance of Article I, as it defines the scope of the Convention. The Conference declares that the Convention is comprehensive in its scope and that all naturally or artificially created or altered microbial and other biological agents and toxins, as well as their components, regardless of their origin and method of production and whether they affect humans, animals or plants, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes, are unequivocally covered by Article I.
- 2. The Conference reaffirms that Article I applies to all scientific and technological developments in the life sciences and in other fields of science relevant to the Convention and notes that the Conference has decided to include in the 2012-2015 intersessional programme a standing agenda item on review of developments in the field of science and technology related to the Convention.
- 3. The Conference reaffirms that the use by the States Parties, in any way and under any circumstances of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I. The Conference reaffirms the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict in order to exclude completely and forever the possibility of their use. The Conference affirms the determination of States Parties to condemn any use of biological agents or toxins other than for peaceful purposes, by anyone at any time.
- 4. The Conference notes that experimentation involving open air release of pathogens or toxins harmful to humans, animals and plants that have no justification for prophylactic, protective or other peaceful purposes is inconsistent with the undertakings contained in Article I.

Article II

- 5. The Conference reaffirms for any state ratifying or acceding to the Convention, the destruction or diversion to peaceful purposes specified in Article II would be completed upon accession to, or upon ratification of, the Convention.
- 6. The Conference emphasises that states must take all necessary safety and security measures to protect human populations and the environment, including animals and plants, when carrying out such destruction and/or diversion. The Conference also stresses that these States Parties should provide appropriate information to all States Parties via the exchange of information (confidence-building measures form F).
- 7. The Conference welcomes statements made by States Parties, and newly acceding and ratifying States Parties, that they do not possess agents, toxins, weapons, equipment or means of delivery as prohibited by Article I of the Convention.

Article III

- 8. The Conference reaffirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at the international, national or sub-national levels.
- 9. The Conference calls for appropriate measures, including effective national export controls, by all States Parties to implement this Article, in order to ensure that direct and

indirect transfers relevant to the Convention, to any recipient whatsoever, are authorized only when the intended use is for purposes not prohibited under the Convention.

10. The Conference reiterates that States Parties should not use the provisions of this Article to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials under Article X.

Article IV

- 11. The Conference reaffirms the commitment of States Parties to take the necessary national measures under this Article. The Conference also reaffirms that the enactment and implementation of necessary national measures under this Article, in accordance with their constitutional processes, would strengthen the effectiveness of the Convention. In this context, the Conference calls upon States Parties to adopt, in accordance with their constitutional processes, legislative, administrative, judicial and other measures, including penal legislation, designed to:
- (a) enhance domestic implementation of the Convention and ensure the prohibition and prevention of the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery as specified in Article I of the Convention;
- (b) apply within their territory, under their jurisdiction or under their control anywhere and apply, if constitutionally possible and in conformity with international law, to actions taken anywhere by natural or legal persons possessing their nationality;
- (c) ensure the safety and security of microbial or other biological agents or toxins in laboratories, facilities, and during transportation, to prevent unauthorized access to and removal of such agents or toxins.
- 12. The Conference welcomes those measures taken by States Parties in this regard, and reiterates its call to any State Party that has not yet taken any necessary measures, to do so without delay. The Conference encourages States Parties to provide appropriate information on any such measures they have taken, as well as any other useful information on their implementation to the Implementation Support Unit within the United Nations Office for Disarmament Affairs.
- 13. The Conference notes the value of national implementation measures, as appropriate, in accordance with the constitutional process of each State Party, to:
 - (a) implement voluntary management standards on biosafety and biosecurity;
- (b) encourage the consideration of development of appropriate arrangements to promote awareness among relevant professionals in the private and public sectors and throughout relevant scientific and administrative activities and;
- (c) promote amongst those working in the biological sciences awareness of the obligations of States Parties under the Convention, as well as relevant national legislation and guidelines;
- (d) promote the development of training and education programmes for those granted access to biological agents and toxins relevant to the Convention and for those with the knowledge or capacity to modify such agents and toxins;
- (e) encourage the promotion of a culture of responsibility amongst relevant national professionals and the voluntary development, adoption and promulgation of codes of conduct:

- (f) strengthen methods and capacities for surveillance and detection of outbreaks of disease at the national, regional and international levels, noting that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease;
- (g) prevent anyone from developing, producing, stockpiling, or otherwise acquiring or retaining, transporting or transferring and using under any circumstances, biological agents and toxins, equipment, or their means of delivery for non-peaceful purposes.
- 14. In this regard, the Conference welcomes assistance related to Article IV already provided and encourages those States Parties, in a position to do so, to provide assistance, upon request, to other States Parties.
- 15. The Conference further encourages States Parties, that have not yet done so, in accordance with the recommendation of the Sixth Review Conference, to designate a national focal point for coordinating national implementation of the Convention and communicating with other States Parties and relevant international organizations.
- 16. The Conference reaffirms that under all circumstances the use of bacteriological (biological) and toxin weapons is effectively prohibited by the Convention.
- 17. The Conference recalls United Nations Security Council Resolution 1540 (2004) that places obligations on all states and is consistent with the provisions of the Convention. The Conference notes that Resolution 1540 affirms support for the multilateral treaties whose aim is to eliminate or prevent proliferation of nuclear, chemical or biological weapons and the importance for all States Parties to these treaties to implement them fully in order to promote international stability. The Conference also notes that information provided to the United Nations by states in accordance with Resolution 1540 may provide a useful resource for States Parties in fulfilling their obligations under this Article.

Article V

- 18. The Conference reaffirms that:
- (a) this article provides an appropriate framework for States Parties to consult and cooperate with one another to resolve any problem and to make any request for clarification, which may have arisen in relation to the objective of, or in the application of, the provisions of the Convention;
- (b) any State Party which identifies such a problem should, as a rule, use this framework to address and resolve it;
- (c) States Parties should provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention.
- 19. The Conference reaffirms that the consultation procedures agreed at the Second and Third Review Conferences remain valid to be used by States Parties for consultation and cooperation pursuant to this Article. The Conference reaffirms that such consultation and cooperation may also be undertaken bilaterally and multilaterally, or through other appropriate international procedures within the framework of the United Nations and in accordance with its Charter.
- 20. The Conference takes note of initiatives from States Parties to promote confidence-building under the Convention.
- 21. The Conference stresses the need for all States Parties to deal effectively with compliance issues. In this connection, the States Parties agreed to provide a specific, timely

response to any compliance concern alleging a breach of their obligations under the Convention. Such responses should be submitted in accordance with the procedures agreed upon by the Second Review Conference and further developed by the Third Review Conference. The Conference reiterates its request that information on such efforts be provided to the Review Conferences.

- 22. The Conference emphasises the importance of the exchange of information among States Parties through the confidence-building measures (CBMs) agreed at the Second and Third Review Conferences. The Conference welcomes the exchange of information carried out under these measures and notes that this has contributed to enhancing transparency and building confidence.
- 23. The Conference recognises the urgent need to increase the number of States Parties participating in CBMs and calls upon all States Parties to participate annually. The Conference notes that since the Sixth Review Conference, there has only been a slight increase in the percentage of State Parties submitting their CBMs. The Conference emphasises the importance of increasing and continuing participation in the CBMs.
- 24. The Conference recognises the technical difficulties experienced by some States Parties in completing full and timely submissions. The Conference urges those States Parties, in a position to do so, to provide technical assistance and support, through training for instance, to those States Parties requesting it to assist them to complete their annual CBM submissions. The Conference notes the decision to update the CBM forms.
- 25. The Conference notes the desirability of making the CBMs more user-friendly and stresses the need to ensure that they provide relevant and appropriate information to States Parties.
- 26. The Conference recalls that the Third Review Conference agreed, "that the exchange of information and data, using the revised forms, be sent to the United Nations Department for Disarmament Affairs no later than 15 April on an annual basis". The Conference reaffirms that the data submitted in the framework of the annual exchange of information should be provided to the Implementation Support Unit within the United Nations Office for Disarmament Affairs and promptly made available electronically by it to all States Parties according to the updated modalities and forms in Annex I. The Conference recalls that information supplied by a State Party must not be further circulated or made available without the express permission of that State Party. The Conference notes the fact that certain States Parties made the information they provide publicly available.

Article VI

- 27. The Conference notes that the provisions of this Article have not been invoked.
- 28. The Conference emphasizes the provision of Article VI that such a complaint should include all possible evidence confirming its validity. It stresses that, as in the case of the implementation of all the provisions and procedures set forth in the Convention, the procedures foreseen in Article VI should be implemented in good faith within the scope of the Convention.
- 29. The Conference invites the Security Council:
- (a) to consider immediately any complaint lodged under this Article and to initiate any measures it considers necessary for the investigation of the complaint in accordance with the Charter;
- (b) to request, if it deems necessary and in accordance with its Resolution 620 of 1988, the United Nations Secretary-General to investigate the allegation of use, using the

technical guidelines and procedures contained in Annex I of United Nations Document A/44/561;

- (c) to inform each State Party of the results of any investigation initiated under this Article and to consider promptly any appropriate further action which may be necessary.
- 30. The Conference reaffirms the agreement of States Parties to consult, at the request of any State Party, regarding allegations of use or threat of use of biological or toxin weapons. The Conference reaffirms the undertaking of each State Party to cooperate in carrying out any investigations which the Security Council initiates.
- 31. The Conference notes that the procedure outlined in this Article is without prejudice to the prerogative of the States Parties to consider jointly cases of alleged non-compliance with the provisions of the Convention and to make appropriate decisions in accordance with the Charter of the United Nations and applicable rules of international law.

Article VII

- 32. The Conference notes with satisfaction that these provisions have not been invoked.
- 33. The Conference takes note of desires expressed that, should a request for assistance be made, it be promptly considered and an appropriate response provided. In this context, in view of the humanitarian imperative, pending consideration of a decision by the Security Council, timely emergency assistance could be provided by States Parties, if requested.
- 34. The Conference recognises that States Parties bear the responsibility for providing assistance and coordinating with relevant organizations in the case of alleged use of biological or toxin weapons. The Conference reaffirms the undertaking made by each State Party to provide or support assistance in accordance with the Charter of the United Nations to any State Party which so requests, if the Security Council decides that such State Party has been exposed to danger as a result of a violation of the Convention.
- 35. The Conference takes note of the willingness of States Parties, where appropriate, to provide or support assistance to any State Party, which so requests, when that State Party has been exposed to danger or damage as a result of the use of bacteriological (biological) agents and toxins as weapons by anyone.
- 36. The Conference considers that in the event that this Article might be invoked, the United Nations could play a coordinating role in providing assistance, with the help of States Parties, as well as the appropriate intergovernmental organizations, in accordance with their respective mandates, such as the World Health Organization (WHO), the World Organisation for Animal Health (OIE), the Food and Agriculture Organization of the United Nations (FAO), and the International Plant Protection Convention (IPPC). The Conference recognises the value of further dialogue regarding appropriate means of coordination between States Parties and relevant international organizations.
- 37. The Conference recognizes that there are challenges to developing effective measures for the provision of assistance and coordination with relevant international organizations to respond to the use of a biological or toxin weapon. The Conference underlines the importance of the coordination of the provision of appropriate assistance, including expertise, information, protection, detection, decontamination, prophylactic and medical and other equipment that could be required to assist the States Parties in the event that a State Party is exposed to danger as a result of a violation of the Convention. The Conference also takes note of the proposal that States Parties may need to discuss the detailed procedure for assistance in order to ensure that timely emergency assistance would

be provided by States Parties, if requested, in the event of use of biological or toxin weapons.

- 38. The Conference notes that State Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, including those due to alleged use of biological or toxin weapons. The Conference notes that there are differences among States Parties in terms of their level of development, national capabilities and resources, and that these differences affect national and international capacity to respond effectively to an alleged use of a biological or toxin weapon. The Conference encourages States Parties, in a position to do so, to assist other States Parties, upon request, to build relevant capacity.
- 39. The Conference notes the need for States Parties to work nationally, and jointly, as appropriate, to improve, in accordance with their respective circumstances, national laws and regulations, their own disease surveillance and detection capacities for identifying and confirming the cause of outbreaks and cooperating, upon request, to build the capacity of other States Parties. The Conference notes that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease; such aims are compatible with the objectives of the Convention.
- 40. On the provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, States Parties recognize that in this regard health and security issues are interrelated at both the national and international levels. The Conference highlights the importance of pursuing initiatives in this area through effective cooperation and sustainable partnerships. The Conference notes the importance of ensuring that efforts undertaken are effective irrespective of whether a disease outbreak is naturally occurring or deliberately caused, and cover diseases and toxins that could harm humans, animals, plants or the environment. The Conference also recognises that capabilities to detect, quickly and effectively respond to, and recover from, the alleged use of a biological or toxin weapon need to be in place before they are required.

Article VIII

- 41. The Conference appeals to all States Parties to the 1925 Geneva Protocol to fulfil their obligations assumed under that Protocol and urges all states not yet party to the Protocol to ratify or accede to it without further delay.
- 42. The Conference acknowledges that the 1925 Geneva Protocol, which prohibits the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare, and the Convention complement each other. The Conference reaffirms that nothing contained in the Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any state under the 1925 Geneva Protocol.
- 43. The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to the Convention.
- 44. The Conference recalls the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Convention, and calls upon those States Parties that continue to maintain pertinent reservations to the 1925 Geneva Protocol to withdraw those reservations, and to notify the Depositary of the 1925 Geneva Protocol accordingly, without delay.
- 45. The Conference notes that reservations concerning retaliation, through the use of any of the objects prohibited by the Convention, even conditional, are totally incompatible

with the absolute and universal prohibition of the development, production, stockpiling, acquisition and retention of bacteriological (biological) and toxin weapons, with the aim to exclude completely and forever the possibility of their use.

46. The Conference notes that the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution 45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons. The Conference notes national initiatives to provide relevant training to experts that could support the Secretary-General's investigative mechanism.

Article IX

- 47. The Conference reaffirms that this Article identifies the recognized objective of the effective prohibition of chemical weapons.
- 48. The Conference welcomes the fact that the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction entered into force on 29 April 1997 and that 188 instruments of ratification or accession have now been deposited with the United Nations. The Conference calls upon all states that have not yet done so to ratify or accede to that Convention without delay.
- 49. The Conference notes the increasing convergence of biology and chemistry and its possible challenges and opportunities for the implementation of the Conventions.

Article X

- 50. The Conference stresses the importance of implementation of this Article and recalls that States Parties have a legal obligation to facilitate and have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes and not to hamper the economic and technological development of States Parties.
- 51. The Conference reaffirms the commitment to the full and comprehensive implementation of this Article by all States Parties. The Conference recognises that, while recent scientific and technological developments in the field of biotechnology would increase the potential for cooperation among States Parties and thereby strengthen the Convention, they could also increase the potential for the misuse of both science and technology. Therefore, the Conference urges all States Parties possessing advanced biotechnology to adopt positive measures to promote technology transfer and international cooperation on an equal and non-discriminatory basis, particularly with countries less advanced in this field, while promoting the basic objectives of the Convention, as well as ensuring that the promulgation of science and technology is fully consistent with the peaceful object and purpose of the Convention.
- 52. The Conference recognises the important role of the private sector in the transfer of technology and information and the wide range of organizations within the United Nations system that are already engaged in international cooperation relevant to this Convention.
- 53. Recognizing the fundamental importance of enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, the Conference agrees on the value of working together to promote capacity building in the fields of vaccine and drug production, disease surveillance, detection, diagnosis, and containment of infectious diseases as well as biological risk management. The Conference affirms that building such capacity would directly support the achievement of the objectives of the Convention.

54. The Conference:

- (a) encourages the States Parties to continue strengthening existing international organizations and networks working on infectious diseases, in particular those of the WHO, FAO, OIE and IPPC, within their respective mandates;
- (b) notes that the role of these organizations is limited to the epidemiological and public/animal/plant health aspects of any disease outbreak, but recognises the added value of information exchange with them;
- (c) encourages States Parties to improve communication on disease surveillance at all levels, including between States Parties and with the WHO, FAO, OIE and IPPC;
- (d) calls upon States Parties to continue establishing and/or improving national and regional capabilities to survey, detect, diagnose and combat infectious diseases as well as other possible biological threats and integrate these efforts into national and/or regional emergency and disaster management plans;
- (e) urges States Parties in a position to do so to continue supporting, directly as well as through international organizations, capacity-building in States Parties in need of assistance in the fields of disease surveillance, detection, diagnosis and combating of infectious diseases and related research;
- (f) calls upon States Parties to promote the development and production of vaccines and drugs to treat infectious disease through international cooperation and, as appropriate, public-private partnerships.
- 55. The Conference recognizes the importance of developing effective national infrastructure for human, animal and plant disease surveillance, detection, diagnosis and containment, as well as national biological risk management through international cooperation and assistance.
- 56. The Conference, while noting existing bilateral, regional and multilateral assistance, cooperation and partnerships, recognizes, however, that there still remain challenges to be overcome in developing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes and that addressing such problems, challenges, needs and restrictions will help States Parties to build sufficient capacity for disease surveillance, detection, diagnosis and containment. Keeping in mind Article X, the Conference agrees on the value of targeting and mobilizing resources, including financial resources, to facilitate the fullest possible exchange of equipment, material and scientific and technological information to help overcome challenges to disease surveillance, detection, diagnosis and containment. Recognizing that all States Parties have a role to play, the Conference stresses that those States Parties seeking to build their capacity should identify their specific needs and requirements and seek partnerships with others, and that those States Parties, in a position to do so, should provide assistance and support.
- 57. The Conference reaffirms that existing institutional ways and means of ensuring multilateral cooperation among all States Parties need to be developed further in order to promote international cooperation for peaceful uses in areas relevant to the Convention, including areas, such as medicine, public health, agriculture and the environment.
- 58. The Conference calls for the use of the existing institutional means within the United Nations system and other international organizations, in accordance with their respective mandates, to promote the objectives of this Article. In this regard the Conference urges States Parties, the United Nations and its specialized agencies to take further specific measures within their competence for the promotion of the fullest possible exchange of equipment, materials and scientific and technological information for the use of

bacteriological (biological) agents and toxins for peaceful purposes and of international cooperation in this field.

- 59. The Conference also recognises that there should be efficient coordination mechanisms between the specialized agencies of the United Nations system and international and regional organizations in order to facilitate scientific cooperation and technology transfer.
- 60. The Conference recognises the need to effectively implement national measures in order to further implementation of Article X. In this regard, the Conference urges States Parties to undertake to review their national regulations governing international exchanges and transfers in order to ensure their consistency with the objectives and provisions of all the articles of the Convention.
- 61. The Conference encourages States Parties to provide at least biannually appropriate information on how they implement this Article to the Implementation Support Unit within the United Nations Office for Disarmament Affairs, and requests the Implementation Support Unit to collate such information for the information of States Parties. The Conference welcomes the information provided by a number of States Parties on the cooperative measures they have undertaken towards fulfilling their Article X obligations.

Article XI

- 62. The Conference recalls that the Islamic Republic of Iran has formally presented at the Sixth Review Conference a proposal to amend Article I and the title of the Convention to include explicitly the prohibition of the use of biological weapons.
- 63. The Conference recalls the statement at the Sixth Review Conference by the Government of the Russian Federation as a Depositary that it has notified all States Parties of the proposal by the Islamic Republic of Iran to amend the Convention.
- 64. The Conference reaffirms that the provisions of this Article should in principle be implemented in such a way as not to affect the universality of the Convention.

Article XII

- 65. The Conference reaffirms that Review Conferences constitute an effective method of reviewing the operation of the Convention with a view to assuring that the purposes of the Preamble and the provisions of the Convention are being realized. The Conference therefore decides that Review Conferences be held at least every five years.
- 66. The Conference decides that the Eighth Review Conference shall be held in Geneva not later than 2016 and should review the operation of the Convention, taking into account, *inter alia*:
- (a) new scientific and technological developments relevant to the Convention, taking into account the relevant decision of this Conference regarding the review of developments in the field of science and technology related to the Convention;
 - (b) the progress made by States Parties on the implementation of the Convention;
- (c) progress of the implementation of decisions and recommendations agreed upon at the Seventh Review Conference, taking into account, as appropriate, decisions and recommendations reached at previous review conferences.

Article XIII

67. The Conference reaffirms that the Convention is of unlimited duration and applies at all times, and expresses its satisfaction that no State Party has exercised its right to withdraw from the Convention.

Article XIV

- 68. The Conference notes with satisfaction that ten states have acceded to or ratified the Convention since the Sixth Review Conference.
- 69. The Conference underlines that the objectives of the Convention will not be fully realized as long as there remains even a single state not party that could possess or acquire biological weapons.
- 70. The Conference reiterates the high importance of universalization, in particular by affirming the particular importance of the ratification of the Convention by signatory states and accession to the Convention by those which have not signed the Convention, without delay. States Parties agree to continue to promote universalization.
- 71. The Conference notes that the primary responsibility for promoting the universality of the Convention rests with the States Parties. The Conference urges States Parties to take action to persuade non-parties to accede to the Convention without delay, and particularly welcomes action by States Parties and regional initiatives to provide assistance and support that would lead to wider accession to the Convention.
- 72. The Conference welcomes regional initiatives that would lead to wider accession and adherence to the Convention.
- 73. The Conference urges those States Parties, in a position to do so, to offer assistance and support to States in their preparations for ratification or accession to the Convention.

Article XV

74. The Conference welcomes the decision of the Sixth Review Conference that as well as the five languages listed in this Article, Arabic shall be considered an official language for the purposes of any meetings of the States Parties and other formal communications concerning the operation of the Convention.

III. Decisions and recommendations

A. Outcome of the 2007–2010 intersessional programme

- 1. In accordance with the decision taken by the Sixth Review Conference, Meetings of States Parties of one week duration were held each year, commencing in 2007, to discuss, and promote common understanding and effective action on six specified topics. Each meeting of States Parties was prepared by a one-week meeting of experts. The six topics were:
- (a) Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions.
 - (b) Regional and sub-regional cooperation on implementation of the Convention.
- (c) National, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins.
- (d) Oversight, education, awareness raising, and adoption and/or development of codes of conduct with the aim of preventing misuse in the context of advances in bioscience and bio-technology research with the potential of use for purposes prohibited by the Convention.
- (e) With a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases: (1) for States Parties in need of assistance, identifying requirements and requests for capacity enhancement; and (2) from States Parties in a position to do so, and international organizations, opportunities for providing assistance related to these fields.
- (f) Provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, including improving national capabilities for disease surveillance, detection and diagnosis and public health systems.
- 2. The Conference notes that the meetings of States Parties and meetings of experts functioned as an important forum for exchange of national experiences and in-depth deliberations among States Parties. The meetings of States Parties engendered greater common understanding on steps to be taken to further strengthen the implementation of the Convention.
- 3. The Conference notes the contribution by the WHO, FAO, OIE and other relevant international organizations, as well as scientific and academic institutions and non-governmental organizations, to the meetings of States Parties and meetings of experts.
- 4. The Conference reiterates that common understandings were identified in the consensus outcome documents of the meetings of States Parties (BWC/MSP/2007/5, BWC/MSP/2008/5, BWC/MSP/2009/5 and BWC/MSP/2010/6), within their mandates.

B. Intersessional programme 2012–2015

5. Reaffirming the utility of the previous intersessional programmes from 2003–2010, the Conference decides to retain previous structures: annual Meetings of States Parties preceded by annual Meetings of Experts.

- 6. The purpose of the intersessional programme is to discuss, and promote common understanding and effective action on those issues identified for inclusion in the intersessional programme by this Seventh Review Conference.
- 7. Recognizing the need to balance an ambition to improve the intersessional programme within the constraints both financial and human resources facing States Parties, the Conference decides to continue to allocate ten days each year to the intersessional programme.
- 8. The Conference decides that the following topics shall be Standing Agenda Items, which will be addressed at meetings of both the Meeting of Experts and Meeting of States Parties in every year from 2012–2015:
- (a) Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X;
- (b) Review of developments in the field of science and technology related to the Convention;
 - (c) Strengthening national implementation.
- 9. The Conference decides that the following other items will be discussed during the intersessional programme in the years indicated:
 - (a) How to enable fuller participation in the CBMs (2012 and 2013);
- (b) How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties (2014 and 2015).
- 10. The restructured Meetings of Experts will last five days, and Meetings of States Parties five days.
- 11. The first year's meetings will be chaired by a representative of the Group of the Non-Aligned Movement and Other States, the second by a representative of the Eastern European Group, the third by a representative of the Western Group, and the fourth by a representative of the Group of the Non-Aligned Movement and Other States. The annual Chair will be supported by two annual vice-chairs, one from each of the other two regional groups.
- 12. Each Meeting of Experts will prepare for the consideration of the Meeting of States Parties a factual report reflecting its deliberations. This report will reflect work on the three Standing Agenda Items, as well as a report on the other item scheduled for discussion during that year.
- 13. In addition to the report of the Meeting of Experts, the Meetings of States Parties will also consider on an annual basis progress with universalization of the Convention and the annual reports of the Implementation Support Unit. In 2012 and 2013, the Meeting of States Parties will also consider the Meeting of Experts report on CBMs, and in 2014 and 2015, the Meeting of States Parties will consider the Meeting of Experts report on Article VII.
- 14. All meetings, both of experts and of States Parties, will reach any conclusions or results by consensus.
- 15. The Eighth Review Conference will consider the work and outcome of these meetings and decide on any further action.

C. Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X

1. Standing Agenda Item

- 16. The Conference decides that the following topics will be addressed under the Standing Agenda Item on cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X:
- (a) reports by States Parties on their implementation of Article X, and reports by the ISU on the operation of the database system to facilitate assistance requests and offers;
- (b) challenges and obstacles to developing international cooperation, assistance and exchange in the biological sciences and technology, including equipment and material, for peaceful purposes to their full potential, and possible means of overcoming these;
- (c) a range of specific measures for the full and comprehensive implementation of Article X taking into account all of its provisions, including facilitation of cooperation and assistance, including in terms of equipment, materials and scientific and technological information for peaceful purposes, and identification of critical gaps and needs in these areas;
- (d) ways and means to target and mobilize resources, including financial resources, to address gaps and needs for assistance and cooperation, in particular from developed to developing States Parties, and from international and regional organizations and other relevant stakeholders:
- (e) education, training, exchange and twinning programmes and other means of developing human resources in the biological sciences and technology relevant to the implementation of the Convention, particularly in developing countries;
- (f) capacity-building, through international cooperation, in biosafety and biosecurity, and for detecting, reporting, and responding to outbreaks of infectious disease or biological weapons attacks, including in the areas of preparedness, response, and crisis management and mitigation;
- (g) coordination of cooperation with other relevant international and regional organizations, and other relevant stakeholders.

2. Database system to facilitate assistance requests and offers

- 17. The Conference decides to establish a database system to facilitate requests for and offers of exchange of assistance and cooperation among States Parties.
- 18. States Parties are invited, individually or together with other states or international organizations, to submit on a voluntary basis to the Implementation Support Unit any requirements, needs or offers for assistance, including in terms of equipment, materials and scientific and technological information regarding the use of biological and toxin agents for peaceful purposes. The ISU will establish and administer a database, open to all States Parties, where these requests and offers will be stored.
- 19. States Parties may use the database to match offers with requests for assistance and then make their own further arrangements. Once a match is made, the States Parties concerned will inform the ISU which will update the database accordingly. The ISU may also, on request, facilitate the exchange of information among States Parties relating to the database and any resulting cooperation and assistance activities.
- 20. The ISU will submit an annual report on the operation of the database detailing the offers made, requests sought and matches made during a calendar year. The operation of

the database will be reviewed at the Eighth Review Conference based on the reports and/or any recommendations by the meetings of States Parties.

3. Sponsorship programme

21. In order to support and increase the participation of developing States Parties in the meetings of the intersessional programme, the Conference decides to establish a sponsorship programme, funded by voluntary contributions from States Parties in a position to provide them. The sponsorship programme will be administered by the Implementation Support Unit in consultation with the Chair and Vice-chairs of the Meeting of States Parties. Priority for sponsorship will be given to those States Parties which have previously not participated in the meetings, or have been unable to regularly send experts from capital. Sponsorship may also be provided, depending upon the availability of resources, to enhance participation of states not party in order to promote universalization of the Convention.

D. Review of developments in the field of science and technology related to the Convention

- 22. The Conference decides that the following topics will be addressed under the Standing Agenda Item on review of developments in the field of science and technology related to the Convention:
- (a) new science and technology developments that have potential for uses contrary to the provisions of the Convention;
- (b) new science and technology developments that have potential benefits for the Convention, including those of special relevance to disease surveillance, diagnosis and mitigation;
- (c) possible measures for strengthening national biological risk management, as appropriate, in research and development involving new science and technology developments of relevance to the Convention;
- (d) voluntary codes of conduct and other measures to encourage responsible conduct by scientists, academia and industry;
- (e) education and awareness-raising about risks and benefits of life sciences and biotechnology.
- (f) science- and technology-related developments relevant to the activities of multilateral organizations such as the WHO, OIE, FAO, IPPC and OPCW;
- (g) any other science and technology developments of relevance to the Convention.
- 23. The following topical scientific subjects will be considered in the years indicated:
- (a) advances in enabling technologies, including high-throughput systems for sequencing, synthesizing and analyzing DNA; bioinformatics and computational tools; and systems biology (to be considered in 2012);
- (b) advances in technologies for surveillance, detection, diagnosis and mitigation of infectious diseases, and similar occurrences caused by toxins in humans, animals and plants (to be considered in 2013).
- (c) advances in the understanding of pathogenicity, virulence, toxicology, immunology and related issues (to be considered in 2014);

(d) advances in production, dispersal and delivery technologies of biological agents and toxins (to be considered in 2015);

E. Strengthening national implementation

- 24. The Conference decides that the following topics will be addressed under the Standing Agenda Item on strengthening national implementation:
- (a) a range of specific measures for the full and comprehensive implementation of the Convention, especially Articles III and IV;
- (b) ways and means to enhance national implementation, sharing best practices and experiences, including the voluntary exchange of information among States Parties on their national implementation, enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions;
- (c) regional and sub-regional cooperation that can assist national implementation of the Convention;
- (d) national, regional and international measures to improve laboratory biosafety and security of pathogens and toxins;
- (e) any potential further measures, as appropriate, relevant for implementation of the Convention.

F. Confidence-building measures

- 25. The Conference notes that the review of Article V of the Convention has shown the need for further enhancing participation of States Parties in the confidence-building measures (CBMs). The Conference therefore decides:
- (a) to adopt the revised reporting forms in Annex I as the basis for all CBM submissions from States Parties;
- (b) to consider during the 2012–2015 intersessional programme how to enable fuller participation in the CBMs (see section B above);
- (c) that the Implementation Support Unit shall, in cooperation with States Parties, continue to examine and develop options for electronic means of submission of CBMs.
- 26. The Conference calls upon States Parties that have not yet done so to designate a national point of contact responsible preparing the submission of CBMs, in accordance with the decision of the Sixth Review Conference.

G. Promotion of universalization

- 27. The Conference notes that although the Convention is a cornerstone of international security, and despite the efforts of the States Parties and the Chairs of the meetings of States Parties with the administrative support of the ISU since the Sixth Review Conference, with only 165 States Parties, membership of the Convention still falls behind other major multilateral arms control, disarmament and non-proliferation treaties. The Conference agrees that a further concerted effort by States Parties is needed to persuade states not party to join the Convention.
- 28. The Conference therefore requests States Parties to:

- (a) promote universalization of the Convention through bilateral contacts with states not party;
- (b) promote universalization of the Convention through regional and multilateral fora and activities;
 - (c) report, as appropriate, on their activities at annual meetings of States Parties;
- (d) provide, as appropriate, the ISU with relevant information on activities related to the promotion of universalization of the Convention.
- 29. The Conference decides that the Chairs of meetings of States Parties shall coordinate universalization activities, address states not party to the Convention, provide an annual report on universalization activities at meetings of States Parties, and provide a progress report to the Eighth Review Conference. Bearing in mind the primary responsibility of the States Parties on the implementation of this decision, the Conference tasks the Implementation Support Unit to:
- (a) provide administrative support to the Chairs of meetings of States Parties in the implementation of this decision;
- (b) consolidate and make available information on progress made by states not party towards ratification or accession.
- 30. The Conference encourages States Parties to give more attention to states in which the ratification or accession process have started or are well advanced, and to those states waiting for further information or assistance or that have other priorities, as described in the annual reports on universalization.

H. Implementation Support Unit

- 31. The Conference notes that the Implementation Support Unit, which was established by the Sixth Review Conference in order to provide administrative support to meetings agreed by the Review Conference as well as support for the comprehensive implementation and universalization of the Convention and the exchange of confidence-building measures, has successfully discharged its mandate. The Conference therefore decides to renew the mandate of the Unit, *mutatis mutandis*, for the period from 2012 to 2016.
- 32. The Conference decides that, in addition to the tasks mandated by the Sixth Review Conference, the ISU will perform the following tasks:
- (a) implement the decision to establish and administer the database for assistance requests and offers, and facilitating the associated exchange of information among States Parties;
- (b) support, as appropriate, the implementation by the States Parties of the decisions and recommendations of this Review Conference.
- 33. The Conference notes that States Parties in a position to do so may consider making voluntary contributions to the Unit to enhance its ability to carry out its mandated tasks. Any such contributions will be made in full transparency, will be detailed in the annual report of the ISU, and will be used exclusively for the mandated tasks of the Unit.
- 34. The Conference notes that all staff of the ISU will be engaged through the relevant recruitment procedures of the United Nations, considering the necessity of securing the highest standards of efficiency, competence and integrity, and paying due regard to the importance of recruiting the staff on as wide a geographical basis as possible.

- 35. The Conference further notes the need to seek to ensure the widest geographic balance possible in staffing the ISU in accordance with the Charter of the United Nations.
- 36. The ISU will submit a concise annual written report to all States Parties on its activities to implement its mandate. The Unit's performance will be evaluated and its mandate will be reviewed by States Parties at the Eighth Review Conference.

I. Finances

- 37. The Conference decides that the costs of the intersessional programme will be shared by all States Parties to the Convention, based on the United Nations scale of assessment pro-rated to take into account differences in membership between the Convention and the United Nations.
- 38. The Conference approves the estimated costs for the intersessional programme for the period 2012 to 2015, as contained in BWC/CONF.VII/4/Rev.1, noting that these estimated costs were prepared on exactly the same basis as the estimated costs for the 2007–2010 intersessional programme, and therefore represent zero real growth, with any nominal increase due solely to currency and inflation factors. The Conference requests States Parties to proceed with the payment of their share of the estimated costs as soon as the assessment notices have been received from the United Nations.

Adopted by *Resolution 31/72* of the United Nations General Assembly on 10 December 1976.

The Convention was opened for signature at Geneva on 18 May 1977.

Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques

The States Parties to this Convention,

Guided by the interest of consolidating peace, and wishing to contribute to the cause of halting the arms race, and of bringing about general and complete disarmament under strict and effective international control, and of saving mankind from the danger of using new means of warfare.

Determined to continue negotiations with a view to achieving effective progress towards further measures in the field of disarmament,

Recognizing that scientific and technical advances may open new possibilities with respect to modification of the environment,

Recalling the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972,

Realizing that the use of environmental modification techniques for peaceful purposes could improve the interrelationship of man and nature and contribute to the preservation and improvement of the environment for the benefit of present and future generations,

Recognizing, however, that military or any other hostile use of such techniques could have effects extremely harmful to human welfare,

Desiring to prohibit effectively military or any other hostile use of environmental modification techniques in order to eliminate the dangers to mankind from such use, and affirming their willingness to work towards the achievement of this objective,

Desiring also to contribute to the strengthening of trust among nations and to the further improvement of the international situation in accordance with the purposes and principles of the *Charter of the United Nations*,

Have agreed as follows:

Article I

- 1. Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party.
- 2. Each State Party to this Convention undertakes not to assist, encourage or induce any State, group of States or international organization to engage in activities contrary to the provisions of paragraph 1 of this article.

Article II

As used in article 1, the term "environmental modification techniques" refers to any technique for changing - through the deliberate manipulation of natural processes - the dynamics, composition or structure of the Earth, including its biota, lithosphere, hydrosphere and atmosphere, or of outer space.

Article III

- 1. The provisions of this Convention shall not hinder the use of environmental modification techniques for peaceful purposes and shall be without prejudice to the generally recognized principles and applicable rules of international law concerning such use.
- 2. The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of scientific and technological information on the use of environmental modification techniques for peaceful purposes. States Parties in a position to do so shall contribute, alone or together with other States or international organizations, to international economic and scientific co-operation in the preservation, improvement and peaceful utilization of the environment, with due consideration for the needs of the developing areas of the world.

Article IV

Each State Party to this Convention undertakes to take any measures it considers necessary in accordance with its constitutional processes to prohibit and prevent any activity in violation of the provisions of the Convention anywhere under its jurisdiction or control.

Article V

- 1. The States Parties to this Convention undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of, the Convention. Consultation and co-operation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its *Charter*. These international procedures may include the services of appropriate international organizations, as well as of a Consultative Committee of Experts as provided for in paragraph 2 of this article.
- 2. For the purposes set forth in paragraph 1 of this article, the Depositary shall within one month of the receipt of a request from any State Party to this Convention, convene a Consultative Committee of Experts. Any State Party may appoint an expert to the Committee whose functions and rules of procedure are set out in the annex which constitutes an integral part of this Convention. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.
- 3. Any State Party to this Convention which has reason to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all relevant information as well as all possible evidence supporting ItS validity.
- 4. Each State Party to this Convention undertakes to cooperate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties of the results of the investigation.
- 5. Each State Party to this Convention undertakes to provide or support assistance, in accordance with the provisions of the Charter of the United Nations, to any State Party which so requests, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of violation of the Convention.

Article VI

1. Any State Party to this Convention may propose amendments to the Convention. The text of any proposed amendment shall be submitted to the Depositary, who shall promptly

circulate it to all States Parties.

2. An amendment shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

Article VII

This Convention shall be of unlimited duration.

Article VIII

- 1. Five years after the entry into force of this Convention, a conference of the States Parties to the Convention shall be convened by the Depositary at Geneva, Switzerland. The conference shall review the operation of the Convention with a view to ensuring that its purposes and provisions are being realized, and shall in particular examine the effectiveness of the provisions of paragraph 1 of article I in eliminating the dangers of military or any other hostile use of environmental modification techniques.
- 2. At intervals of not less than five years thereafter, a majority of the States Parties to this Convention may obtain, by submitting a proposal to this effect to the Depositary, the convening of a conference with the same objectives.
- 3. If no conference has been convened pursuant to paragraph 2 of this article within ten years following the conclusion of a previous conference, the Depositary shall solicit the views of all States Parties to this Convention concerning the convening of such a conference. If one third or ten of the States Parties, whichever number is less, respond affirmatively, the Depositary shall take immediate steps to convene the conference.

Article IX

- 1. This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
- 2. This Convention shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.
- 3. This Convention shall enter into force upon the deposit of instruments of ratification by twenty Governments in accordance with paragraph 2 of this article.
- 4. For those States whose instruments of ratification or accession are deposited after the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
- 5. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention and of any amendments thereto, as well as of the receipt of other notices.
- 6. This Convention shall be registered by the Depositary in accordance with *Article 102 of the Charter of the United Nations*.

Article X

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Governments of the signatory and acceding States.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Convention

Done at Geneva, on the 18 day of May 1977.

Annex to the Convention

Consultative Committee of Experts

- 1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to paragraph 1 of article V of this Convention by the State Party requesting the convening of the Committee.
- 2. The work of the Consultative Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this annex. The Committee shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.
- 3. The Depositary or his representative shall serve as the Chairman of the Committee.
- 4. Each expert may be assisted at meetings by one or more advisers.
- 5. Each expert shall have the right, through the Chairman, to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work.

CHAPTER XXVI

DISARMAMENT

1. CONVENTION ON THE PROHIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES

New York, 10 December 1976

ENTRY INTO FORCE REGISTRATION: STATUS: TEXT:

5 October 1978, in accordance with article IX(3). 5 October 1978, No. 17119. Signatories: 48. Parties: 76.

United Nations, *Treaty Series*, vol. 1108, p. 151 and depositary notification C.N.263.1978.TREATIES-12 of 27 October 1978 (rectification of the English text).

Note: The Convention was approved by the General Assembly of the United Nations in its resolution 31/72¹ of 10 December 1976. In application of paragraph 2 of the said resolution, the Secretary-General decided to open the Convention for signature and ratification by States from 18 to 31 May 1977 at Geneva, Switzerland. Subsequently, the Convention was transmitted to the Headquarters of the Organization of the United Nations at New York, where it was open for signature by States until 4 October 1978.

Participant Signature	Ratification, Accession(a, Succession(),	Signature	Ratifica Accessio Successi	on(a),
Afghanistan	22 Oct 198	85 a the Congo			
Algeria	19 Dec 199	91 a Denmark	18 May 1977	19 Apr	1978
Antigua and Barbuda	25 Oct 198	88 d Dominica		9 Nov	1992 d
Argentina	20 Mar 19	87 a Egypt		1 Apr	1982 a
Armenia	15 May 200	02 a Estonia		14 Apr	2011 a
Australia31 May 1978	7 Sep 198	84 Ethiopia	18 May 1977		
Austria	17 Jan 199	90 a Finland	18 May 1977	12 May	1978
Bangladesh	3 Oct 19	79 a Germany ^{4,5}	18 May 1977	24 May	1983
Belarus 18 May 1977	7 Jun 19°	78 Ghana	21 Mar 1978	22 Jun	1978
Belgium 18 May 1977	12 Jul 198	82 Greece		23 Aug	1983 a
Benin	30 Jun 198	86 Guatemala		21 Mar	1988 a
Bolivia (Plurinational		Holy See	27 May 1977		
State of) 18 May 1977		Honduras		16 Aug	2010 a
Brazil 9 Nov 1977	12 Oct 198	84 Hungary	18 May 1977	19 Apr	1978
Bulgaria 18 May 1977	31 May 19°	70	18 May 1977		
Cameroon	18 Apr 20	11 a India	15 Dec 1977	15 Dec	1978
Canada 18 May 1977	11 Jun 198	81 Iran (Islamic Re	public		
Cape Verde	3 Oct 19	79 a of)	18 May 1977		
Chile	26 Apr 199	94 a Iraq	15 Aug 1977		
China ²	8 Jun 200	05 a Ireland	18 May 1977	16 Dec	1982
Costa Rica	7 Feb 199	96 a Italy	18 May 1977	27 Nov	1981
Cuba23 Sep 1977	10 Apr 19°	78 Japan		9 Jun	1982 a
Cyprus 7 Oct 1977	12 Apr 19	78 Kazakhstan		25 Apr	2005 a
Czech Republic ³	22 Feb 199	93 d Kuwait		2 Jan	1980 a
Democratic People's		Lao People's			
Republic of Korea	8 Nov 19		40		1050
Democratic Republic of 28 Feb 1978		Republic	13 Apr 1978	5 Oct	1978

Participant Signatur	re	Ratificat Accessio Successi	n(a),	Participant	Signature	e	Ratificat Accessio Successi	n(a),
Lebanon	1977			Slovenia			20 Apr	2005 a
Liberia18 May	1977			Solomon Islands			19 Jun	1981 d
Lithuania		16 Apr	2002 a	Spain	. 18 May	1977	19 Jul	1978
Luxembourg18 May	1977			Sri Lanka	. 8 Jun	1977	25 Apr	1978
Malawi		5 Oct	1978 a	St. Lucia	·•		27 May	1993 d
Mauritius		9 Dec	1992 a	St. Vincent and the				
Mongolia18 May	1977	19 May	1978	Grenadines	•		27 Apr	1999 d
Morocco 18 May	1977			Sweden	••		27 Apr	1984 a
Netherlands ⁶ 18 May	1977	15 Apr	1983	Switzerland			5 Aug	1988 a
New Zealand ⁷		7 Sep	1984 a	Syrian Arab Republic	4 Aug	1977		
Nicaragua11 Aug	1977	6 Sep	2007	Tajikistan			12 Oct	1999 a
Niger		17 Feb	1993 a	Tunisia	11 May	1978	11 May	1978
Norway 18 May	1977	15 Feb	1979	Turkey	18 May	1977		
Pakistan		27 Feb	1986 a	Uganda	18 May	1977		
Panama		13 May	2003 a	Ukraine	. 18 May	1977	13 Jun	1978
Papua New Guinea		28 Oct	1980 a	United Kingdom of				
Poland 18 May	1977	8 Jun	1978	Great Britain and Northern Ireland	10 Moss	1077	16 May	1079
Portugal18 May	1977			United States of	16 Iviay	19//	10 May	1976
Republic of Korea		2 Dec	1986 a	America	. 18 Mav	1977	17 Jan	1980
Romania 18 May	1977	6 May	1983	Uruguay	•	, ,	16 Sep	1993 a
Russian Federation 18 May	1977	30 May	1978	Uzbekistan			26 May	
Sao Tome and Principe.		5 Oct	1979 a	Viet Nam			•	1980 a
Sierra Leone 12 Apr	1978			Yemen ⁸		1977	20 Jul	1977
Slovakia ³		28 May	1993 d		0 1.1	-211	_0 0 000	-211

Declarations and Reservations (Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession.)

ARGENTINA9

The Argentine Republic interprets the terms "widespread, long-lasting or severe effects" in article I, paragraph 1, of the Convention in accordance with the definitions agreed upon in the understanding on that article. It likewise interprets articles II, III and VIII in accordance with the relevant understandings.

AUSTRIA

Reservation:

"Considering the obligations resulting from its status as a permanently neutral state, the Republic of Austria declares a reservation to the effect that its co-operation within the frame work of this Convention cannot exceed the limits determined by the Status of permanent neutrality and membership with the United Nations."

GERMANY⁵

Upon signature:

"With the proviso that the correct designation of the Federal Republic of Germany in the Russian language is 'Federativnuju Respubliku Germaniju'."

16 June 1977

"The correct designation of the Federal Republic of Germany in the Russian language following the preposition 'sa' in the Russian text was spelled out in the afore-mentioned proviso as 'Federativnuju Respubliku Germaniju'."

GUATEMALA

Reservation:

Guatemala accepts the text of article III, on condition that the use of environmental modification techniques for peaceful purposes does not adversely affect its territory or the use of its natural resources.

$Kuwait^{10} \\$

Reservation:

This Convention binds the State of Kuwait only towards States Parties thereto. Its obligatory character shall *ipso facto* terminate with respect to any hostile

state which does not abide by the prohibition contained therein.

Understanding:

"It is understood that accession to the Convention on the Prohibition of Military or any other hostile use of Environmental Modification Techniques, done in Geneva, 1977, does not mean in any way recognition of Israel by the State of Kuwait. Furthermore, no treaty relation will arise between the State of Kuwait and Israel."

NETHERLANDS

Declaration:

"The Kingdom of the Netherlands accepts the obligations laid down in article 1 of the said Convention as extending to states which are not a party to the Convention and which act in conformity with article 1 of the Convention."

NEW ZEALAND

"The Government of New Zealand hereby declares its interpretation that nothing in the Convention detracts from or limits the obligations of States to refrain from military or any other hostile use of environmental modification techniques which are contrary to international law".

REPUBLIC OF KOREA

"It is the understanding of the Government of the Republic of Korea that any technique for deliberately changing the natural state of rivers falls within the meaning of the term 'environmental modification techniques' as defined in article II of the Convention.

"It is further understood that military or any other hostile use of such techniques, which could cause flooding, inundation, reduction in the water-level, drying up, destruction of hydrotechnical installations or other harmful consequences, comes within the scope of the Convention, provided it meets the criteria set out in article I therefore."

SWITZERLAND

Because of the obligation incumbent upon it by virtue of its status of perpetual neutrality, Switzerland must make a general reservation specifying that its co-operation in the framework of this Convention cannot go beyond the limits imposed by this status. This reservation refers, in particular, to article V, paragraph 5, of the Convention, and to any similar clause which may replace or supplement this provision in the Convention (or in any other arrangement).

TURKEY

Upon signature:

Interpretative statement:

"In the opinion of the Turkish Government the terms 'wide- spread', 'long lasting' and 'severe effects' contained in the Con- vention need to be clearly defined. So long as this clarification is not made the Government of Turkey will be compelled to in- terpret itself the terms in question and consequently it reserves the right to do so as and when required.

"Furthermore, the Government of Turkey believes that the difference between 'military or any other hostile purposes' and 'peaceful purposes' should be more clearly defined so as to pre- vent subjective evaluations."

Territorial Application

Participant Date of receipt of the notification Territories

United Kingdom of Great Britain and Northern Ireland¹

16 May 1978

United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus, Association of Caribbean States, Brunei, Solomon Islands and United Kingdom Territories

Notes:

- Official Records of the General Assembly, Thirty-first Session, Supplement No. 39 (A/31/39), p. 36.
- With the following declaration with respect of Hong Kong Special Administrative Region and Macao Special Administrative Region:

In accordance with the provisions of Article 153 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and Article 138 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China, the Government of the People's Republic of China decides that the Convention shall apply to the Hong Kong Special Administrative Region and the Macao Special Administrative Region of the People's Republic of China.

- ³ Czechoslovakia had signed and ratified the Convention on 18 May 1977 and 12 May 1978, respectively. See also note 1 under "Czech Republic" and note 1 under "Slovakia" in the "Historical Information" section in the front matter of this volume.
- ⁴ See note 1 under "Germany" regarding Berlin (West) in the "Historical Information" section in the front matter of this volume.
- ⁵ The German Democratic Republic had signed and ratified the Convention on 18 May 1977 and 25 May 1978, respectively. See also note 2 under "Germany" in the "Historical Information" section in the front matter of this volume.
 - For the Kingdom in Europe and the Netherlands Antilles.

See also note 1 under "Netherlands" regarding Aruba/Netherlands Antilles in the "Historical Information" section in the front matter of this volume.

- $^{7}\,$ The accession shall also apply to the Cook Islands and Niue.
- ⁸ Democratic Yemen had acceded to the Convention on 12 June 1979. See also note 1 under "Yemen" in the "Historical Information" section in the front matter of this volume.
- ⁹ The Government of Argentina has specified that the understandings referred to in the declaration are the Understandings adopted as part of the report of the Conference of the Committee on Disarmament to the General Assembly at its thirty-first session, published under the symbol A/31/27. [Report of the Conference of the Committee on Disarmament to the General Assembly (Volume I, Annex I).]

- ¹⁰ On 23 June 1980, the Secretary-General received from the Government of Israel the following communication concerning the above-mentioned understanding:
- "The Government of Israel has noted the political character of the statement made by the Government of Kuwait. In the view of the Government of Israel, this Convention is not the proper place for making such political pronouncements. Moreover, the said declaration cannot in any way affect whatever obligations are binding upon Kuwait, under general international law or under particular conventions. Insofar as concerns the substance of the matter, the Government of Israel will adopt towards the Government of Kuwait an attitude of complete reciprocity."
- ¹¹ See note 2 under "United Kingdom of Great Britain and Northern Ireland" regarding Hong Kong in the "Historical Information" section in the front matter of this volume.

3. UN Documents

The CWC is a product of the international community's multilateral disarmament negotiating forum in Geneva. Now known as the Conference on Disarmament (formerly the Ten-Nation Committee on Disarmament (1960), the Eighteen-Nation Disarmament Committee (1962-68), the Conference of the Committee on Disarmament (1969-78) and the Committee on Disarmament (1979-1984)), the CD is not a formal UN organ but it has a special relationship with the UN. Under this relationship, the CD adopts its own agenda and rules of procedure, but acts on recommendations from the UN General Assembly and it reports annually to the General Assembly. Besides the CD, chemical weapons issues have also been taken up periodically by the main organs of the UN based at UN Headquarters in New York, namely the General Assembly and the Security Council and also by the Secretary-General.

3.1 UN-OPCW cooperation agreement

In 2000, the OPCW concluded a Relationship Agreement with the United Nations which was later approved by the Conference of the States Parties on the 17 May 2001 and entered into force that year. A copy of this document is included in this section of the *Resource Guide*. At the Seventieth Session of the Executive Council in 2012, it was reported that this agreement had been augmented with a 'Supplementary Arrangement Concerning the Implementation of Article II(2)(c) of the Relationship Agreement between the United Nations and the Organisation for the Prohibition of Chemical Weapons'. This document is not publicly available and is therefore not included here.

3.2 UN General Assembly resolutions on the CWC / OPCW

Discussions in the UN General Assembly on chemical weapons stretch back to its first resolution in 1946. Every year since 1992, the General Assembly has adopted resolutions on the CWC. These resolutions typically stress the vital importance of full and effective implementation of, and compliance with, all CWC provisions; stress the importance of the OPCW in verifying compliance with CWC provisions as well as in promoting the timely and efficient accomplishment of all its objectives; and urge all States Parties to meet in full and on time their obligations under the Convention and to support the OPCW in its implementation activities. Included in this section of the *Resource Guide* are the latest resolutions on cooperation between the UN and the OPCW (A/RES/67/8) and on the implementation of the CWC (A/RES/67/54). Owing to production delays at the UN, an official copy of A/RES/67/8 is not yet available; therefore a copy of the draft resolution (A/67/L.7), which the authors understand was unamended before adoption by consensus on 19 November 2012, has been reproduced in its place here.

3.3 UN Security Council

At its first summit meeting, held in January 1992, the Security Council agreed a Presidential Statement in which it stated that proliferation of weapons of mass destruction (WMD) was a 'threat to international peace and security'. This section of the *Resource Guide* includes a copy of the 1992 Presidential Statement, S/23500 as well as Security Council resolution 620 (1988) which condemned the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq.

This section of the *Resource Guide* also includes a copy of Security Council resolution 1540 on the non-proliferation of weapons of mass destruction. The resolution, which was adopted under Chapter VII of the UN Charter, affirms that the proliferation and illicit trafficking of nuclear, biological and chemical weapons are threats to international peace and security and it requires all UN Member States to enact and enforce laws to prohibit and prevent

the manufacture, acquisition, possession, development, transport, transfer or use of nuclear, chemical or biological weapons and their means of delivery by non-state actors. States must also take and enforce national measures to prevent the proliferation of these weapons, including means to account for and secure weapons and their means of delivery, physical protection measures, effective border controls and export controls. The resolution also obliges Member States to refrain from supporting attempts by non-state actors to acquire WMD capabilities. All States were required to provide a report on their implementation of the resolution to a committee (the '1540 Committee'), which is assisted in its work by a group of experts.

This committee had a two year mandate under resolution 1540, which was extended for a further two years by Security Council resolution 1673 in April 2006, and again through resolution 1810 in 2008 and resolution 1977 in 2011. This most recent resolution extends the mandate to 2021. A copy of the pages of the national implementation matrix used by the 1540 Committee relating to chemical weapons issues is included.

3.4 UN Secretary-General, including the Investigative Mechanism

The UN Secretary-General (UNSG) has been involved with a number of initiatives and activities that are relevant to the current regime to control chemical weapons. In March 2005, the UNSG published 'In Larger Freedom: Towards Development, Security and Human Rights for All' (A/59/2005) which was intended to contribute to the 2005 World Summit and which built upon some recommendations of the 'High-Level Panel on Threats, Challenges and Change which produced the Report, A More Secure World: Our Shared Responsibility' (A/59/565). In the report, the UNSG calls for consolidation of the CWC, recommitment to the scheduled destruction of chemical weapons and CWC universality. It also proposes that the UN Security Council regularly invites the OPCW Director-General to brief it on the status of verification processes. Space constraints preclude reproducing these documents here, but extracts were published in the 2008 edition of the *Resource Guide*. The full report is available at http://www.un.org/largerfreedom/. All public UN documents are also available on the multilingual UN documents server at http://documents.un.org.

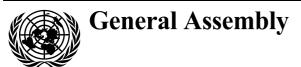
The UN Secretary-General has a long-standing authority to investigate activities that may constitute a violation of the 1925 Geneva Protocol 'or other relevant rules of customary international law'. The first action to support such an authority was the adoption by the General Assembly of resolution 35/144 C in 1980 which included a decision to carry out an impartial investigation of allegations of the use of chemical weapons in South East Asia. These allegations were controversial and a number of States voted against the resolution. The 'Group of Experts to Investigate Reports on the Alleged Use of Chemical Weapons' produced two reports in 1981 and 1982. The UNSG's mechanism emerged in a form recognizable today from General Assembly resolution 37/98 D in 1982, but which was also subject to some of the earlier controversies and was also not adopted by consensus. Under this resolution, which is included in this section of the Resource Guide, the General Assembly requested the UNSG to investigate, with the assistance of qualified experts, allegations of violations of the Geneva Protocol. The resolution instructed the UNSG to compile lists of qualified experts who could be sent at short notice on investigations and to devise procedures for timely and efficient investigations. The UNSG duly appointed a group of consultant experts that submitted its final report, including procedures for investigations, in 1984. Earlier in the same year, the UNSG also conducted the first investigation into allegations of the use of chemical weapons during the Iran-Iraq War, although not under the authority of resolution 37/98 D. The experience of the numerous investigations that followed led to a reappraisal of the mechanism and in 1987 the General Assembly adopted

by consensus resolution 42/37 C which called on the UNSG to update the technical guidelines and procedures for conducting investigations. The UNSG accordingly appointed another group of consultant experts which submitted its final report in 1989. The General Assembly endorsed the group's report in resolution 45/57 C adopted in 1990, which is included in this section of the *Resource Guide*. During the group's existence, the Security Council also passed resolution 620 in 1988 which endorsed the mechanism by encouraging the UNSG to investigate allegations 'promptly'. A further two investigations were carried out in 1992, these being the most recent to have been conducted. The table below provides details on the investigations carried out:

Date	Locations visited	Report reference
1981-1982	Thailand	A/36/613, 20 November 1981
1981-1982	Pakistan, Thailand	A/37/259, 1 December 1982
March 1984	Iran	S/16433, 26 March 1984 [also issued as A/39/210
April 1985	European hospitals	S/17127 , 24 April 1985
March 1986	Iran	S/17911, 12 March 1986
May 1987	Iran & Iraq	S/18852, 8 May 1987
April 1988	Iran & Iraq	S/19823, 25 April 1988
July 1988	Iran	S/20060, 20 July 1988 [released 1 August 1988]
July 1988	Iraq	S/20063, 25 July 1988 [released 1 August 1988]
August1988	Iran	S/20134, 19 August 1988
March 1992	Mozambique	S/24065, 12 June 1992
July 1992	Azerbaijan	S/24344, 24 July 1992

During the 1990s, the mechanism was somewhat neglected as international attention was focused on the entry into force of the CWC and on the efforts to negotiate a protocol to the BWC. With the protocol negotiations coming to a halt in 2001, more attention has been paid to the mechanism, particularly in the reports released by the then UNSG. Since the entry into force of the CWC, that treaty has become the main focus of activity for chemical weapons investigations and recent attention has therefore focused on the use of the mechanism to investigate BW allegations. The CWC contains detailed procedures for investigating the alleged use of CW and the OPCW maintains a list of qualified experts who can provide additional skills not found among OPCW inspectors. The UNSG's mechanism could still be used for CW investigations in States not party to the CWC, but in such cases the CWC provides that the OPCW should cooperate closely with the UNSG and could put its resources at his disposal. Under General Assembly resolution 60/288 adopted in 2006, States encouraged the UNSG to update the roster of experts and laboratories, as well as the technical guidelines and procedures. A working group, with OPCW participation, met in New York and Sweden, and submitted a proposal for updating the technical annexes to the UNSG in December 2007.

United Nations A/55/988



Distr.: General 18 June 2001

Original: English

Fifty-fifth session
Agenda item 181
Cooperation between the United Nations and the
Organization for the Prohibition of Chemical Weapons

Agreement concerning the Relationship between the United Nations and the Organization for the Prohibition of Chemical Weapons

Note by the Secretary-General

- 1. On 22 May 1997, at its fifty-first session, the General Assembly adopted resolution 51/230, in paragraph 1 of which it invited the Secretary-General to take steps to conclude with the Director-General of the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons (OPCW) an agreement between the United Nations and OPCW to regulate the relationship between the two organizations, to be applied provisionally upon signature, pending the completion of procedures necessary for its entry into force, and to present the negotiated draft relationship agreement to the General Assembly for its approval.
- 2. Following the completion of the negotiation and the approval on 1 September 2000 of the draft agreement by the Executive Council of OPCW, on 17 October 2000, the Deputy Secretary-General of the United Nations and the Director-General of OPCW signed the Agreement concerning the Relationship between the United Nations and OPCW, which since that date has been applied provisionally in accordance with resolution 51/230.
- 3. On 19 May 2001, I was informed by the Director-General of OPCW that on 17 May 2001, at its sixth session, the Conference of the States Parties to the Chemical Weapons Convention had approved the Agreement concerning the Relationship between the United Nations and OPCW and requested the Director-General of OPCW to send written notification to the United Nations that the internal requirements of OPCW for entry into force of the Agreement had been met.
- 4. Pursuant to paragraph 1 of General Assembly resolution 51/230, I herewith submit to the General Assembly for its approval the text of the Agreement concerning the Relationship between the United Nations and the Organization for the Prohibition of Chemical Weapons (see annex).

01-41462 (E) 210601

Annex

Agreement concerning the Relationship between the United Nations and the Organization for the Prohibition of Chemical Weapons

The United Nations and the Organization for the Prohibition of Chemical Weapons,

Bearing in mind the relevant provisions of the Charter of the United Nations (hereinafter the "Charter") and of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (hereinafter the "Convention"),

Bearing in mind that, in accordance with the Charter, the United Nations is the principal organization dealing with matters relating to the maintenance of international peace and security, and acts as a centre for harmonizing the actions of nations in the attainment of the goals set out in the Charter,

Considering that the Organization for the Prohibition of Chemical Weapons (hereinafter "OPCW") shares the purposes and principles of the Charter, and that its activities performed pursuant to the provisions of the Convention contribute to the realization of the purposes and principles of the Charter.

Desiring to make provision for a mutually beneficial relationship, to avoid unnecessary duplication of their activities and services, to facilitate the discharge of the respective responsibilities of both organizations,

Noting General Assembly resolution 51/230 of 22 May 1997 and the relevant decision of the Conference of the States Parties at its fourth session (C-IV/DEC.4, dated 2 July 1999), calling for the conclusion of a relationship agreement between the United Nations and OPCW.

Have agreed as follows:

Article I General

1. The United Nations recognizes OPCW as the organization, in relationship to the United Nations as specified in this Agreement, responsible for activities to achieve the comprehensive prohibition of chemical weapons in accordance with the Convention.

- 2. The United Nations recognizes that OPCW, by virtue of the Convention, shall function as an independent, autonomous international organization in the working relationship with the United Nations established by this Agreement.
- 3. OPCW recognizes the responsibilities of the United Nations, in accordance with its Charter, in particular in the fields of international peace and security and economic, social, cultural and humanitarian development, protection and preservation of the environment and peaceful settlement of disputes.
- 4. OPCW undertakes to conduct its activities in accordance with the purposes and principles of the Charter to promote peace, disarmament and international cooperation and with due regard to the policies of the United Nations furthering safeguarded worldwide disarmament.

Article II Cooperation

- 1. The Untied Nations and OPCW, recognizing the need to work jointly to achieve mutual objectives, and with a view to facilitating the effective exercise of their responsibilities, agree to cooperate closely within their respective mandates and to consult on matters of mutual interest and concern. To that end, the United Nations and OPCW shall cooperate with each other in accordance with the provisions of their respective constituent instruments.
- 2. Cooperation between the United Nations and OPCW, in particular, shall require that:
- (a) Cases of particular gravity and urgency which, in accordance with paragraph 36 of article VIII of the Convention, shall, including relevant information and conclusions, be brought directly to the attention of the General Assembly and the Security Council by the Executive Council, through the Secretary-General, in accordance with the existing United Nations procedures:
- (b) Cases of particular gravity which, in accordance with paragraph 4 of article XII of the Convention, shall, including relevant information and

conclusions, be brought to the attention of the General Assembly and the Security Council by the Conference of the States Parties through the Secretary-General in accordance with the existing United Nations procedures;

- (c) OPCW shall, in accordance with paragraph 27 of Part XI of the Verification Annex, closely cooperate with the Secretary-General in cases of the alleged use of chemical weapons involving a State not party to the Convention or in a territory not controlled by a State Party to the Convention and, if so requested, shall in such cases place its resources at the disposal of the Secretary-General;
- (d) OPCW and the United Nations shall, in accordance with their respective mandates, explore possibilities for cooperation in the provision of assistance to States concerned in cases of the use or serious threat of use of chemical weapons, as provided for in paragraph 10 of article X of the Convention;
- (e) OPCW and the United Nations shall, insofar as covered by their respective mandates, in the context of economic and technological development in their Member States, cooperate to foster international cooperation for peaceful purposes in the field of chemical activities and facilitating the exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under the Convention; and
- (f) The United Nations and OPCW shall cooperate on any matter that may relate to the object and purpose of the Convention, or which may arise in connection with its implementation.
- 3. OPCW, within its competence and in accordance with the provisions of the Convention, shall cooperate with the General Assembly and the Security Council by furnishing them, at the request of either, such information and assistance as may be required in the exercise of their respective responsibilities under the Charter of the United Nations.
- 4. The United Nations and OPCW shall cooperate in the field of public information and shall arrange, upon request, for the exchange of information, publications and reports of mutual interest and for the furnishing of special reports and studies and information.
- 5. The Secretariat of the United Nations and the Technical Secretariat of OPCW shall maintain a close

working relationship in accordance with such arrangements as may be agreed between the Secretary-General and the Director-General.

Article III Coordination

The United Nations and OPCW recognize the necessity of achieving, where applicable, effective coordination of the activities and services of OPCW and of the United Nations, and of avoiding unnecessary duplication of their activities and services.

Article IV Reporting

- 1. The Director-General will keep the United Nations informed of the routine activities of OPCW, and will report on a regular basis, as appropriate and as duly mandated by the Executive Council, through the Secretary-General to the General Assembly and the Security Council.
- 2. If the Executive Council takes a decision to provide, pursuant to article X of the Convention, supplementary assistance to a State Party to the Convention requesting such assistance in connection with the use or threat of use of chemical weapons, the Director-General (representing OPCW, as specified in this Agreement) shall transmit to the Secretary-General (representing the United Nations, as specified in this Agreement) the above-mentioned decision of the Executive Council, together with the investigation report prepared by the Technical Secretariat in connection with the request for such assistance.
- 3. Whenever decisions are taken by the Conference of the States Parties, pursuant to article XII of the Convention, on measures, including collective measures recommended to States Parties, to ensure compliance with the Convention and to redress and remedy any situation which contravenes the provisions of the Convention, the Director-General, upon instructions from the Conference, shall inform the General Assembly and the Security Council accordingly, through the Secretary-General.
- 4. Should the Secretary-General report to the United Nations on the common activities of the United Nations and OPCW or on the development of relations between them, any such report shall be promptly transmitted by the Secretary-General to OPCW.

5. Should the Director-General report to OPCW on the common activities of OPCW and the United Nations or on the development of relations between them, any such report shall be promptly transmitted by the Director-General to the United Nations.

Article V Reciprocal representation

- 1. The Secretary-General shall be entitled to attend and to participate in relation to matters of common interest, without vote and in accordance with the relevant rules of procedure, in sessions of the Conference of the States Parties and in sessions of the Executive Council of OPCW. The Secretary-General shall also be invited as appropriate to attend and to participate without vote in such other meetings as OPCW may convene at which matters of interest to the United Nations are under consideration. The Secretary-General may, for the purposes of this paragraph, designate any person as his/her representative.
- The Director-General shall be entitled to attend plenary meetings of the General Assembly of the United Nations for the purpose of consultations. The Director-General shall be entitled to attend and to participate without vote in the meetings of the Committees of the General Assembly, and in meetings of the Economic and Social Council and, as appropriate, of any subsidiary organs of these bodies and the General Assembly. The Director-General may, at the invitation of the Security Council, attend its meetings to supply the Council, as duly mandated by the Executive Council, with information or give other assistance with regard to matters within the competence of OPCW. The Director-General may, for the purposes of this paragraph, designate any person as his/her representative.
- 3. Written statements presented by the United Nations to OPCW for distribution shall be distributed by the Technical Secretariat of OPCW to all members of the appropriate organ(s) or subsidiary organ(s) of OPCW. Written statements presented by OPCW to the United Nations for distribution shall be distributed by the Secretariat of the United Nations to all members of the appropriate organ(s) or subsidiary organ(s) of the United Nations.

Article VI Agenda items

- 1. The United Nations may propose agenda items for consideration by OPCW. In such cases, the Untied Nations shall notify the Director-General of the agenda item or items concerned, and the Director-General shall, in accordance with his/her authority and the relevant rules of procedure, bring any such agenda item or items to the attention of the Conference of the States Parties, the Executive Council or such other organ(s) of OPCW as may be appropriate.
- 2. OPCW may propose agenda items for consideration by the United Nations. In such cases, OPCW shall notify the Secretary-General of the agenda item or items concerned, and the Secretary-General shall, in accordance with his/her authority, bring any such item or items to the attention of the General Assembly, the Security Council, the Economic and Social Council or such other organ(s) of the United Nations as may be appropriate.

Article VII International Court of Justice

- 1. The United Nations takes note of article XIV, paragraph 5, of the Convention, which empowers the Conference of the States Parties or the Executive Council of OPCW, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question(s) arising from within the scope of activities of OPCW, apart from any question(s) concerning the mutual relationship between OPCW and the United Nations.
- 2. The United Nations and OPCW agree that each such request for an advisory opinion shall first be submitted to the General Assembly, which will decide upon the request in accordance with Article 96 of the Charter.
- 3. When seeking an advisory opinion as referred to in paragraph 1 of this article, OPCW agrees to furnish, in accordance with the Confidentiality Annex to the Convention and the OPCW Policy on Confidentiality, any such information as may be required by the International Court of Justice in accordance with the Statute of the International Court of Justice.

Article VIII Resolutions of the United Nations

The Secretary-General shall transmit to the Director-General resolutions of the General Assembly or the Security Council pertaining to issues relevant to the Convention. Upon receipt thereof, the Director-General will bring the resolutions concerned to the attention of the relevant organs of OPCW and will report back to the Secretary-General on any action taken by OPCW, as appropriate.

Article IX United Nations laissez-passer

Officials of OPCW shall be entitled, in accordance with such administrative arrangements as may be concluded between the Secretary-General and the Director-General, to use the laissez-passer of the United Nations as a valid travel document where such use is recognized by States Parties in the applicable instruments defining the privileges and immunities of OPCW and its officials. The administrative arrangements will take into account, to the extent possible, the special requirements of OPCW arising from its verification activities under the Convention.

Article X Personnel arrangements

- 1. The United Nations and OPCW agree to consult whenever necessary concerning matters of common interest relating to the terms and conditions of employment of staff.
- 2. The United Nations and OPCW agree to cooperate regarding the exchange of personnel, bearing in mind the nationality of States members of OPCW, and to determine conditions of such cooperation in supplementary arrangements to be concluded for that purpose in accordance with article XIV of this Agreement.

Article XI Budgetary and financial matters

1. OPCW recognizes the desirability of establishing budgetary and financial cooperation with the United Nations in order that OPCW may benefit from the experience of the United Nations in this field and in order to ensure, as far as may be practicable, the consistency of the administrative operations of the two organizations in this field.

- 2. The United Nations may arrange for studies to be undertaken concerning budgetary and financial matters of interest to OPCW with a view to, as far as may be practicable, achieving coordination and securing consistency in such matters.
- 3. OPCW agrees to follow, as far as may be practicable, the standard budgetary and financial practices and forms used by the United Nations.

Article XII Expenses

Expenses resulting from any cooperation or provision of services pursuant to this Agreement shall be subject to separate arrangements between OPCW and the United Nations.

Article XIII Protection of confidentiality

- 1. Subject to paragraphs 1 and 3 of article II, nothing in this Agreement shall be so construed as to require either the United Nations or OPCW to furnish any material, data and information whose disclosure could in its judgement require it to violate its obligation, under its constituent instrument or policy on confidentiality, to protect such information.
- 2. The United Nations and OPCW shall ensure the appropriate protection, in accordance with their constituent instruments and policies on confidentiality, in respect to such information.

Article XIV Implementation of the Agreement

The Secretary-General and the Director-General may enter into such supplementary arrangements and develop such practical measures for the implementation of this Agreement as may be found desirable.

Article XV Amendments

This Agreement may be amended by mutual consent between the United Nations and OPCW. Any such amendment, once agreed upon, shall enter into force on the date on which the United Nations and OPCW have exchanged written notifications that their internal requirements for entry into force have been met.

Article XVI Entry into force

- 1. This Agreement shall enter into force on the date on which the United Nations and OPCW have exchanged written notifications that their internal requirements for entry into force have been met.
- 2. This Agreement shall be applied provisionally by the United Nations and the OPCW upon signature.

IN WITNESS THEREOF the undersigned, being duly authorized representatives of the United Nations and OPCW, have signed the present Agreement.

SIGNED this 17th day of October 2000 at New York in two originals in the English language.

FOR THE UNITED NATIONS

[Signature]

Louise **Fréchette** Deputy Secretary-General

FOR THE ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS

[Signature]

José M. **Bustani** Director-General

6

United Nations A/67/L.7



General Assembly

Distr.: Limited 14 November 2012

Original: English

Sixty-seventh session

Agenda item 121 (o)

Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons

Luxembourg, Monaco and Netherlands: draft resolution

Cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons

The General Assembly,

Recalling its resolution 65/236 of 22 December 2010 on cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons,

Having received the annual report for 2010 and the draft report for 2011 of the Organization for the Prohibition of Chemical Weapons on the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ¹

- 1. Takes note of the annual report for 2010 and the draft report for 2011 of the Organization for the Prohibition of Chemical Weapons submitted on its behalf by its Director-General;¹
- 2. Welcomes the convening of the high-level meeting of the Organization for the Prohibition of Chemical Weapons at United Nations Headquarters on 1 October 2012 on the theme "Fifteen Years of the Chemical Weapons Convention: Celebrating Success Committing to the Future", to commemorate the fifteenth anniversary of the entry into force of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;²
- 3. *Notes* that the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention will be held at The Hague from 8 to 19 April 2013;
- 4. Decides to include in the provisional agenda of its sixty-ninth session, under the item entitled "Cooperation between the United Nations and regional and other organizations", the sub-item entitled "Cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons".

² United Nations, *Treaty Series*, vol. 1974, No. 33757.







¹ See A/67/209.

United Nations A/RES/67/54



Distr.: General 4 January 2013

Sixty-seventh session Agenda item 94 (*t*)

Resolution adopted by the General Assembly

[on the report of the First Committee (A/67/409)]

67/54. Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction

The General Assembly,

Recalling its previous resolutions on the subject of chemical weapons, in particular resolution 66/35 of 2 December 2011, adopted without a vote, in which it noted with appreciation the ongoing work to achieve the objective and purpose of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ¹

Determined to achieve the effective prohibition of the development, production, acquisition, transfer, stockpiling and use of chemical weapons and their destruction.

Noting with satisfaction that, since the adoption of resolution 63/48 of 2 December 2008, four additional States have acceded to the Convention, bringing the total number of States parties to the Convention to 188,

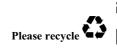
Reaffirming the importance of the outcome of the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter "the Second Review Conference"), including the consensus final report, which addressed all aspects of the Convention and made important recommendations on its continued implementation,

Emphasizing that the Second Review Conference welcomed the fact that, eleven years after its entry into force, the Convention remained a unique multilateral agreement banning an entire category of weapons of mass destruction in a non-discriminatory and verifiable manner under strict and effective international control,

1. Emphasizes that the universality of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on

¹ United Nations, *Treaty Series*, vol. 1974, No. 33757.







Their Destruction¹ is fundamental to the achievement of its objective and purpose, acknowledges progress made in the implementation of the action plan for the universality of the Convention, and calls upon all States that have not yet done so to become parties to the Convention without delay;

- 2. Underlines that implementation of the Convention makes a major contribution to international peace and security through the elimination of existing stockpiles of chemical weapons and the prohibition of the acquisition or use of chemical weapons, and provides for assistance and protection in the event of use, or threat of use, of chemical weapons and for international cooperation for peaceful purposes in the field of chemical activities;
- 3. Stresses the importance to the Convention that all possessors of chemical weapons, chemical weapons production facilities or chemical weapons development facilities, including previously declared possessor States, should be among the States parties to the Convention, and welcomes progress to that end;
- 4. Recalls that, at its sixteenth session, the Conference of States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction decided that, if the final extended deadline had not been fully met, the destruction of the remaining chemical weapons in the possessor States concerned should be completed in the shortest time possible in accordance with the provisions of the Convention and the Verification Annex and under the verification of the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons, as prescribed under the Convention and the Verification Annex;
- 5. Stresses that the full and effective implementation of all provisions of the Convention, including those on national implementation (article VII) and assistance and protection (article X), constitutes an important contribution to the efforts of the United Nations in the global fight against terrorism in all its forms and manifestations;
- 6. *Notes* that the effective application of the verification system builds confidence in compliance with the Convention by States parties;
- 7. Stresses the importance of the Organization for the Prohibition of Chemical Weapons in verifying compliance with the provisions of the Convention as well as in promoting the timely and efficient accomplishment of all its objectives;
- 8. *Urges* all States parties to the Convention to meet in full and on time their obligations under the Convention and to support the Organization for the Prohibition of Chemical Weapons in its implementation activities;
- 9. Welcomes progress made in the national implementation of article VII obligations, commends the States parties and the Technical Secretariat for assisting other States parties, on request, with the implementation of the follow-up to the plan of action regarding article VII obligations, and urges States parties that have not fulfilled their obligations under article VII to do so without further delay, in accordance with their constitutional processes;
- 10. *Emphasizes* the continuing relevance and importance of the provisions of article X of the Convention, and welcomes the activities of the Organization for the Prohibition of Chemical Weapons in relation to assistance and protection against chemical weapons;
- 11. Reaffirms that the provisions of the Convention shall be implemented in a manner that avoids hampering the economic or technological development of

States parties and international cooperation in the field of chemical activities for purposes not prohibited under the Convention, including the international exchange of scientific and technical information, and chemicals and equipment for the production, processing or use of chemicals for purposes not prohibited under the Convention;

- 12. *Emphasizes* the importance of article XI provisions relating to the economic and technological development of States parties, recalls that the full, effective and non-discriminatory implementation of those provisions contributes to universality, and also reaffirms the undertaking of the States parties to foster international cooperation for peaceful purposes in the field of chemical activities of the States parties and the importance of that cooperation and its contribution to the promotion of the Convention as a whole;
- 13. Notes with appreciation the ongoing work of the Organization for the Prohibition of Chemical Weapons to achieve the objective and purpose of the Convention, to ensure the full implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States parties;
- 14. *Notes* the ongoing preparatory work by the States parties on the substance of the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention;
- 15. Welcomes the cooperation between the United Nations and the Organization for the Prohibition of Chemical Weapons within the framework of the Relationship Agreement between the United Nations and the Organization, in accordance with the provisions of the Convention;
- 16. Decides to include in the provisional agenda of its sixty-eighth session, under the item entitled "General and complete disarmament", the sub-item entitled "Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction".

48th plenary meeting 3 December 2012



Security Council

Distr. GENERAL

s/23500 31 January 1992

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

At the conclusion of the 3046th meeting of the Security Council, held at the level of Heads of State and Government on 31 January 1992 in connection with the item entitled "The responsibility of the Security Council in the maintenance of international peace and security", the President of the Security Council made the following statement on behalf of the members of the Council.

"The members of the Security Council have authorized me to make the following statement on their behalf.

"The Security Council met at the Headquarters of the United Nations in New York on 31 January 1992, for the first time at the level of Heads of State and Government. The members of the Council considered, within the framework of their commitment to the United Nations Charter, 'The responsibility of the Security Council in the maintenance of international peace and security'. 1/

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The meeting was chaired by the Prime Minister of the United Kingdom of Great Britain and Northern Ireland as the President of the Security Council for January. Statements were made by His Excellency Dr. Franz Vranitzky, Federal Chancellor of Austria, His Excellency Mr. Wilfried Martens, Prime Minister of Belgium, His Excellency Dr. Carlos Alberto Wahnon de Carvalho Veiga, Prime Minister of Cape Verde, His Excellency Mr. Li Peng, Premier of the State Council of China, His Excellency Dr. Rodrigo Borja-Cevallos, Constitutional President of Ecuador, His Excellency Mr. François Mitterrand, President of France, His Excellency Dr. Géza Jeszenszky, Minister for Foreign Affairs and Personal Emissary of the Prime Minister of Hungary, His Excellency Mr. P. V. Narasimha Rao, Prime Minister of India, His Excellency Mr. Kiichi Miyazawa, Prime Minister of Japan, His Majesty Hassan II, King of Morocco, His Excellency Mr. Boris N. Yeltsin, President of the Russian Federation, His Excellency the Rt. Hon. John Major MP, Prime Minister of the United Kingdom of Great Britain and Northern Ireland, His Excellency Mr. George Bush, President of the United States of America, His Excellency Dr. Carlos Andrés Pérez, President of Venezuela and His Excellency Dr. Nathan Shamuyarira, Minister of Foreign Affairs and Personal Emissary of the President of Zimbabwe, as well as by the Secretary-General, His Excellency Dr. Boutros Boutros-Ghali.

"The members of the Security Council consider that their meeting is a timely recognition of the fact that there are new favourable international circumstances under which the Security Council has begun to fulfil more effectively its primary responsibility for the maintenance of international peace and security.

"A time of change

"This meeting takes place at a time of momentous change. The ending of the Cold War has raised hopes for a safer, more equitable and more humane world. Rapid progress has been made, in many regions of the world, towards democracy and responsive forms of government, as well as towards achieving the Purposes set out in the Charter. The completion of the dismantling of apartheid in South Africa would constitute a major contribution to these Purposes and positive trends, including to the encouragement of respect for human rights and fundamental freedoms.

"Last year, under the authority of the United Nations, the international community succeeded in enabling Kuwait to regain its sovereignty and territorial integrity, which it had lost as a result of Iraqi aggression. The resolutions adopted by the Security Council remain essential to the restoration of peace and stability in the region and must be fully implemented. At the same time the members of the Council are concerned by the humanitarian situation of the innocent civilian population of Iraq.

"The members of the Council support the Middle East peace process, facilitated by the Russian Federation and the United States, and hope that it will be brought to a successful conclusion on the basis of Council resolutions 242 (1967) and 338 (1973).

"They welcome the role the United Nations has been able to play under the Charter in progress towards settling long-standing regional disputes, and will work for further progress towards their resolution. They applaud the valuable contribution being made by United Nations peace-keeping forces now operating in Asia, Africa, Latin America and Europe.

"The members of the Council note that United Nations peace-keeping tasks have increased and broadened considerably in recent years. Election monitoring, human rights verification and the repatriation of refugees have in the settlement of some regional conflicts, at the request or with the agreement of the parties concerned, been integral parts of the Security Council's effort to maintain international peace and security. They welcome these developments.

"The members of the Council also recognize that change, however welcome, has brought new risks for stability and security. Some of the most acute problems result from changes to State structures. The members of the Council will encourage all efforts to help achieve peace, stability and cooperation during these changes.

"The international community therefore faces new challenges in the search for peace. All Member States expect the United Nations to play a central role at this crucial stage. The members of the Council stress the importance of strengthening and improving the United Nations to increase its effectiveness. They are determined to assume fully their responsibilities within the United Nations Organization in the framework of the Charter.

"The absence of war and military conflicts amongst States does not in itself ensure international peace and security. The non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace and security. The United Nations membership as a whole, working through the appropriate bodies, needs to give the highest priority to the solution of these matters.

"Commitment to collective security

"The members of the Council pledge their commitment to international law and to the United Nations Charter. All disputes between States should be peacefully resolved in accordance with the provisions of the Charter.

"The members of the council reaffirm their commitment to the collective security system of the Charter to deal with threats to peace and to reverse acts of aggression.

"The members of the Council express their deep concern over acts of international terrorism and emphasize the need for the international community to deal effectively with all such acts.

"Peacemaking and peace-keeping

"To strengthen the effectiveness of these commitments, and in order that the Security Council should have the means to discharge its primary responsibility under the Charter for the maintenance of international peace and security, the members of the Council have decided on the following approach.

"They invite the Secretary-General to prepare, for circulation to the Members of the United Nations by 1 July 1992, his analysis and recommendations on ways of strengthening and making more efficient within the framework and provisions of the Charter the capacity of the United Nations for preventive diplomacy, for peacemaking and for peace-keeping.

"The Secretary-General's analysis and recommendations could cover the role of the United Nations in identifying potential crises and areas of instability as well as the contribution to be made by regional organizations in accordance with Chapter VIII of the United Nations Charter in helping the work of the Council. They could also cover the need for adequate resources, both material and financial. The Secretary-General might draw on lessons learned in recent United Nations peace-keeping missions to recommend ways of making more effective Secretariat planning and operations. He could also consider how greater use might be made of his good offices, and of his other functions under the United Nations Charter.

"Disarmament, arms control and weapons of mass destruction

"The members of the Council, while fully conscious of the responsibilities of other organs of the United Nations in the fields of disarmament, arms control and non-proliferation, reaffirm the crucial contribution which progress in these areas can make to the maintenance of international peace and security. They express their commitment to take concrete steps to enhance the effectiveness of the United Nations in these areas.

"The members of the Council underline the need for all Member States to fulfil their obligations in relation to arms control and disarmament; to prevent the proliferation in all its aspects of all weapons of mass destruction; to avoid excessive and destabilizing accumulations and transfers of arms; and to resolve peacefully in accordance with the Charter any problems concerning these matters threatening or disrupting the maintenance of regional and global stability. They emphasize the importance of the early ratification and implementation by the States concerned of all international and regional arms control arrangements, especially the START and CFE Treaties.

"The proliferation of all weapons of mass destruction constitutes a threat to international peace and security. The members of the Council commit themselves to working to prevent the spread of technology related to the research for or production of such weapons and to take appropriate action to that end.

"On nuclear proliferation, they note the importance of the decision of many countries to adhere to the Non-Proliferation Treaty and emphasize the integral role in the implementation of that Treaty of fully effective IAEA safeguards, as well as the importance of effective export controls. The members of the Council will take appropriate measures in the case of any violations notified to them by the IAEA.

"On chemical weapons, they support the efforts of the Geneva Conference with a view to reaching agreement on the conclusion, by the end of 1992, of a universal convention, including a verification regime, to prohibit chemical weapons.

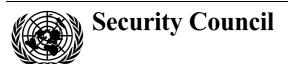
"On conventional armaments, they note the General Assembly's vote in favour of a United Nations register of arms transfers as a first step, and in this connection recognize the importance of all States providing all the information called for in the General Assembly's resolution.

* * *

S/23500 English Page 5

"In conclusion, the members of the Security Council affirm their determination to build on the initiative of their meeting in order to secure positive advances in promoting international peace and security. They agree that the United Nations Secretary-General has a crucial role to play. The members of the Council express their deep appreciation to the outgoing Secretary-General, His Excellency Mr. Javier Pérez de Cuéllar, for his outstanding contribution to the work of the United Nations, culminating in the signature of the El Salvador peace agreement. They welcome the new Secretary-General, His Excellency Dr. Boutros Boutros-Ghali, and note with satisfaction his intention to strengthen and improve the functioning of the United Nations. They pledge their full support to him, and undertake to work closely with him and his staff in fulfilment of their shared objectives, including a more efficient and effective United Nations system.

"The members of the Council agree that the world now has the best chance of achieving international peace and security since the foundation of the United Nations. They undertake to work in close cooperation with other United Nations Member States in their own efforts to achieve this, as well as to address urgently all the other problems, in particular those of economic and social development, requiring the collective response of the international community. They recognize that peace and prosperity are indivisible and that lasting peace and stability require effective international cooperation for the eradication of poverty and the promotion of a better life for all in larger freedom."



Distr.: General 28 April 2004

Resolution 1540 (2004)

Adopted by the Security Council at its 4956th meeting, on 28 April 2004

The Security Council,

Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery,* constitutes a threat to international peace and security,

Reaffirming, in this context, the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

Recalling also that the Statement underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

Affirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

Affirming its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all States parties to these treaties to implement them fully in order to promote international stability,

04-32843 (E)

^{*} Definitions for the purpose of this resolution only:

Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use.

Non-State actor: individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution.

Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

^{* 0432843*}

Welcoming efforts in this context by multilateral arrangements which contribute to non-proliferation,

Affirming that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be used as a cover for proliferation,

Gravely concerned by the threat of terrorism and the risk that non-State actors* such as those identified in the United Nations list established and maintained by the Committee established under Security Council resolution 1267 and those to whom resolution 1373 applies, may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery,

Gravely concerned by the threat of illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery, and related materials,* which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security,

Recognizing the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security,

Recognizing that most States have undertaken binding legal obligations under treaties to which they are parties, or have made other commitments aimed at preventing the proliferation of nuclear, chemical or biological weapons, and have taken effective measures to account for, secure and physically protect sensitive materials, such as those required by the Convention on the Physical Protection of Nuclear Materials and those recommended by the IAEA Code of Conduct on the Safety and Security of Radioactive Sources,

Recognizing further the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery,

Encouraging all Member States to implement fully the disarmament treaties and agreements to which they are party,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Determined to facilitate henceforth an effective response to global threats in the area of non-proliferation,

Acting under Chapter VII of the Charter of the United Nations,

- 1. Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;
- 2. Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for

terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

- 3. Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:
- (a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;
 - (b) Develop and maintain appropriate effective physical protection measures;
- (c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;
- (d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;
- 4. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, for a period of no longer than two years, a Committee of the Security Council, consisting of all members of the Council, which will, calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon States to present a first report no later than six months from the adoption of this resolution to the Committee on steps they have taken or intend to take to implement this resolution;
- 5. Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;
- 6. Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;
- 7. Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

- 8. *Calls upon* all States:
- (a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;
- (b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;
- (c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;
- (d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;
- 9. Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;
- 10. Further to counter that threat, *calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;
- 11. *Expresses* its intention to monitor closely the implementation of this resolution and, at the appropriate level, to take further decisions which may be required to this end;
 - 12. Decides to remain seized of the matter.

4

United Nations S/RES/1977 (2011)*



Distr.: General 20 April 2011

Resolution 1977 (2011)

Adopted by the Security Council at its 6518th meeting, on 20 April 2011

The Security Council,

Reaffirming its resolutions 1540 (2004) of 28 April 2004, 1673 (2006) of 27 April 2006 and 1810 (2008) of 25 April 2008,

Reaffirming that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Reaffirming the need for all Member States to comply fully with their obligations and fulfil their commitments in relation to arms control, disarmament and non-proliferation in all its aspects of all weapons of mass destruction and their means of delivery,

Reaffirming that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be misused for proliferation purposes,

Remaining gravely concerned by the threat of terrorism and the risk that non state actors may acquire, develop, traffic in or use nuclear, chemical, and biological weapons and their means of delivery,

Reaffirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

Reaffirming its decision that none of the obligations in resolution 1540 (2004) shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons,

^{*} Reissued for technical reasons on 21 April 2011.





Noting that international cooperation between States, in accordance with international law, is required to counter the illicit trafficking by non-State actors in nuclear, chemical and biological weapons, their means of delivery and related materials.

Recognizing the need to enhance coordination of efforts at national, regional, subregional and international levels, as appropriate, in order to strengthen a global response to the serious challenge and threat to international peace and security posed by the proliferation of weapons of mass destruction and their means of delivery,

Emphasizing the need for States to take all appropriate national measures in accordance with their national authorities and legislation, and consistent with international law, to strengthen export controls, to control access to intangible transfers of technology and to information that could be used for weapons of mass destruction and their means of delivery, to prevent proliferation financing and shipments, and to secure sensitive materials,

Endorsing the work already carried out by the Committee established pursuant to resolution 1540 (2004), hereafter the 1540 Committee, in accordance with its programmes of work, including the establishment of the working groups for facilitating implementation of the Programme of Work,

Recognizing States' progress in implementing resolution 1540 (2004), while noting that States have taken fewer measures in some of its areas,

Endorsing also the valuable activities of the 1540 Committee with relevant international regional and subregional organizations,

Taking note of international efforts towards full implementation of resolution 1540 (2004), including on preventing the financing of proliferation-related activities, and *taking into consideration* the guidance of the framework of the Financial Action Task Force (FATF).

Noting that not all States have presented to the 1540 Committee their national reports on implementation of resolution 1540 (2004),

Further noting that the full implementation of resolution 1540 (2004) by all States, including the adoption of national laws and measures to ensure implementation of these laws, is a long-term task that will require continuous efforts at national, regional and international levels,

Recognizing, in that regard, the importance of dialogue between the 1540 Committee and Member States and stressing that direct contact is an effective means of such dialogue,

Recognizing that many States continue to require assistance in implementing resolution 1540 (2004), *emphasizing* the importance of providing States, in response to their requests, with effective assistance that meets their needs, and *welcoming* the coordinating and facilitating role of the 1540 Committee in this regard,

Stressing, in that regard, the need of enhanced assistance and collaboration among States, between the 1540 Committee and States, and between the 1540 Committee and relevant international, regional and subregional organizations in assisting States to implement resolution 1540 (2004),

11-30679

Recognizing the importance of progress towards achieving the goals and objectives of the 2010 Nuclear Security Summit as a contribution to the effective implementation of Security Council resolution 1540 (2004),

Calling on States to work together urgently to prevent and suppress acts of nuclear terrorism including through increased cooperation and full implementation of the relevant international conventions, and through appropriate measures to reinforce the existing legal framework with a view to ensure that those committing offences of nuclear terrorism are effectively held accountable,

Endorsing the 2009 comprehensive review of the status of implementation of resolution 1540 and *taking note* of the findings and recommendations contained in its final document,

Acting under Chapter VII of the Charter of the United Nations:

- 1. Reiterates its decisions in and the requirements of resolution 1540 (2004), and re-emphasizes the importance for all States to implement fully that resolution;
- 2. *Decides* to extend the mandate of the 1540 Committee for a period of 10 years until 25 April 2021;
- 3. Decides that the 1540 Committee will conduct a comprehensive review on the status of implementation of resolution 1540 (2004), both after five years and prior to the renewal of its mandate, including, if necessary, recommendations on adjustments to the mandate, and will submit to the Security Council a report on the conclusions of those reviews, and decides that, accordingly, the first review should be held before December 2016;
- 4. Again decides that the 1540 Committee should submit an annual Programme of Work to the Security Council before the end of each May, and decides that next Programme of Work will be prepared before 31 May 2011;
- 5. *Decides* to continue to provide the 1540 Committee with the assistance of experts, and to this end:
- (a) Requests the Secretary-General to establish, in consultation with the 1540 Committee, a group of up to eight experts ("group of experts"), acting under the direction and purview of the Committee, composed of individuals with the appropriate experience and knowledge to provide the Committee with expertise, to assist the Committee in carrying out its mandate under resolutions 1540 (2004), 1673 (2006), 1810 (2008) and this resolution, including through facilitation of assistance to improve implementation of resolution 1540 (2004);
- (b) *Requests*, in that regard, the 1540 Committee to consider recommendations for the Committee and the group of experts on expertise requirements, broad geographic representation, working methods, modalities, and structure, including consideration of the feasibility of a coordination and leadership position of the group of experts, and to present these recommendations to the Security Council no later than 31 August 2011;

11-30679

Implementation

- 6. Again calls upon all States that have not yet presented a first report on steps they have taken or intend to take to implement resolution 1540 (2004) to submit such a report to the Committee without delay;
- 7. Again encourages all States that have submitted such reports to provide, when appropriate or upon the request of the 1540 Committee, additional information on their implementation of resolution 1540 (2004), including, voluntarily, on States' effective practices;
- 8. Encourages all States to prepare on a voluntary basis national implementation action plans, with the assistance of the 1540 Committee as appropriate, mapping out their priorities and plans for implementing the key provisions of resolution 1540 (2004), and to submit those plans to the 1540 Committee:
- 9. Decides that the 1540 Committee shall continue to intensify its efforts to promote the full implementation by all States of resolution 1540 (2004), through its Programme of Work, which includes the compilation and general examination of information on the status of States' implementation of resolution 1540 (2004) as well as States' efforts at outreach, dialogue, assistance and cooperation; and which addresses in particular all aspects of paragraphs 1, 2 and 3 of that resolution, which encompasses (a) accountability, (b) physical protection, (c) border controls and law enforcement efforts and (d) national export and trans-shipment controls including controls on providing funds and services such as financing to such exports and trans-shipments; and includes, as necessary, specific priorities for its work, taking into account its annual review on the implementation of resolution 1540 (2004), prepared with the assistance of the group of experts before the end of each December;
- 10. Urges the 1540 Committee to continue to engage actively with States and relevant international, regional and subregional organizations to promote the sharing of experience, lessons learned and effective practices, in the areas covered by resolution 1540 (2004), drawing in particular on information provided by States as well as examples of successful assistance, and to liaise on the availability of programmes which might facilitate the implementation of resolution 1540 (2004), while bearing in mind that customized assistance is useful for the effective implementation of resolution 1540 (2004) at national levels;
- 11. *Encourages*, in that regard, the 1540 Committee, with the support of necessary relevant expertise, to actively engage in dialogue with States on the implementation of resolution 1540 (2004), including through visits to States at their invitation;
- 12. Requests the 1540 Committee, with the support of the group of experts, to identify effective practices, templates and guidance, with a view to develop a compilation, as well as to consider preparing a technical reference guide about resolution 1540 (2004), to be used by States on a voluntary basis in implementing resolution 1540 (2004), and in that regard, encourages the 1540 Committee, at its discretion, to draw also on relevant expertise, including, civil society and the private sector, with, as appropriate, their State's consent;

11-30679

Assistance

- 13. *Encourages* States that have requests for assistance to convey them to the 1540 Committee, and *encourages* them to make use of the Committee's assistance template to that effect;
- 14. *Urges* States and relevant international, regional and subregional organizations to inform the Committee as appropriate of areas in which they are able to provide assistance; and *calls upon* States and such organizations, if they have not done so previously, to provide the 1540 Committee with a point of contact for assistance by 31 August 2011;
- 15. Urges the 1540 Committee to continue strengthening the Committee's role in facilitating technical assistance for implementation of resolution 1540 (2004), in particular by engaging actively, with the support of the group of experts, in matching offers and requests for assistance, through such means as visits to States, at the invitation of the State concerned, assistance templates, action plans or other information submitted to the 1540 Committee;
- 16. Supports the continued efforts of the 1540 Committee to secure a coordinated and transparent assistance process that provides timely and ready availability of information for States seeking assistance and for States prepared to provide assistance;
- 17. *Encourages* meetings on assistance issues with the participation of the 1540 Committee, between States prepared to offer assistance, States requesting assistance, other interested States, and relevant international, regional and subregional organizations;

Cooperation with International, Regional, and Subregional Organizations

- 18. Calls upon relevant international, regional and subregional organizations to designate and provide the 1540 Committee by 31 August 2011 with a point of contact or coordinator for the implementation of resolution 1540 (2004); and encourages them to enhance cooperation and information sharing with the 1540 Committee on technical assistance and all other issues of relevance for the implementation of resolution 1540 (2004);
- 19. Reiterates the need to continue to enhance ongoing cooperation among the 1540 Committee, the Security Council Committee established pursuant to resolution 1267 (1999), concerning Al-Qaida and the Taliban, and the Security Council Committee established pursuant to resolution 1373 (2001), concerning counter-terrorism, including through, as appropriate, enhanced information sharing, coordination on visits to States, within their respective mandates, technical assistance and other issues of relevance to all three committees; and expressing its intention to provide guidance to the committees on areas of common interest in order to better coordinate their efforts;

Transparency and Outreach

20. Requests the 1540 Committee to continue to institute transparency measures and activities, inter alia by making fullest possible use of the Committee's website, and *urges* the Committee to conduct, with the participation of the group of

11-30679 5

experts, regular meetings open to all Member States on the Committee's and group's activities related to the aforementioned objectives;

21. Requests the 1540 Committee to continue to organize and participate in outreach events on the implementation of resolution 1540 (2004) at the international, regional, subregional, and, as appropriate, national level, and promote the refinement of these outreach efforts to focus on specific thematic and regional issues related to implementation;

Administration and Resources

- 22. *Recognizes* that implementation of the mandate of the 1540 Committee requires sustained support and adequate resources; and to that end:
- (a) *Endorses* the existing administrative and logistics support to the 1540 Committee from the Office for Disarmament Affairs, and decides that the Committee should report to the Council by January 2012 on the possibility of strengthening this support, including through strengthening of ODA's regional capacity to support the implementation of the resolution at regional, subregional and national levels:
- (b) Calls upon the Secretariat to provide and maintain sufficient expertise to support activities of the 1540 Committee as outlined in the present resolution;
- (c) *Encourages* States that are able to do so to provide resources to the Office of Disarmament Affairs to assist States in implementing their 1540 obligations, and to make available "in kind" contributions or cost-free training and expertise to the 1540 Committee to help the group of experts meet requests for assistance in a timely and effective manner;
- (d) *Invites* the 1540 Committee to consider developing, in close cooperation with relevant international, regional and subregional organizations and other United Nations bodies, ways to utilize and maintain expertise, including, in particular, of former experts of the group, that could be made available for specific missions and assistance needs regarding the implementation of resolution 1540 (2004);
- (e) Urges the 1540 Committee to continue to encourage and take full advantage of voluntary financial contributions to assist States in identifying and addressing their needs for the implementation of resolution 1540 (2004), and requests the 1540 Committee at its discretion, to promote the efficient and effective use of the existing funding mechanisms within the United Nations system;
 - 23. Decides to remain seized of the matter.

6 11-30679

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

{date}

{State's name}

Date of Report:

State:

page of the English version (information refers to the of the report or an official Remarks web site) if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc) Party to or Member State of one of the YES General statement on commitment to disarmament and non-proliferation statements or is your country a State 3 of WMD and related materials to nonfollowing Conventions, Treaties and General statement on non-provision Did you make one of the following Nuclear Non-Proliferation Treaty (NPT) **Biological Weapons Convention** Chemical Weapons Convention (CWC) General statement on non-Arrangements? possession of WMD State actors (BWC)

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to inter-governmental organizations. The matrices are prepared under the direction of the 1540 Committee.

The 1540 Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation of Security Council Resolution 1540.

Resolutions 1540 and 1673. They do not reflect or prejudice any ongoing discussions outside of the Committee, in the Security Council or any of its organs, of a The matrices are not a tool for measuring compliance of States in their non-proliferation obligations but for facilitating the implementation of Security Council State's compliance with its non-proliferation or any other obligations

8 Convention on Physical Protection of Nuclear Material (CPPNM) 9 Hague Code of Conduct (HCOC) 10 Geneva Protocol of 1925 11 International Atomic Energy Agency 12 Nuclear Weapons Free Zone/ 13 Other Conventions/Treaties	
9 Hague Code of Conduct (HCOC) 10 Geneva Protocol of 1925 11 International Atomic Energy Agency 12 Nuclear Weapons Free Zone/ Protocol(s) 13 Other Conventions/Treaties	
10 Geneva Protocol of 1925 11 International Atomic Energy Agency (IAEA) 12 Nuclear Weapons Free Zone/ Protocol(s) 13 Other Conventions/Treaties	
11 (IAEA) 12 Nuclear Weapons Free Zone/ 13 Other Conventions/Treaties	
Nuclear Weapons Free Zone/ Protocol(s) 13 Other Conventions/Treaties	
13 Other Conventions/Treaties	
14 Other Arrangements	
15 Other	

OP 2 - Chemical Weapons (CW)

State: Date of Report:

{date}

{State's name}

	Does national legislation exist which prohibits persons or entities to		<u>N</u> ational legal framework	Ēnfe	Enforcement: civil/criminal penalties and others	Domorke
a(activities? Can violators be penalized YES?	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
	1 manufacture/produce					
7	2 acquire					
(1)	3 possess					
4	4 stockpile/store					
(1)	5 develop					
9	6 transport					
	7 transfer					
ω	8 nse					
0)	participate as an accomplice in a.m. activities					
10	10 assist in a.m. activities					
7	11 finance a.m. activities					
12	a.m. activities related to means of delivery					
13	involvement of non-State actors in a.m. activities					
14	14 Other					

OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State:

{State's name}

Date of Report:

Remarks if YES, indicate source document Enforcement: civil/criminal penalties, and others if YES, indicate source document YES National legal framework YES Regulations for physical protection of procedures or legislation in place to installations/entities/use of materials protect CW and Related Materials? Are any of the following measures, Measures to account for/secure/
physically protect means of delivery 1 | Measures to account for production account for, secure or otherwise 4 Measures to account for transport Can violators be penalized? 3 Measures to account for storage 5 Other measures for accounting 6 Measures to secure production Reporting Schedule I, II and III chemicals to OPCW 13 Reliability check of personnel 9 Measures to secure transport facilities/materials/ transports 2 Measures to account for use 10 Other measures for securing 8 Measures to secure storage 7 Measures to secure use 15 National CWC authority Licensing of chemical

Account for secure or physically		
protect old chemical weapons		
Other legislation/ regulations		
controlling chemical materials		
19 Other		

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of CW including Related Materials

{State's name}

{date}

State: Date of Report:

Which of the following legislation, procedures, measures, agencies exist to control border crossings,		National legal framework	Enforce and me	Enforcement: civil/criminal penalties, and measures of implementation, etc	Domarke
export/import and other transfers of CW and Related Materials ? Can violators be penalized ?	YES	if YES, indicate source document	YES if \	if YES, indicate source document	ed No
1 Border control					
Technical support of border control measures					
Control of brokering, trading in, 3 negotiating, otherwise assisting in sale of goods and technology					
4 Enforcement agencies/authorities					
5 Export control legislation in place					
6 Licensing provisions					
7 Individual licensing					
8 General licensing					
9 Exceptions from licensing					
10 Licensing of deemed export/visa					
11 National licensing authority					
12 Interagency review for licenses					
13 Control lists					
14 Updating of lists					
15 Inclusion of technologies					

16 Inclusion of means of delivery	
17 End-user controls	
18 Catch all clause	
19 Intangible transfers	
20 Transit control	
21 Trans-shipment control	
22 Re-export control	
23 Control of providing funds	
24 Control of providing transport services	
25 Control of importation	
26 Extraterritorial applicability	
27 Other	

OP 6, 7 and 8 (d) - Control lists, Assistance, Information

{date}

{State's name}

Date of Report:

State:

Can information be provided on the	SEA	
following issues ?	T ES	кешагкѕ
Control lists - items (goods/ equipment/ materials/ technologies)		
2 Control lists - other		
3 Assistance offered		
4 Assistance requested		
Assistance in place (bilateral/plurilateral)		
6 Information for industry		
7 Information for the public		

Г

Provisional procedures to uphold the authority of the 1925 Geneva Protocol.

The General Assembly,

Recalling the provisions of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods in Warfare, signed at Geneva on 17 June 1925,88 which entered into force on 8 February 1928,

Noting that States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction⁸⁹ have reaffirmed their adherence to the principles and objectives of that Protocol and called upon all States to comply with them,

Noting also that the Protocol does not provide for the establishment of procedures for investigating reports concerning activities prohibited by the Protocol,

Noting further that the Committee on Disarmament is currently engaged in the negotiation of a convention on the prohibition of chemical weapons, which should contain provisions to ensure its effective verification,

Believing it conducive to the continued authority of the Protocol that, pending eventual formal arrangements, procedures be established to make possible the prompt and impartial investigation of information concerning possible violations of the provisions of the Protocol,

- 1. Calls upon all States that have not yet done so to accede to the 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare;
- 2. Calls upon all States to comply with the provisions of the Protocol;
- 3. Calls upon the Committee on Disarmament to expedite its negotiations on a convention on the prohibition of chemical weapons with a view to its submission to the General Assembly with the shortest possible delay;
- 4. Requests the Secretary-General to investigate, with the assistance of qualified experts, information that may be brought to his attention by any Member State concerning activities that may constitute a violation of the Protocol or of the relevant rules of customary international law in order to ascertain thereby the facts of the matter, and promptly to report the results of any such investigation to all Member States and to the General Assembly;
- 5. Requests the Secretary-General, with the co-operation of Member States, to compile, as a matter of priority, and maintain lists of qualified experts whose services could be made available at short notice to undertake such investigations, and of laboratories with the capability to undertake testing for the presence of agents the use of which is prohibited;
- 6. Requests the Secretary-General, in meeting the objectives of paragraph 4 above:
- (a) To appoint, as necessary, groups of experts selected from the above-mentioned list to undertake urgent investigation of possible violations;
- (b) To make the necessary arrangements for the experts to collect and examine evidence, including on-site, with the co-operation of the countries concerned, to the extent relevant to the investigation, and for such testing as may be required;
- (c) To seek, in any such investigation, appropriate assistance and relevant information from all Governments and international organizations concerned, as well as from other appropriate sources;

- 7. Further requests the Secretary-General, with the assistance of qualified consultant experts, to devise procedures for the timely and efficient investigation of information concerning activities that may constitute a violation of the Geneva Protocol or of the relevant rules of customary international law and to assemble and organize systematically documentation relating to the identification of signs and symptoms associated with the use of such agents as a means of facilitating such investigations and the medical treatment that may be required;
- 8. Requests Governments, national and international organizations, as well as scientific and research institutions, to co-operate fully with the Secretary-General in this work;
- 9. Requests the Secretary-General to report to the General Assembly at its thirty-eighth session on the implementation of the present resolution.

101st plenary meeting 13 December 1982

E

CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS

The General Assembly,

Having considered the report of the Secretary-General⁹³ to which was annexed the report of the Group of Experts to Investigate Reports on the Alleged Use of Chemical Weapons, appointed by the Secretary-General pursuant to General Assembly resolutions 35/144 C of 12 December 1980 and 36/96 C of 9 December 1981,

Taking note of the final conclusion of the Group of Experts that, while it could not state that the allegations had been proven, nevertheless it could not disregard the circumstantial evidence suggestive of the possible use of some sort of toxic chemical substance in some instances, 94

Recalling that the use of chemical and biological weapons has been declared incompatible with the accepted norms of civilization,

- 1. Takes note of the report of the Secretary-General and expresses its appreciation to the Group of Experts to Investigate Reports on the Alleged Use of Chemical Weapons for the work it has accomplished, as well as to the Member States that co-operated with the Group in fulfilling its mandate;
- 2. Calls anew for strict observance by all States of the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare⁸⁸ and condemns all actions that are contrary to those objectives.

101st plenary meeting 13 December 1982

37/99. General and complete disarmament

A

Non-stationing of nuclear weapons on the territories of States where there are no such weapons at present

The General Assembly,

Conscious that a nuclear war would have devastating consequences for the whole of mankind,

Recalling its resolution 33/91 F of 16 December 1978, which contains an appeal to all nuclear-weapon States to

⁹³ A/37/259

⁹⁴ Ibid., para. 197.

the consent of the Council, to appoint Major-General Slavko Jović, of Yugoslavia, as Chief Military Observer of the United Nations Iran-Iraq Military Observer Group. In a letter dated 11 August 1988,47 the President of the Council informed the Secretary-General as follows:

"I have the honour to inform you that your letter dated 10 August 1988" concerning your proposal to appoint Major-General Slavko Jović of Yugoslavia as the Chief Military Observer of the United Nations Iran-Iraq Military Observer Group has been brought to the attention of the members of the Security Council. They considered the matter in informal consultations held on 11 August 1988 and agreed with the proposal contained in your letter."

In a letter dated 23 August 1988, 48 the Secretary-General informed the President of the Council of his intention to add Peru and Uruguay to the list of contingents included in the United Nations Iran-Iraq Military Observer Group. In a letter dated 26 August 1988, 49 the President of the Council informed the Secretary-General as follows:

"I have the honour to inform you that your letter dated 23 August 1988* concerning the additional contingents for the United Nations Iran-Iraq Military Observer Group has been brought to the attention of the members of the Security Council. They considered the matter in informal consultations held on 26 August and agreed with the proposal contained in your letter."

At its 2825th meeting, on 26 August 1988, the Council proceeded with the discussion of the item entitled "The situation between Iran and Iraq: reports of the missions dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq (S/20060 and Add.1, S/20063 and Add.1 and S/20134)".42

Resolution 620 (1988) of 26 August 1988

The Security Council,

Recalling its resolution 612 (1988) of 9 May 1988,

Having considered the reports of 20 and 25 July and of 2 and 19 August 1988⁵⁰ of the missions dispatched by the

Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq,

Deeply dismayed by the missions' conclusions that there had been continued use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq and that such use against Iranians had become more intense and frequent,

Profoundly concerned by the danger of possible use of chemical weapons in the future,

Bearing in mind the current negotiations in the Conference on Disarmament on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction,

Determined to intensify its efforts to end all use of chemical weapons in violation of international obligations now and in the future,

- 1. Condemns resolutely the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq, in violation of obligations under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, 39 and in defiance of its resolution 612 (1988);
- 2. Encourages the Secretary-General to carry out promptly investigations in response to allegations brought to his attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxic weapons that may constitute a violation of the 1925 Geneva Protocol or other relevant rules of customary international law, in order to ascertain the facts of the matter, and to report the results;
- 3. Calls upon all States to continue to apply, to establish or to strengthen strict control of the export of chemical products serving for the production of chemical weapons, in particular to parties to a conflict, when it is established or when there is substantial reason to believe that they have used chemical weapons in violation of international obligations;
- 4. Decides to consider immediately, taking into account the investigations of the Secretary-General, appropriate and effective measures in accordance with the Charter of the United Nations, should there be any future use of chemical weapons in violation of international law, wherever and by whomever committed.

Adopted unanimously at the 2825th meeting.

⁴⁷ S/20112.

⁴⁸ S/20154

⁴⁹ S/20155

⁵⁰ Official Records of the Security Council, Forty-third Year, Supplement for July, August and September 1988, documents S/20060 and Add.1, S/20063 and Add.1 and S/20134.

be required for the Third Review Conference and its preparation;

- 3. Recalls in that regard the decision taken at the Second Review Conference that the Third Review Conference should consider, inter alia, the issues set out in article XII of the Final Declaration of the Second Review Conference;
- 4. Reiterates its call upon all States parties to the Convention to participate in the exchange of information and data agreed to in the Final Declaration of the Second Review Conference and to provide such information and data in conformity with the standardized procedure⁴⁰ to the Secretary-General on an annual basis and not later than 15 April;
- 5. Also recalls its request in resolution 44/115 C of 15 December 1989 that the Secretary-General should render the necessary assistance and should provide such services as may be required for the implementation of the relevant parts of the Final Declaration of the Second Review Conference;
- 6. Further recalls its request in resolution 44/115 C that the Secretary-General should circulate to the States parties to the Convention not later than four months prior to the convening of the Third Review Conference a report on the implementation of these confidence-building measures;
- 7. Calls upon all States that have not ratified or acceded to the Convention to do so without delay, thus contributing to the achievement of universal adherence to the Convention and to the strengthening of international confidence.

54th plenary meeting 4 December 1990

C

CHEMICAL AND BACTERIOLOGICAL (BIOLOGICAL) WEAPONS: MEASURES TO UPHOLD THE AUTHORITY OF THE 1925 GENEVA PROTOCOL

The General Assembly,

Recalling its previous resolutions, and those adopted by the Security Council, on the use of chemical weapons,

Reaffirming its resolution 44/115 B of 15 December 1989 on measures to uphold the authority of the 1925 Geneva Protocol and to support the conclusion of a chemical weapons convention,

Bearing in mind the reaffirmation in the Final Declaration of the Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, held in Paris from 7 to 11 January 1989, of the importance and the continuing validity of the 1925 Protocol,³⁵

Deploring the use and threat of use of chemical weapons.

1. Condemns vigorously all actions that violate or threaten to violate the obligations assumed under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,³⁴ and other relevant provisions of international law;

- 2. Renews its call to all States to observe strictly the principles and objectives of the 1925 Geneva Protocol, and reaffirms the vital necessity of upholding its provisions:
- 3. Endorses the proposals of the group of qualified experts established in pursuance of its resolution 42/37 C of 30 November 1987 concerning technical guidelines and procedures to guide the Secretary-General in the conduct of timely and efficient investigation of the reports of use of chemical and bacteriological (biological) or toxin weapons;⁴¹
- 4. Notes the continuing significance of the Security Council decision to consider immediately, taking into account the investigations of the Secretary-General, appropriate and effective measures in accordance with the Charter of the United Nations, 42 should there be any future use of chemical weapons in violation of international law.

54th plenary meeting 4 December 1990

45/58. General and complete disarmament

A

RELATIONSHIP BETWEEN DISARMAMENT AND DEVELOPMENT

The General Assembly,

Recalling the provisions of the Final Document of the Tenth Special Session of the General Assembly¹⁵ related to the relationship between disarmament and development,

Recalling also the adoption on 11 September 1987 of the Final Document of the International Conference on the Relationship between Disarmament and Development.⁴³

Stressing the growing importance of the relationship between disarmament and development in current international relations,

- 1. Welcomes the report of the Secretary-General⁴⁴ and actions undertaken in accordance with the Final Document of the International Conference on the Relationship between Disarmament and Development;
- 2. Requests the Secretary-General to continue to take action, through the appropriate organs and within available resources, for the implementation of the action programme adopted at the International Conference;⁴⁵
- 3. Also requests the Secretary-General to submit a report to the General Assembly at its forty-sixth session:
- 4. Decides to include in the provisional agenda of its forty-sixth session the item entitled "Relationship between disarmament and development".

54th plenary meeting 4 December 1990

⁴⁰ BWC/CONF.II/EX/2.

⁴¹ A/44/561, annex.

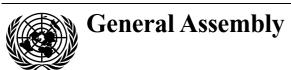
⁴² Security Council resolution 620 (1988).

⁴³ United Nations publication, Sales No. E.87.IX.8.

⁴⁴ A/45/592.

⁴⁵ United Nations publication, Sales No. E.87.IX.8, para. 35.

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Sixtieth session

Agenda items 46 and 120

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Uniting against terrorism: recommendations for a global counter-terrorism strategy

Report of the Secretary-General

I. Introduction

- 1. As Member States will recall, in 2004 the High-level Panel on Threats, Challenges and Change recommended in its report (A/59/565) that I promote a comprehensive global strategy against terrorism, one that would strengthen the ability of responsible States to counter terrorism and promote the rule of law, all while protecting human rights. In Madrid in March of the following year, on the one-year anniversary of the train bombings that killed and maimed more than 1,600 innocent people, I took up the challenge and set out elements of such a strategy. These consisted of five pillars: dissuading people from resorting to terrorism or supporting it; denying terrorists the means to carry out an attack; deterring States from supporting terrorism; developing State capacity to defeat terrorism; and defending human rights. Later the same month, in my report, entitled "In larger freedom: towards development, security, and human rights for all" (A/59/2005), I urged Member States to adopt a strategy along those lines.
- 2. In the 2005 World Summit Outcome (General Assembly resolution 60/1), Member States welcomed those elements of a strategy, and agreed to develop them further. They requested that I submit proposals to strengthen the capacity of the United Nations system to assist States in combating terrorism and to enhance the coordination of United Nations activities in this regard. In December 2005, the President of the General Assembly asked me for a report on capacity-building, as well as for additional inputs of relevance for the forthcoming work of the General Assembly on a counter-terrorism strategy.

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- 3. In response to those requests, the present report contains recommendations for a global counter-terrorism strategy, with an emphasis on specific proposals for strengthening the capacity of the United Nations to combat terrorism. In formulating these recommendations, I have been assisted by the Counter-Terrorism Implementation Task Force, which I created in 2005 to bring together key actors in the United Nations system and its partners dealing with counter-terrorism issues. The Task Force is the first step in ensuring that United Nations departments, funds, programmes, agencies and other related entities contribute fully to counter-terrorism efforts, while maximizing synergies and avoiding duplication of work.
- 4. A real strategy is more than simply a list of laudable goals or an observation of the obvious. To say that we seek to prevent future acts of terrorism and that we seek better responses in the event of a terrorist attack does not amount to a strategy. Only when it guides us in the accomplishment of our goals is a strategy worthy of its name. In order to unite against terrorism, we need an operational strategy that will enable us to work together to counter terrorism. As laid out here, my recommendations for a strategy seek to both guide and unite us by emphasizing operational elements of dissuasion, denial, deterrence, development of State capacity and defence of human rights. What is common to all of these elements is the indispensability of the rule of law, nationally and internationally, in countering the threat of terrorism.
- 5. Inherent to the rule of law is the defence of human rights a core value of the United Nations and a fundamental pillar of our work. Effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing ones. Accordingly, the defence of human rights is essential to the fulfilment of all aspects of a counter-terrorism strategy. The central role of human rights is therefore highlighted in every substantive section of this report, in addition to a section on human rights per se.
- 6. Victims of terrorist acts are denied their most fundamental human rights. Accordingly, a counter-terrorism strategy must emphasize the victims and promote their rights. In addition, implementing a global strategy that relies in part on dissuasion, is firmly grounded in human rights and the rule of law, and gives focus to victims depends on the active participation and leadership of civil society. Therefore, highlighted throughout this report is the role civil society can play in promoting a truly global strategy against terrorism.

2. Nuclear, biological, chemical or radiological weapons

- 47. A nuclear, biological, chemical or radiological terrorist attack would have a devastatingly far-reaching impact. In addition to causing widespread death and destruction, it could deal a crippling blow to the world economy and drive millions of people into dire poverty. An ensuing effect on infant mortality could unleash a second wave of deaths throughout the developing world.
- 48. Our common goal must be to secure, and wherever possible eliminate, nuclear, biological, chemical or radiological weapons and implement effective domestic and export controls on dual-use materials related to weapons of mass destruction. Although there exist distinct challenges for controlling the peaceful use of each type of hazardous material, United Nations organizations like the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons have been working with Member States to address these challenges. That vital work must be strengthened.
- 49. Equally, States should reinforce existing non-proliferation mechanisms and create effective tools to prevent the proliferation of weapons of mass destruction and missiles, consistent with relevant international treaties. As stressed, inter alia, in the Riyadh Declaration adopted at the Counter-Terrorism International Conference held in February 2005, there is, inter alia, a need to strengthen international measures to prevent terrorists from acquiring weapons of mass destruction and to support the role of the United Nations in this respect. States must fully implement Security Council resolution 1540 (2004) by enacting and enforcing effective national legal and regulatory measures to prevent non-State actors from acquiring weapons of mass destruction. I also urge Member States to take steps specified in General Assembly resolution 60/78 on measures to prevent terrorists from acquiring weapons of mass destruction and resolution 60/73 on preventing the risk of radiological terrorism.
- 50. A majority of States have reported to the Security Council Committee established pursuant to resolution 1540 (2004) on the status of their planned steps in fulfilling the resolution's requirements, including those pertaining to domestic and export controls and contributions to international cooperation. Yet, as at 19 April 2006, 62 States had not yet reported to the Committee. I urge them to do so without delay. Those reports help to identify and close gaps in the system that terrorists might exploit.
- 51. The recent adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism, which aims to assist States in thwarting terrorist groups

possessing nuclear material and in post-crisis situations by rendering the nuclear material safe in accordance with safeguards provided by IAEA, is a major advance in multilateral efforts to prevent nuclear terrorism. I call on all States to become parties to it and implement it fully. The same applies to the amended Convention on the Physical Protection of Nuclear Material. I also commend the Global Threat Reduction Initiative and the beneficial work that it has brought about.

3. The challenge of biological terrorism

- 52. The most important under-addressed threat relating to terrorism, and one which acutely requires new thinking on the part of the international community, is that of terrorists using a biological weapon. Biotechnology, like computer technology, has developed exponentially. Such advances herald promising breakthroughs and are one of the key battlefronts in our attempts to eliminate the infectious diseases that kill upwards of 14 million people every year. They can, however, also bring incalculable harm if put to destructive use by those who seek to develop designer diseases and pathogens.
- 53. We find ourselves now at a point akin to the period in the 1950s, when farsighted citizens, scientists, diplomats and international civil servants recognized the enormous potential impact, both good and bad, of nuclear power. The challenge then was to harness the power of nuclear energy for civilian purposes, and to minimize its use and spread in nuclear weapons. The result was the creation of IAEA and, eventually, the Treaty on the Non-Proliferation of Nuclear Weapons. The answer to biotechnology's dual-use dilemma will look very different. But the approach to developing it must be equally ambitious.
- 54. Preventing bioterrorism requires innovative solutions specific to the nature of the threat. Biotechnology is not like nuclear technology. Soon, tens of thousands of laboratories worldwide will be operating in a multi-billion-dollar industry. Even students working in small laboratories will be able to carry out gene manipulation. The approach to fighting the abuse of biotechnology for terrorist purposes will have more in common with measures against cybercrime than with the work to control nuclear proliferation.
- 55. Many Member States see biological weapons as a State-sponsored threat, for which the proper antidote is the Biological Weapons Convention. Indeed, the Convention does need strengthening and I hope that progress is made at the forthcoming Sixth Review Conference. Nonetheless, we need additional measures to address the problem of non-State actors.
- 56. International dialogue has begun through the follow-up process to the Biological Weapons Convention, while civil society has made novel efforts to address the dual-use issue. The International Committee of the Red Cross has sought to bring attention to the problem among Governments, industry and scientific communities. The International Centre for Genetic Engineering and Biotechnology, working together with various national academies of science, has drafted a code of conduct for scientists working in the biotechnology field.
- 57. These efforts are to be applauded but, unless they are brought together, their effects will be diffuse. What we need now is a forum that will bring together the various stakeholders Governments, industry, science, public health, security, the public writ large into a common programme, built from the bottom up, to ensure

that biotechnology's advances are used for the public good and that the benefits are shared equitably around the world. Such an effort must ensure that nothing is done to impede the potential positive benefits from this technology. The United Nations is well placed to coordinate and facilitate such a forum, and to bring to the table a wide range of relevant actors. I urge Member States to consider this proposal in the near future.

United Nations A/RES/60/288



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Sixtieth session Agenda items 46 and 120

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/60/L.62)]

60/288. The United Nations Global Counter-Terrorism Strategy

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and reaffirming its role under the Charter, including on questions related to international peace and security,

Reiterating its strong condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security,

Reaffirming the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 51/210 of 17 December 1996, and the 2005 World Summit Outcome, in particular its section on terrorism,

Recalling all General Assembly resolutions on measures to eliminate international terrorism, including resolution 46/51 of 9 December 1991, and Security Council resolutions on threats to international peace and security caused by terrorist acts, as well as relevant resolutions of the General Assembly on the protection of human rights and fundamental freedoms while countering terrorism,

Recalling also that, in the 2005 World Summit Outcome, world leaders rededicated themselves to support all efforts to uphold the sovereign equality of all States, respect their territorial integrity and political independence, to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations, to uphold the resolution of disputes by peaceful means and in conformity with the principles of justice and international law, the right to self-determination of peoples which remain under colonial domination or foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion, international cooperation in solving international problems of an economic, social, cultural or

¹ See resolution 60/1.

humanitarian character, and the fulfilment in good faith of the obligations assumed in accordance with the Charter,

Recalling further the mandate contained in the 2005 World Summit Outcome that the General Assembly should develop without delay the elements identified by the Secretary-General for a counter-terrorism strategy, with a view to adopting and implementing a strategy to promote comprehensive, coordinated and consistent responses, at the national, regional and international levels, to counter terrorism, which also takes into account the conditions conducive to the spread of terrorism,

Reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism.

Reaffirming also that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reaffirming further Member States' determination to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism, including by resolving the outstanding issues related to the legal definition and scope of the acts covered by the convention, so that it can serve as an effective instrument to counter terrorism,

Continuing to acknowledge that the question of convening a high-level conference under the auspices of the United Nations to formulate an international response to terrorism in all its forms and manifestations could be considered,

Recognizing that development, peace and security, and human rights are interlinked and mutually reinforcing,

Bearing in mind the need to address the conditions conducive to the spread of terrorism,

Affirming Member States' determination to continue to do all they can to resolve conflict, end foreign occupation, confront oppression, eradicate poverty, promote sustained economic growth, sustainable development, global prosperity, good governance, human rights for all and rule of law, improve intercultural understanding and ensure respect for all religions, religious values, beliefs or cultures.

- 1. Expresses its appreciation for the report entitled "Uniting against terrorism: recommendations for a global counter-terrorism strategy" submitted by the Secretary-General to the General Assembly;²
- 2. *Adopts* the present resolution and its annex as the United Nations Global Counter-Terrorism Strategy ("the Strategy");
- 3. *Decides*, without prejudice to the continuation of the discussion in its relevant committees of all their agenda items related to terrorism and counterterrorism, to undertake the following steps for the effective follow-up of the Strategy:

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² A/60/825.

- (a) To launch the Strategy at a high-level segment of its sixty-first session;
- (b) To examine in two years progress made in the implementation of the Strategy, and to consider updating it to respond to changes, recognizing that many of the measures contained in the Strategy can be achieved immediately, some will require sustained work through the coming few years and some should be treated as long-term objectives;
- (c) To invite the Secretary-General to contribute to the future deliberations of the General Assembly on the review of the implementation and updating of the Strategy;
- (d) To encourage Member States, the United Nations and other appropriate international, regional and subregional organizations to support the implementation of the Strategy, including through mobilizing resources and expertise;
- (e) To further encourage non-governmental organizations and civil society to engage, as appropriate, on how to enhance efforts to implement the Strategy;
- 4. *Decides* to include in the provisional agenda of its sixty-second session an item entitled "The United Nations Global Counter-Terrorism Strategy".

99th plenary meeting 8 September 2006

Annex

Plan of action

We, the States Members of the United Nations, resolve:

- 1. To consistently, unequivocally and strongly condemn terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security;
- 2. To take urgent action to prevent and combat terrorism in all its forms and manifestations and, in particular:
- (a) To consider becoming parties without delay to the existing international conventions and protocols against terrorism, and implementing them, and to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism;
- (b) To implement all General Assembly resolutions on measures to eliminate international terrorism and relevant General Assembly resolutions on the protection of human rights and fundamental freedoms while countering terrorism;
- (c) To implement all Security Council resolutions related to international terrorism and to cooperate fully with the counter-terrorism subsidiary bodies of the Security Council in the fulfilment of their tasks, recognizing that many States continue to require assistance in implementing these resolutions;
- 3. To recognize that international cooperation and any measures that we undertake to prevent and combat terrorism must comply with our obligations under international law, including the Charter of the United Nations and relevant international conventions and protocols, in particular human rights law, refugee law and international humanitarian law.

I. Measures to address the conditions conducive to the spread of terrorism

We resolve to undertake the following measures aimed at addressing the conditions conducive to the spread of terrorism, including but not limited to prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of the rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance, while recognizing that none of these conditions can excuse or justify acts of terrorism:

- 1. To continue to strengthen and make best possible use of the capacities of the United Nations in areas such as conflict prevention, negotiation, mediation, conciliation, judicial settlement, rule of law, peacekeeping and peacebuilding, in order to contribute to the successful prevention and peaceful resolution of prolonged unresolved conflicts. We recognize that the peaceful resolution of such conflicts would contribute to strengthening the global fight against terrorism;
- 2. To continue to arrange under the auspices of the United Nations initiatives and programmes to promote dialogue, tolerance and understanding among civilizations, cultures, peoples and religions, and to promote mutual respect for and prevent the defamation of religions, religious values, beliefs and cultures. In this regard, we welcome the launching by the Secretary-General of the initiative on the Alliance of Civilizations. We also welcome similar initiatives that have been taken in other parts of the world;
- 3. To promote a culture of peace, justice and human development, ethnic, national and religious tolerance and respect for all religions, religious values, beliefs or cultures by establishing and encouraging, as appropriate, education and public awareness programmes involving all sectors of society. In this regard, we encourage the United Nations Educational, Scientific and Cultural Organization to play a key role, including through inter-faith and intra-faith dialogue and dialogue among civilizations;
- 4. To continue to work to adopt such measures as may be necessary and appropriate and in accordance with our respective obligations under international law to prohibit by law incitement to commit a terrorist act or acts and prevent such conduct;
- 5. To reiterate our determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including the Millennium Development Goals. We reaffirm our commitment to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all;
- 6. To pursue and reinforce development and social inclusion agendas at every level as goals in themselves, recognizing that success in this area, especially on youth unemployment, could reduce marginalization and the subsequent sense of victimization that propels extremism and the recruitment of terrorists;
- 7. To encourage the United Nations system as a whole to scale up the cooperation and assistance it is already conducting in the fields of rule of law, human rights and good governance to support sustained economic and social development;
- 8. To consider putting in place, on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalization of their lives. In this regard, we encourage States to request the relevant United Nations entities to help them to develop such national

systems. We will also strive to promote international solidarity in support of victims and foster the involvement of civil society in a global campaign against terrorism and for its condemnation. This could include exploring at the General Assembly the possibility of developing practical mechanisms to provide assistance to victims.

II. Measures to prevent and combat terrorism

We resolve to undertake the following measures to prevent and combat terrorism, in particular by denying terrorists access to the means to carry out their attacks, to their targets and to the desired impact of their attacks:

- 1. To refrain from organizing, instigating, facilitating, participating in, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that our respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens;
- 2. To cooperate fully in the fight against terrorism, in accordance with our obligations under international law, in order to find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or perpetration of terrorist acts or provides safe havens;
- 3. To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of national and international law, in particular human rights law, refugee law and international humanitarian law. We will endeavour to conclude and implement to that effect mutual judicial assistance and extradition agreements and to strengthen cooperation between law enforcement agencies;
- 4. To intensify cooperation, as appropriate, in exchanging timely and accurate information concerning the prevention and combating of terrorism;
- 5. To strengthen coordination and cooperation among States in combating crimes that might be connected with terrorism, including drug trafficking in all its aspects, illicit arms trade, in particular of small arms and light weapons, including man-portable air defence systems, money-laundering and smuggling of nuclear, chemical, biological, radiological and other potentially deadly materials;
- 6. To consider becoming parties without delay to the United Nations Convention against Transnational Organized Crime³ and to the three protocols supplementing it,⁴ and implementing them;
- 7. To take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum-seeker has not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status is not used in a manner contrary to the provisions set out in section II, paragraph 1, above;
- 8. To encourage relevant regional and subregional organizations to create or strengthen counter-terrorism mechanisms or centres. Should they require cooperation and assistance to this end, we encourage the Counter-Terrorism Committee and its Executive Directorate and, where consistent with their existing

³ Resolution 55/25, annex I.

⁴ Resolution 55/25, annexes II and III; and resolution 55/255, annex.

mandates, the United Nations Office on Drugs and Crime and the International Criminal Police Organization, to facilitate its provision;

- 9. To acknowledge that the question of creating an international centre to fight terrorism could be considered, as part of international efforts to enhance the fight against terrorism;
- 10. To encourage States to implement the comprehensive international standards embodied in the Forty Recommendations on Money-Laundering and Nine Special Recommendations on Terrorist Financing of the Financial Action Task Force, recognizing that States may require assistance in implementing them;
- 11. To invite the United Nations system to develop, together with Member States, a single comprehensive database on biological incidents, ensuring that it is complementary to the biocrimes database contemplated by the International Criminal Police Organization. We also encourage the Secretary-General to update the roster of experts and laboratories, as well as the technical guidelines and procedures, available to him for the timely and efficient investigation of alleged use. In addition, we note the importance of the proposal of the Secretary-General to bring together, within the framework of the United Nations, the major biotechnology stakeholders, including industry, the scientific community, civil society and Governments, into a common programme aimed at ensuring that biotechnology advances are not used for terrorist or other criminal purposes but for the public good, with due respect for the basic international norms on intellectual property rights;
- 12. To work with the United Nations with due regard to confidentiality, respecting human rights and in compliance with other obligations under international law, to explore ways and means to:
- (a) Coordinate efforts at the international and regional levels to counter terrorism in all its forms and manifestations on the Internet;
- (b) Use the Internet as a tool for countering the spread of terrorism, while recognizing that States may require assistance in this regard;
- 13. To step up national efforts and bilateral, subregional, regional and international cooperation, as appropriate, to improve border and customs controls in order to prevent and detect the movement of terrorists and prevent and detect the illicit traffic in, inter alia, small arms and light weapons, conventional ammunition and explosives, and nuclear, chemical, biological or radiological weapons and materials, while recognizing that States may require assistance to that effect;
- 14. To encourage the Counter-Terrorism Committee and its Executive Directorate to continue to work with States, at their request, to facilitate the adoption of legislation and administrative measures to implement the terrorist travel-related obligations and to identify best practices in this area, drawing whenever possible on those developed by technical international organizations, such as the International Civil Aviation Organization, the World Customs Organization and the International Criminal Police Organization;
- 15. To encourage the Committee established pursuant to Security Council resolution 1267 (1999) to continue to work to strengthen the effectiveness of the travel ban under the United Nations sanctions regime against Al-Qaida and the Taliban and associated individuals and entities, as well as to ensure, as a matter of priority, that fair and transparent procedures exist for placing individuals and entities on its lists, for removing them and for granting humanitarian exceptions. In

this regard, we encourage States to share information, including by widely distributing the International Criminal Police Organization/United Nations special notices concerning people subject to this sanctions regime;

- 16. To step up efforts and cooperation at every level, as appropriate, to improve the security of manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use, while recognizing that States may require assistance in doing so. In this regard, we invite the International Criminal Police Organization to enhance its database on stolen and lost travel documents, and we will endeavour to make full use of this tool, as appropriate, in particular by sharing relevant information;
- 17. To invite the United Nations to improve coordination in planning a response to a terrorist attack using nuclear, chemical, biological or radiological weapons or materials, in particular by reviewing and improving the effectiveness of the existing inter-agency coordination mechanisms for assistance delivery, relief operations and victim support, so that all States can receive adequate assistance. In this regard, we invite the General Assembly and the Security Council to develop guidelines for the necessary cooperation and assistance in the event of a terrorist attack using weapons of mass destruction;
- 18. To step up all efforts to improve the security and protection of particularly vulnerable targets, such as infrastructure and public places, as well as the response to terrorist attacks and other disasters, in particular in the area of civil protection, while recognizing that States may require assistance to this effect.

III. Measures to build States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard

We recognize that capacity-building in all States is a core element of the global counter-terrorism effort, and resolve to undertake the following measures to develop State capacity to prevent and combat terrorism and enhance coordination and coherence within the United Nations system in promoting international cooperation in countering terrorism:

- 1. To encourage Member States to consider making voluntary contributions to United Nations counter-terrorism cooperation and technical assistance projects, and to explore additional sources of funding in this regard. We also encourage the United Nations to consider reaching out to the private sector for contributions to capacity-building programmes, in particular in the areas of port, maritime and civil aviation security;
- 2. To take advantage of the framework provided by relevant international, regional and subregional organizations to share best practices in counter-terrorism capacity-building, and to facilitate their contributions to the international community's efforts in this area;
- 3. To consider establishing appropriate mechanisms to rationalize States' reporting requirements in the field of counter-terrorism and eliminate duplication of reporting requests, taking into account and respecting the different mandates of the General Assembly, the Security Council and its subsidiary bodies that deal with counter-terrorism;
- 4. To encourage measures, including regular informal meetings, to enhance, as appropriate, more frequent exchanges of information on cooperation and technical assistance among Member States, United Nations bodies dealing with counter-terrorism, relevant specialized agencies, relevant international, regional and

subregional organizations and the donor community, to develop States' capacities to implement relevant United Nations resolutions;

- 5. To welcome the intention of the Secretary-General to institutionalize, within existing resources, the Counter-Terrorism Implementation Task Force within the Secretariat in order to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system;
- 6. To encourage the Counter-Terrorism Committee and its Executive Directorate to continue to improve the coherence and efficiency of technical assistance delivery in the field of counter-terrorism, in particular by strengthening its dialogue with States and relevant international, regional and subregional organizations and working closely, including by sharing information, with all bilateral and multilateral technical assistance providers;
- 7. To encourage the United Nations Office on Drugs and Crime, including its Terrorism Prevention Branch, to enhance, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, its provision of technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions;
- 8. To encourage the International Monetary Fund, the World Bank, the United Nations Office on Drugs and Crime and the International Criminal Police Organization to enhance cooperation with States to help them to comply fully with international norms and obligations to combat money-laundering and the financing of terrorism;
- 9. To encourage the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons to continue their efforts, within their respective mandates, in helping States to build capacity to prevent terrorists from accessing nuclear, chemical or radiological materials, to ensure security at related facilities and to respond effectively in the event of an attack using such materials;
- 10. To encourage the World Health Organization to step up its technical assistance to help States to improve their public health systems to prevent and prepare for biological attacks by terrorists;
- 11. To continue to work within the United Nations system to support the reform and modernization of border management systems, facilities and institutions at the national, regional and international levels;
- 12. To encourage the International Maritime Organization, the World Customs Organization and the International Civil Aviation Organization to strengthen their cooperation, work with States to identify any national shortfalls in areas of transport security and provide assistance, upon request, to address them;
- 13. To encourage the United Nations to work with Member States and relevant international, regional and subregional organizations to identify and share best practices to prevent terrorist attacks on particularly vulnerable targets. We invite the International Criminal Police Organization to work with the Secretary-General so that he can submit proposals to this effect. We also recognize the importance of developing public-private partnerships in this area.

IV. Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism

We resolve to undertake the following measures, reaffirming that the promotion and protection of human rights for all and the rule of law is essential to all components of the Strategy, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism:

- 1. To reaffirm that General Assembly resolution 60/158 of 16 December 2005 provides the fundamental framework for the "Protection of human rights and fundamental freedoms while countering terrorism";
- 2. To reaffirm that States must ensure that any measures taken to combat terrorism comply with their obligations under international law, in particular human rights law, refugee law and international humanitarian law;
- 3. To consider becoming parties without delay to the core international instruments on human rights law, refugee law and international humanitarian law, and implementing them, as well as to consider accepting the competence of international and relevant regional human rights monitoring bodies;
- 4. To make every effort to develop and maintain an effective and rule of law-based national criminal justice system that can ensure, in accordance with our obligations under international law, that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in support of terrorist acts is brought to justice, on the basis of the principle to extradite or prosecute, with due respect for human rights and fundamental freedoms, and that such terrorist acts are established as serious criminal offences in domestic laws and regulations. We recognize that States may require assistance in developing and maintaining such effective and rule of law-based criminal justice systems, and we encourage them to resort to the technical assistance delivered, inter alia, by the United Nations Office on Drugs and Crime;
- 5. To reaffirm the important role of the United Nations system in strengthening the international legal architecture by promoting the rule of law, respect for human rights and effective criminal justice systems, which constitute the fundamental basis of our common fight against terrorism;
- 6. To support the Human Rights Council and to contribute, as it takes shape, to its work on the question of the promotion and protection of human rights for all in the fight against terrorism;
- 7. To support the strengthening of the operational capacity of the Office of the United Nations High Commissioner for Human Rights, with a particular emphasis on increasing field operations and presences. The Office should continue to play a lead role in examining the question of protecting human rights while countering terrorism, by making general recommendations on the human rights obligations of States and providing them with assistance and advice, in particular in the area of raising awareness of international human rights law among national lawenforcement agencies, at the request of States;
- 8. To support the role of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The Special Rapporteur should continue to support the efforts of States and offer concrete advice by corresponding with Governments, making country visits, liaising with the United Nations and regional organizations and reporting on these issues.

4. Documents from Other International Organizations

States Parties to the CWC are joined in their efforts to govern chemical weapons by a number of other international organizations that have interests in relevant issues that fall within their respective mandates. Documents emanating from these organizations are included in this section. The activities and initiatives of these organizations also serve to strengthen the international norm against the misuse of chemistry and promote the sound management of chemicals.

4.1 International Committee of the Red Cross

The International Committee of the Red Cross (ICRC) is an independent, neutral organization ensuring humanitarian protection and assistance for victims of war and armed violence. Established in 1863, the ICRC is headquartered in Geneva with delegations in around 80 countries and it has more than 12,000 staff. The ICRC's involvement in preventing the hostile application of poisons and disease is long standing, for example, it issued an appeal against the use of poison gas during the First World War. Regarding the use of these weapons as abhorrent, the ICRC has argued that 'the use of such weapons would contravene existing international treaties and many of the fundamental norms of international humanitarian law'.

More recently, the ICRC has held a series of international meetings to look at incapacitating chemical agents and, amongst other things, the political and legal ramifications of their use. Following on from these meetings the ICRC has produced a six page synthesis of the subject which concludes that the Third CWC Review Conference 'provides an important opportunity to build and shape international consensus' on issues related to incapacitating chemical agents. The synthesis document is included in the *Resource Guide*, with further information available from the ICRC's Arms Unit, which forms part of the Legal Division, via http://www.icrc.org/eng/war-and-law/weapons/chemical-biological-weapons/index.jsp.

4.2 United Nations Environment Programme

The United Nations Environment Programme (UNEP) is the designated authority of the UN system for environmental issues at the global and regional level. Its mandate is to coordinate the development of environmental policy consensus by keeping the global environment under review and bringing emerging issues to the attention of governments and the international community for action.

UNEP administers a number of multilateral environmental agreements dealing with toxic chemicals including: the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal; the 1998 Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; and the 2001 Stockholm Convention on Persistent Organic Pollutants. Space limitations preclude including these agreements in the *Resource Guide*, but more information can be found on their respective websites: www.basel.int; www.pops.int.

The International Conference on Chemicals Management in Dubai in February 2006 adopted the Strategic Approach to International Chemicals Management (SAICM). The Strategic Approach was mandated by UNEP and endorsed by the World Summit on Sustainable Development in 2002 and the World Summit in 2005. Developed by a multistakeholder and multi-sectoral Preparatory Committee, the Strategic Approach supports the achievement of the goal agreed at the World Summit on Sustainable Development of ensuring that, by the year 2020, chemicals are produced and used in ways that minimize

significant adverse impacts on the environment and human health. The UNEP document Strategic Approach to International Chemicals Management (SAICM), including the Dubai Declaration, is included for this reason.

UNEP also coordinates the Green Customs Initiative in which many other international organizations (including the OPCW, the World Customs Organization and Interpol) participate. The initiative offers information and training materials for customs officials to combat illegal trade in commodities of environmental concern, such as ozone depleting substances, toxic chemicals, hazardous wastes and endangered species. Space again precludes inclusion of the Green Customs Initiative background documents, but more details can be found at http://www.greencustoms.org.

4.3 World Health Organization

The World Health Organization (WHO) is the United Nations specialized agency for health established in April 1948 and based in Geneva. It is governed by its 194 Member States through the World Health Assembly. The WHO has long been concerned with preventing the hostile exploitation of chemistry and biology. In 1969, the World Health Assembly, requested the WHO Director-General to continue to cooperate with the United Nations Secretary-General on the issue of chemical and biological weapons and the consequences of their possible use. The 1970 WHO report on *Health Aspects of Chemical and Biological Weapons: Report of a WHO Group of Consultants* was the result of that work.

In May 2002, the World Health Assembly adopted resolution WHA 55.16 defining a role for WHO in responding to the 'natural occurrence, accidental release or deliberate use of biological and chemical agents or radionuclear material that affect health'. In 2004, it published *Public Health Response to Biological and Chemical Weapons—WHO Guidance* (see http://www.who.int/csr/delibepidemics/biochemguide/en/index.html), a revised and updated version of its 1970 report.

The WHO also supports the implementation of the revised International Health Regulations (2005), a legally binding agreement that entered into force in 2007 and provides 'a new framework for the coordination of the management of events that may constitute a public health emergency of international concern'. IHR considers a range of public health risks that affect human health regardless of the source, including the deliberate release of toxic chemical substances, and for this reason the IHR are included in this guide. The implementation of IHR (2005) is monitored and summarised in States Parties' report on IHR core capacity implementation which includes assessment of the development of capacities for four IHR-relevant hazards including chemical events further details of these reports is available from: http://www.who.int/ihr/en/.



TOXIC CHEMICALS AS WEAPONS FOR LAW ENFORCEMENT:

A threat to life and international law?

SYNTHESIS

Introduction

During the past ten years there has been much discussion and analysis of so called "incapacitating chemical agents" and of the use of these toxic chemicals as weapons for law enforcement. The International Committee of the Red Cross (ICRC) has raised concerns and highlighted significant risks associated with the development and use of these weapons. A small number of countries have raised their own concerns at meetings of States party to the Chemical Weapons Convention.

The ICRC has held two international expert meetings on "incapacitating chemical agents", involving government and independent experts. The first meeting, in March 2010, explored a range of issues, including: the history of interest and use; human impact and technical feasibility; ethical issues; operational contexts of use; and implications for international law. The second meeting, in April 2012, incorporated perspectives from law enforcement, human rights law, drug control law, as well as a wide ranging discussion of potential policy choices. In September 2011 the Swiss and Finnish governments held a technical workshop focusing on the underlying scientific and technical questions. Relevant reports and analyses have also been published by international experts and eminent organisations such as the British Medical Association and the Royal Society.

From the ICRC's perspective, the main dimensions of this subject — scientific and technical, operational, legal, and policy — have now been explored in detail in these settings.

This document is the ICRC's synthesis of the subject. (A two-page summary is also available). It summarises the issue and describes the toxic chemicals in question, the relevant international law, the main risks, and the broad policy choices available to States. It is intended to inform and encourage national policy development, and to raise broader awareness of the ICRC's concerns.¹

What is the issue?

There has been continued interest in some countries in the development and use of certain toxic chemicals as weapons for law enforcement. This interest has focused on toxic chemicals that incapacitate through causing sedation or unconsciousness. These weapons have been described as "incapacitating chemical agents", "incapacitating agents", "knock-out

 $^{\rm 1}$ This document is not a report of the April 2012 ICRC expert meeting, which will be published separately.

gas", "calmatives", "pharmacological weapons", and "drugs as weapons".

Past military chemical weapons programmes weaponised a range of toxic chemicals as weapons to cause incapacitation or death, including nerve agents (e.g. sarin), blister agents (e.g. mustard gas), blood agents (e.g. cyanide), choking agents (e.g. phosgene), and incapacitating agents (e.g. BZ).

From the late 1940's onwards weapons researchers sought to develop these "incapacitating agents" as chemical weapons that would incapacitate the victims for hours or days but with a relatively low risk of death. The focus throughout was on chemicals that altered or impaired the functioning of the brain. However, the search was an unsuccessful one. Hallucinogenic agents such as LSD and deliriant chemicals such as BZ were ultimately excluded because of their ineffectiveness and unpredictable effects. Toxic chemicals which were effective at causing incapacitation in small 'doses', such as derivatives of the powerful anaesthetic drug fentanyl, were excluded because they were too dangerous.

In 1993 the Chemical Weapons Convention was adopted. It banned the development, production, stockpiling and use of chemical weapons. However, the convergence of military and police operational requirements – military forces taking on more policing-type roles and police forces taking on counterterrorism missions – provided a context for the development of toxic chemicals as weapons to continue, with focus again on dangerous anaesthetic and sedative drugs, but for use in law enforcement.

The development and use of so called "incapacitating chemical agents" as weapons raises a contradiction that has not been adequately addressed by government policy makers. On the one hand, in agreeing the Chemical Weapons Convention, States are "determined for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons". On the other hand, the development of toxic chemicals as weapons for use in law enforcement has continued.

Which toxic chemicals?

Toxic chemicals

The toxic chemicals in question, and that have been considered or used as weapons for law enforcement in recent years, are mostly powerful anaesthetic and sedative chemicals that degrade the functioning of the brain. In developing these as weapons for law enforcement the aim has been to acquire a capability to cause mass anaesthesia or sedation in certain tactical situations.

The opioid chemical fentanyl and its variety of similar derivatives have been subject of most attention, as well as benzodiazepines such as midazolam, and alpha-2 adrenergic agonists such as dexmedetomidine. The effects of these toxic chemicals on humans are to cause sedation, unconsciousness and death by severely impairing the functioning of the brain. The severity of the effects is dependent on the 'dose' to which a person is exposed, which is an important concept in both pharmacology and toxicology. Victims will generally require medical attention to recover.

There is no dividing line, on a technical basis, between the types of toxic chemicals considered as "incapacitating chemical agents" for law enforcement and the toxic chemicals developed and used as "lethal" chemical warfare agents in past conflicts to incapacitate and kill. When used as weapons, some of the toxic chemicals considered for law enforcement can exert a potentially lethal effect in similarly small quantities to chemical warfare agents.

Not riot control agents

It is important to be clear that this issue is not about riot control agents such as CS, CN, OC or 'pepper spray', and PAVA, which are often referred to collectively as 'tear gas' and have long been considered legitimate means for law enforcement. They are in widespread use both in hand-held spray devices targeted at individuals and in larger dispersal devices which are targeted at groups of people.

These irritant chemicals cause rapid irritation and pain in the eyes, respiratory tract, and skin, which lasts for a relatively short duration (15 to 30 minutes) after exposure. Their use is not without risks but, unlike many anaesthetic and sedative chemicals, there is a large difference between the 'dose' of a riot control agent that will cause pain and irritation and the amount that will be fatal. Medical attention is normally not required for victims to recover.

Put simply, riot control agents cause people to flee or to be temporarily compromised by the pain caused whereas toxic chemicals described as "incapacitating chemical agents" cause people to collapse and become extremely vulnerable to suffocation and further injury, whether intentional or unintentional. Riot control agents tend to be used where the use of conventional force is not appropriate or as an alternative to it, whereas "incapacitating chemical agents" are sometimes promoted as enablers for subsequent use of conventional force.

What is the applicable legal framework?

Deliberate poisoning has long provoked public abhorrence. This abhorrence has spanned several millennia as even ancient civilisations banned poisoning in warfare. It was first codified in modern international law in 1899 when countries met in The

Hague to prohibit "poison or poisoned arms" including "projectiles, the only object of which is the diffusion of asphyxiating or deleterious gases".

After the First World War, with vivid images of the horrors of chemical warfare fresh in their minds, the international community sought to reinforce and expand the prohibition. Countries agreed the 1925 Geneva Protocol, which banned the use of chemical and biological weapons.

In armed conflict there is an absolute prohibition on the use of toxic chemicals as weapons under the 1925 Geneva Protocol, the 1993 Chemical Weapons Convention, and customary international humanitarian law. This includes a prohibition on the use of riot control agents as a method of warfare.

Outside armed conflict, the diverse legal framework of the Chemical Weapons Convention, the 1972 Biological Weapons Convention, international human rights law, and international drug control law regulates any use of toxic chemicals as weapons for law enforcement.

Chemical Weapons Convention

The Chemical Weapons Convention prohibits the development, production, stockpiling and use of chemical weapons, and makes provisions for the destruction of existing weapons stockpiles. Even though eight countries remain outside the Convention, customary international humanitarian law prohibits the use of chemical weapons by any party to an armed conflict

Under the Convention, a specific provision is made for "law enforcement including domestic riot control" as one of the "purposes not prohibited". However, there is ambiguity on which toxic chemicals may be used as weapons for law enforcement and which "types and quantities" are consistent with these purposes.

Riot control agents are defined under the Convention² and are clearly permitted for law enforcement. However there is no other category of chemicals defined specifically. For the purposes of the Convention, all other chemicals, whether used to cause temporary incapacitation or to kill, are grouped together as toxic chemicals. ³

The Convention does not make explicit which toxic chemicals other than riot control agents, if any at all, may be used as weapons for law enforcement. As a result, there remain differing interpretations of what this provision allows. Some take the view that only riot control agents may be used for this purpose. Others argue that an unspecified wider range of toxic

² The Chemical Weapons Convention defines riot control agents as: "Any chemical not listed in a Schedule, which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure."

³ The Chemical Weapons Convention defines a taking the suited.

³ The Chemical Weapons Convention defines a toxic chemical as: "Any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals."

chemicals may be used, up to but not including toxic chemicals on Schedule 1 of the Convention.

Biological and Toxin Weapons Convention

The Biological and Toxin Weapons Convention prohibits the development, production and stockpiling of biological and toxin weapons. Unlike the Chemical Weapons Convention, there is no provision permitting the use of any biological agents as weapons for law enforcement. Given suggestions that some biological agents, such as peptides, might be considered as "incapacitating agents" for law enforcement, it is important to recall the comprehensive nature of this prohibition.

International human rights law

International human rights law is the primary area of law constraining the use of force and weapons for law enforcement. It safeguards the right to life by placing strict constraints on the use of force and weapons that are 'potentially lethal'.

Under international human rights law, the toxic chemicals that have been described as "incapacitating chemical agents" must be considered as potentially lethal given current knowledge about their effects on humans and the significant risk of death and permanent disability.

Under human rights law the use of potentially lethal force should be avoided. It is a measure that must be absolutely necessary, meaning a measure of last resort, and strictly unavoidable to protect life or physical integrity. It must be preceded by other measures, following an escalation of force procedure. It must be proportionate to the aim pursued.

In the scenarios in which these toxic chemicals have been proposed for use, as weapons to incapacitate groups of people, it is not possible to control their effects or to target them solely at the persons who are threatening life. In these situations, such as hostage scenarios, the toxic chemicals will pose the same risks of death and permanent disability to aggressors and innocent bystanders alike (see below under "What are the risks for life?").

In light of the certainty that bystanders will also come to harm, the question to be asked is whether such a means is absolutely necessary to save the lives of those who are threatened, that is whether there are any other means available that would achieve the same aim while posing less of a danger to life; and whether this is an unavoidable measure of last resort, the State having exhausted all feasible less harmful means before it resorts to this means.

The only legal case decided to date relating to the use of these types of toxic chemicals as weapons for law enforcement is that of *Finogenov and others vs Russia* at the European Court of Human Rights. This case relates to the Moscow theatre siege incident of 2002, where Russian special forces pumped toxic chemicals into a theatre auditorium to incapacitate hostage takers

and hostages alike in an attempt to resolve this difficult

In 2011 the European Court of Human Rights found that the Russian government violated the right to life of the hostages through inadequate planning and implementation of the rescue operation. However, it judged that use of the toxic chemicals itself did not violate the right to life, accepting the argument that they were not intended to kill.

There are a number of open questions about this judgement. For example, the Court was not provided information about the specific toxic chemicals used and thus was in a difficult position to judge whether the adverse effects of their use should have been foreseen. The dangerous effects of anaesthetic and sedative chemicals are well known, and were illustrated by the deaths of 129 hostages in this incident and permanent disabilities suffered by survivors. In addition, it is evident that the 'dose' of a chemical delivered cannot be controlled in such a tactical situation and that it is extremely difficult, if not impossible, in such situations to provide the immediate medical care that might be characterised as adequate to protect life.

International drug control law

The international drug control treaties are another area of international law that governs the uses of certain toxic chemicals. The 1961 Single Convention on Narcotic Drugs and the 1971 Convention on Psychotropic Substances place strict controls on certain toxic chemicals with few exceptions.

The lists of drugs controlled under these two treaties include some of the toxic chemicals that have been considered as weapons for law enforcement. Fentanyl and many of its derivatives are among the list of controlled substances under the 1961 treaty and many benzodiazepines are among the list of controlled substances under the 1971 treaty.

Article 4 of the 1961 Convention and article 5 of the 1971 Convention require that the production, manufacture, export, import, distribution of, trade in, use and possession of controlled drugs must be limited exclusively to "medical and scientific purposes".

In summary, this overlapping legal framework leaves little room, if any, for the legitimate use of toxic chemicals — other than riot control agents — as weapons for law enforcement under international law.

What are the risks to life?

There is no such thing as a safe "incapacitating chemical agent" used as a weapon, and this will not change with foreseeable advances in science and technology. Sedative and anaesthetic chemicals are used safely as drugs in medicine. However, the use of these toxic chemicals as weapons to cause effective incapacitation of a group of people will inevitably cause deaths and serious injuries among some, including permanent disabilities and other long term effects. In

theory, the user of these toxic chemicals as a weapon would seek to render all those targeted temporarily unconscious and then enable them to make a full recovery. In reality, it is not possible to carry out this mass anaesthesia safely in a tactical situation.

In a medical setting these chemicals are administered by consent on an individual basis by medical professionals, and in a highly controlled environment. Precautions are necessary to limit the risk of death and other adverse health effects. The dose of a chemical used is calculated and administered precisely according to the individual characteristics of the patient (e.g. age, weight, health, and existing medication). While a person is unconscious their vital signs are monitored and their breathing is supported because it can often be impaired during anaesthesia. Even then the risks cannot be eliminated.

In a tactical situation, when the same types of chemicals are used as weapons against a group of people without their consent, none of these safeguards are feasible. It is not possible to control the 'dose' of the chemical that each victim is exposed to, let alone make adjustments for wide variations in effects due to differences in age, weight and health among those targeted. It is extremely difficult, if not impossible, to provide the necessary immediate medical care including support for breathing, which is often impaired during anaesthesia.

The risks of death and permanent disability are greatly increased due to this inability to prevent overdose or to ensure breathing and other vital signs are monitored and supported. Secondary risks to life and health arise due to airway obstruction, the impact of falling, and the inability of those rendered unconscious to protect themselves from other dangers in the surrounding environment.

The tactical utility of using these toxic chemicals as weapons for law enforcement is also questionable. It is a common misconception that incapacitation can ever be instant. Even an intravenous injection of an anaesthetic in a consensual medical setting will take 15 to 30 seconds to have effect. In a tactical situation, when such a chemical is delivered through the air as a weapon it will take at least several minutes to cause complete incapacitation in all those targeted. Therefore, their use will never immediately prevent aggressors from using force. The ease of countermeasures may also be overlooked. masks and antidotes for certain toxic chemicals may be available to aggressors for protection but not to innocent bystanders.

What are the other potential risks, in particular to international law?

Erosion of the prohibitions of chemical and biological weapons

A major risk to upholding international law is that the development and use of these toxic chemicals as

weapons for law enforcement will erode the historic prohibition of poisoning and the specific prohibition of chemical weapons set out in the Chemical Weapons Convention. The Convention is the result of international political decisions forgoing weapons deemed abhorrent to the public conscience. It is the foundation for ensuring that the ban on chemical weapons endures, and continuing interest in the use of toxic chemicals as weapons for law enforcement endangers its integrity.

With increasing convergence of chemistry and biology, and any consideration of biological agents, such as peptides, as "incapacitating agents", this erosion could also extend to the prohibition of biological weapons as well.

Proliferation

The continued development and use of toxic chemicals as weapons for law enforcement is likely to present broad and unpredictable risks for security, including inevitable proliferation. Research, development, production, stockpiling and use of toxic chemicals as weapons that are prohibited in warfare will proceed within a law enforcement framework. Acquisition of weapons by specialised police units or special forces, and even by military forces in international operations such as peacekeeping, could be expected. Use of these weapons, or demand for such use, may range from limited domestic law enforcement scenarios to wider military operations in which the boundaries between law enforcement and conduct of hostilities in armed conflict can become blurred.

Proliferation will likely occur among different forces within countries and among a growing circle of countries. This spread will be unpredictable and is unlikely to be uniform. Different countries may develop different toxic chemicals with different effects as weapons for use in a variety of circumstances. Such proliferation could be expected over time to extend to non-state and criminal groups.

Depending on the extent of proliferation there could be the risk of an "arms race" of new chemical weapons and defensive countermeasures, which would be accentuated by any military acquisition of these weapons. Those without access to new chemical agents may revert to traditional chemical warfare agents as chemical weapons are seemingly relegitimised. It is likely perceptions would emerge that acquisition of chemical weapons for a wide range of law enforcement operations was being used to justify military acquisition, or even as a cover for wider military chemical weapons programmes.

Hostile exploitation of 'dual-use' science and technology

Any continuing programmes to develop and weaponise toxic chemicals for law enforcement are likely, by default, to establish a pathway for the application of advances in science and technology to the development of new chemical weapons.

Developments in legitimate scientific research, in particular those in the pharmaceutical health sector, might be explored for weapons applications. Concerns over the misuse of legitimate 'dual-use' science and technology might become reality as new drugs developed to facilitate medical treatment become candidates for weapons development.

Contemporary interest in toxic chemicals as weapons for law enforcement has focused on using anaesthetic chemicals to cause unconsciousness. However, incapacitation can be achieved through manipulating or impairing various processes in the body, or through causing effects such as convulsions. If programmes to develop toxic chemicals as weapons for law enforcement are established and expand, there is a risk that a range of toxic chemicals would be explored and weaponised with various adverse effects on human metabolism, consciousness, behaviour, and identity. A desire to attempt temporary incapacitation may not be sought by all weapons developers. Some could exploit this to focus on new highly "lethal" agents, or chemicals that cause long term injury or disabilities.

A 'slippery slope' back to chemical warfare

The development and use of toxic chemicals as weapons for law enforcement creates a 'slippery slope' that will increase the likelihood that chemical weapons could be reintroduced to armed conflicts. Although current interest in these weapons is for certain law enforcement operations, if acquired and used by special forces or military forces for law enforcement operations, it might generate an interest to use such means for law enforcement within the context of an armed conflict, possibly even in the conduct of hostilities. Several trends could accentuate the risk of their use during the conduct of hostilities.

Firstly, particularly within non-international armed conflicts that are the prevalent types of armed conflict today, there will be operations that amount to conduct of hostilities and others that are part of law enforcement and such situations may change rapidly, leading to an increased blurring of lines. Secondly, there will be situations where it is difficult to establish with precision when the threshold to an armed conflict is crossed. Thirdly, there may be situations in which the existence of an armed conflict is denied by a party to a conflict. And, lastly, the notion of law enforcement can carry different meanings for different actors.

If the use of these toxic chemicals as weapons in armed conflict did occur then there may be an additional risk of retaliation and escalation to other chemical weapons, as occurred in many previous incidences of chemical warfare. The initial use and any retaliation would constitute unambiguous violation of the Chemical Weapons Convention. The regime "to exclude completely the possibility of the use of chemical weapons", which took most of the 20th century to construct, would have been breached, perhaps irreparably.

What are the policy choices for States?

There are four broad policy choices that can be envisaged. The first two assume that it can be legitimate under international law to use certain toxic chemicals — other than riot control agents — as weapons for law enforcement in some circumstances; a subject on which there remain differing views. The second two approaches can be taken independently of whether the use of toxic chemicals as weapons for law enforcement is assessed to be legitimate or not under international law:

- Continuing ambiguity on the use of toxic chemicals as weapons for law enforcement.
- Regulation of the use of toxic chemicals as weapons for law enforcement.
- Moratorium on the use of toxic chemicals as weapons for law enforcement.
- Prohibition of the use of toxic chemicals as weapons for law enforcement.

In reviewing policy choices individual States will first need to recall their existing legal responsibilities and obligations. They will also need to assess the risks to life, the risks to international law, and the risks to security against any perceived benefits of developing and using toxic chemicals as weapons for law enforcement. In particular, States will need to consider the potential implications of their policy choices on reducing or increasing these risks.

Continuing ambiguity

This is the approach currently being implemented where ambiguity remains on which toxic chemicals are permitted as weapons for law enforcement, and in which circumstances. In the absence of national policy decisions, there is room for different interpretations among countries. State practice in response to a variety of unpredictable events will determine what is acceptable, and the extent of the resulting risks.

A variation of this approach is to attempt further clarification of ambiguities through continued discussion among a wider group of actors and States. However, it is submitted that the existing body of analysis provides sufficient information to make informed policy decisions.

Regulation

This approach would aim to set internationally agreed boundaries on the types and quantities of toxic chemicals and their means of delivery that would be considered acceptable as weapons for law enforcement, or at least to increase transparency about States' views in this regard, including any current holdings of such weapons.

Defining these boundaries would require a degree of international negotiation and the development of a consensus that does not currently exist. Since there is no dividing line, on a technical basis, between the toxic chemicals proposed as "incapacitating chemical

agents" and those developed as "lethal" chemical warfare agents, from a practical perspective it may not be possible to set meaningful boundaries about what is acceptable.

Moratorium

This approach would involve States enacting a moratorium on the research, development, stockpiling and use of toxic chemicals (other than riot control agents) as weapons for law enforcement. A moratorium would provide a means of temporarily limiting the risks posed by continuing ambiguity. It would be an intermediate measure that could lead either to prohibition or to regulation.

A moratorium would provide time for a wider variety of States, particularly those that have not been involved in discussions to date, to understand the issues at hand and to develop longer term decisions on national policy while at the same time demonstrating recognition of the risks of continuing ambiguity. Any moratorium would need to be accompanied by a process within and among States to clarify existing legal constraints, assess risks and benefits, and either to decide on prohibition or regulation.

An internationally agreed moratorium could be more effective due to wider participation. However, individual States or like-minded groups could enact moratoria independently as a means of acknowledging the risks and highlighting these to other States.

Prohibition

This approach would involve States enacting a prohibition on the research, development, stockpiling and use of toxic chemicals (other than riot control agents) as weapons for law enforcement. It would clarify that only riot control agents would be used for these purposes. National prohibitions could be established independently as a matter of national policy, and without the need for international agreement, as at least one State has already done. As more States enacted prohibitions, either individually or as a like-minded group, they would set an example for others in responding to the risks associated with the use of toxic chemicals as weapons for law enforcement.

For States that have concerns about the development of toxic chemicals as weapons for law enforcement, and that have no intention of pursuing such weapons themselves, enacting an explicit national prohibition would contribute to lessening the risks associated with continuing ambiguity.

Ultimately an international prohibition could be agreed at the multilateral level that either clarified an existing prohibition under international law, or developed the existing legal framework to exclude current ambiguity.

⁴ Germany (1994) German CWC Implementation Act (Ausführungsgesetz zum Chemiewaffenübereinkommen – CWÜAG) 2 August 1994, amended 11 October 2004.

What action is needed?

There is an absolute prohibition on the use of chemical weapons in armed conflict. However, it has been a subject of debate whether the use of toxic chemicals as weapons for law enforcement is desirable, and whether it could be consistent with international law. A lack of clarity on this issue over the past ten years presents serious risks to life, to international law, and to security.

Significant efforts have been made to examine relevant scientific and technical, operational, legal, and policy issues, including during two expert meetings held by the ICRC. States that have been involved in these discussions⁵ now have the information required to make informed policy decisions. Leadership is needed from individual States – or a like-minded group – to take national policy decisions and promote them at the multilateral level.

At a time when attention is turning from completing chemical disarmament to preventing the re-emergence of chemical weapons, policy development on the issues raised here should be a high priority. In addition, the third Review Conference of the Chemical Weapons Convention in April 2013 provides an important opportunity to build and shape international consensus.

International Committee of the Red Cross Geneva, September 2012*

Further reading

International Committee of the Red Cross, Geneva (forthcoming, 2012) Report of an Expert Meeting. "Incapacitating chemical agents": law enforcement, human rights law, and policy perspectives.

Spiez Laboratory, Swiss Federal Office for Civil Protection (2012) Report of a technical workshop on incapacitating chemical agents.

The Royal Society, London (2012) Brain Waves 3: Neuroscience, conflict and security.

International Committee of the Red Cross, Geneva (2010) Report of an Expert Meeting. "Incapacitating chemical agents": implications for international law.

British Medical Association (2007) The use of drugs as weapons: the concerns and responsibilities of healthcare professionals.

States that participated in one or both ICRC Expert Meetings are: Australia, China, Czech Republic, Finland, France, Germany, India, Norway, Pakistan, Russia, South Africa, Switzerland, United Kingdom, and United States.

^{*} For further information please contact the Arms Unit, Legal Division, International Committee of the Red Cross.

Strategic Approach to International Chemicals Management

Comprising the Dubai Declaration on International Chemicals Management, the Overarching Policy Strategy and the Global Plan of Action Resolutions of the International Conference on Chemicals Management





At its first session, held in Dubai, United Arab Emirates, from 4 to 6 February 2006, the International Conference on Chemicals Management adopted the Dubai Declaration on International Chemicals Management and the Overarching Policy Strategy. The Conference also recommended the use and further development of the Global Plan of Action as a working tool and guidance document. Together these three documents constitute the Strategic Approach to International Chemicals Management.

The first session of the Conference and the process to develop the Strategic Approach to International Chemicals Management were co-convened by the United Nations Environment Programme (UNEP), the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) and the Intergovernmental Forum on Chemical Safety (IFCS). The participating organizations of IOMC are the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organization (ILO), the Organisation for Economic Co-operation and Development (OECD), UNEP, the United Nations Industrial Development Organization (UNIDO), the United Nations Institute for Training and Research (UNITAR) and the World Health Organization (WHO). The Global Environment Facility, the United Nations Development Programme (UNDP) and the World Bank joined the IOMC participating organizations and IFCS in a steering committee established to oversee the Strategic Approach development process.

In its resolution I/1, the International Conference on Chemicals Management commended the Strategic Approach to the attention of the governing bodies of relevant organizations and encouraged them to endorse or otherwise appropriately acknowledge the Strategic Approach with a view to incorporating its objectives into their programmes of work within their mandates. In addition, the Conference requested UNEP to establish and assume overall administrative responsibility for the Strategic Approach secretariat. Both UNEP and WHO have lead roles in the secretariat in their respective areas of expertise.

Foreword

The Strategic Approach to International Chemicals Management is a landmark initiative in international cooperation to protect human health and the environment. Its development was endorsed by Heads of State and Government at their summits in Johannesburg in 2002 and in New York in 2005. Adoption of the Strategic Approach by the International Conference on Chemicals Management in Dubai, United Arab Emirates, on 6 February 2006 followed a consultative process involving representatives of Governments, intergovernmental organizations and civil society from all relevant sectors, including agriculture, environment, health, industry and labour.

The Strategic Approach provides a policy framework to guide efforts to achieve the Johannesburg Plan of Implementation goal that, by 2020, chemicals will be produced and used in ways that minimize significant adverse impacts on the environment and human health. It acknowledges the essential contribution made by chemicals to modern societies and economies while at the same time recognizing the potential threat to sustainable development if chemicals are not managed soundly.

In presenting the texts of the Strategic Approach and the resolutions of the International Conference on Chemicals Management, we should like to express our thanks and congratulations to all those who contributed to their development. The Strategic Approach represents a global commitment to protect our environment and future generations from chemical hazards. It now remains for all stakeholders to ensure that the aspirations of the Strategic Approach are fulfilled in its implementation. We wish them every success in this important endeavour.

CWC Resource Guide 2013 Page 386 of 488



H. E. Mariano Arana,
President of the International
Conference on Chemicals
Management,
Minister of Housing, Territorial
Planning and Environment
of Uruguay



H. E. Viveka Bohn,
 President of the Preparatory Committee for the Development of a Strategic Approach to International Chemicals Management,
 Environment Ambassador for Sweden

Contents

Duc	ai Dec	Dubai Declaration on International Chemicals Management6
Ove	rarchii	Overarching Policy Strategy10
	Introduction	lation10
=	Scope	11
≡	Staten	Statement of needs11
≥.	Objectives	lves14
	Ċ	Risk reduction15
	ë	Knowledge and information16
	Ö	Governance18
	Ο.	Capacity-building and technical cooperation19
	ш	Illegal international traffic20
>	Financial	ial considerations21
<u> </u>	Principles	les and approaches23
₹	Implen	Implementation and taking stock of progress24
Арре	endix to	Appendix to the Overarching Policy Strategy29
Glol	bal Pla	Global Plan of Action31
Exec	Executive summary	mmary31
	Introduction.	rction31
	Ä	Measures to support risk reduction34
	B	Strengthening knowledge and information35
	o.	Governance: strengthening of institutions, law and policy35
	O	Enhancing capacity-building36
	ші	Addressing illegal international traffic36
	ц.	Improved general practices36
Table,	e A.	Possible work areas and their associated activities37
Table	m o	List of possible work areas and their associated activities, actors, targets/timeframes, indicators of progress and implementation aspects

icals107

Management119	
Appendix II Terms of reference for the Quick Start Programme Trust Fund of the Strategic Approach to International Chemicals	
Appendix I Strategic Approach to International Chemicals	
Quick Start Programme116	4.
Intergovernmental Forum on Chemical Safety115	ω.
Tribute to the Government of the United Arab Emirates115	ζ.
Table 2: Strategic Approach secretariat budget112	
Table 1: Staffing table111	
Implementation arrangements	.

Dubai Declaration on International Chemicals Management

We, the ministers, heads of delegation and representatives of civil society and the private sector, assembled at the International Conference on Chemicals Management in Dubai from 4 to 6 February 2006, declare the following:

- The sound management of chemicals is essential if we are to achieve sustainable development, including the eradication of poverty and disease, the improvement of human health and the environment and the elevation and maintenance of the standard of living in countries at all levels of development;
- 2. Significant, but insufficient, progress has been made in international chemicals management through the implementation of chapter 19 of Agenda 21¹ and International Labour Organization Conventions No. 170 on Safety in the Use of Chemicals at Work and No. 174 on the Prevention of Major Industrial Accidents and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, as well as in addressing particularly hazardous chemicals through the recent entry into force of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants and the adoption of the Globally Harmonized System for the Classification and Labelling of Chemicals;
- The private sector has made considerable efforts to promote chemical safety through voluntary programmes and initiatives such as product stewardship and the chemicals industry's Responsible Care programme;
- Non-governmental public health and environmental organizations, trade unions and other civil society organizations have made important contributions to the promotion of chemical safety;
- 5. Progress in chemicals management has not, however, been sufficient globally and the environment worldwide continues to suffer from air, water and land contamination, impairing the health and welfare of millions;
- 6. The need to take concerted action is accentuated by a wide range of chemical safety concerns at the international level, including a lack of capacity for managing chemicals in developing countries and countries with economies in transition, dependency on pesticides in agriculture, exposure

¹ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3 14 June 1992 (United Nations publication, Sales No. E.93.1.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex II.

of workers to harmful chemicals and concern about the long-term effects of chemicals on both human health and the environment:

- 7. The global production, trade and use of chemicals are increasing, with growth patterns placing an increasing chemicals management burden on developing countries and countries with economies in transition, in particular the least developed among them and small island developing States, and presenting them with special difficulties in meeting this challenge. As a result, fundamental changes are needed in the way that societies manage chemicals;
- 8. We are determined to implement the applicable chemicals management agreements to which we are Party, strengthen the coherence and synergies that exist between them and work to address, as appropriate, existing gaps in the framework of international chemicals policy;
- We commit ourselves in a spirit of solidarity and partnership to achieving chemical safety and thereby assisting in fighting poverty, protecting vulnerable groups and advancing public health and human security;
- 10. We commit ourselves to respecting human rights and fundamental freedoms, understanding and respecting ecosystem integrity and addressing the gap between the current reality and our ambition to elevate global efforts to achieve the sound management of chemicals;
- management of chemicals and hazardous wastes throughout their life-cycle, in accordance with Agenda 21 and the Johannesburg Plan of Implementation, ² in particular paragraph 23. We are convinced that the Strategic Approach to International Chemicals Management constitutes a significant contribution towards the internationally agreed development goals set out in the Millennium Declaration. It builds upon previous international initiatives on chemical safety and promotes the development of a multi- and cross-sectoral and participatory strategic approach;
- We therefore adopt the Overarching Policy Strategy, which, together with the present declaration, constitutes our firm commitment to the Strategic Approach and its implementation;
- 13. We recommend the use and further development of the Global Plan of Action, to address current and ever-changing societal needs, as a working tool and guidance document for meeting the commitments to

chemicals management expressed in the Rio Declaration on Environment and Development, ³ Agenda 21, the Bahia Declaration on Chemical Safety, ⁴ the Johannesburg Plan of Implementation, the 2005 World Summit Outcome ⁵ and this Strategic Approach;

- 14. We are determined to realize the benefits of chemistry, including green chemistry, for improved standards of living, public health and protection of the environment, and are resolved to continue working together to promote the safe production and use of chemicals;
- 15. We are committed to strengthening the capacities of all concerned to achieve the sound management of chemicals and hazardous wastes at all levels:
- 16. We will continue to mobilize national and international financing from public and private sources for the life-cycle management of chemicals;
- 17. We will work towards closing the gaps and addressing the discrepancies in the capacity to achieve sustainable chemicals management between developed countries on the one hand and developing countries and countries with economies in transition on the other by addressing the special needs of the latter and strengthening their capacities for the sound management of chemicals and the development of safer alternative products and processes, including non-chemical alternatives, through partnerships, technical support and financial assistance;
- 18. We will work towards effective and efficient governance of chemicals management by means of transparency, public participation and accountability involving all sectors of society, in particular striving for the equal participation of women in chemicals management;
- 19. We will engage actively in partnerships between Governments, the private sector and civil society, including strengthening participation in the implementation of the Strategic Approach by small and medium-sized enterprises and the informal sector;
- 20. We stress the responsibility of industry to make available to stakeholders such data and information on health and environmental effects of chemicals as are needed safely to use chemicals and the products made from them;

² Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August 4 September 2002 (United Nations publication, Sales No. E.03.II.A1 and corrigendum), chap. I, resolution 2, annex.

³ Report of the United Nations Conference on Environment and Development, Rio de Janeiro,

^{3 14} June 1992, vol. 1, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.1.8 and corrigendum), resolution 1, annex I.

Intergovernmental Forum on Chemical Safety, third session, Forum III final report (IFCS/Forum III/23w), annex 6.

⁵ General Assembly resolution 60/1 of 16 September 2005.

- 21. We will facilitate public access to appropriate information and knowledge on chemicals throughout their life cycle, including the risks that they pose to human health and the environment;
- 22. We will ensure that, when information is made available, confidential commercial and industrial information and knowledge are protected in accordance with national laws or regulations or, in the absence of such laws and regulations, are protected in accordance with international provisions. In making information available, information or chemicals relating to the health and safety of humans and the environment should not be regarded as confidential;
- 23. We recognize the need to make special efforts to protect those groups in society that are particularly vulnerable to risks from hazardous chemicals or are highly exposed to them;
- 24. We are determined to protect children and the unborn child from chemical exposures that impair their future lives;
- We will endeavour to prevent illegal traffic in toxic, hazardous, banned and severely restricted chemicals and chemical products and wastes;
- 26. We will promote the sound management of chemicals and hazardous waste as a priority in national, regional and international policy frameworks, including strategies for sustainable development, development assistance and poverty reduction;
- 27. We will strive to integrate the Strategic Approach into the work programmes of all relevant United Nations organizations, specialized agencies, funds and programmes consistent with their mandates as accorded by their respective governing bodies;
- 28. We acknowledge that as a new voluntary initiative in the field of international management of chemicals, the Strategic Approach is not a legally binding instrument;
- 29. We collectively share the view that implementation and taking stock of progress are critical to ensuring success and that, in this regard, a stable and long-term fully participatory and multi-sectoral structure for guidance, review and operational support is essential;
- 30. We are determined to cooperate fully in an open, inclusive, participatory and transparent manner in the implementation of the Strategic Approach.

Overarching Policy Strategy

Introduction

- The present Overarching Policy Strategy flows from the commitments expressed in the Dubai Declaration on International Chemicals Management developed in the context of the Rio Declaration, Agenda 21 and the Johannesburg Plan of Implementation. The structure of the strategy is as follows:
- I. Introduction
- II. Scope
- III. Statement of needs
- IV. Objectives
- A. Risk reduction
- B. Knowledge and information
- C. Governance
- D. Capacity-building and technical cooperation
- E. Illegal international traffic
- V. Financial considerations
- VI. Principles and approaches
- VII. Implementation and taking stock of progress
- 2. The involvement of all relevant sectors and stakeholders, including at the local, national, regional and global levels, is seen as key to achieving the objectives of the Strategic Approach, as is a transparent and open implementation process and public participation in decision-making, featuring in particular a strengthened role for women. The main stakeholders in the Strategic Approach are understood to be Governments, regional economic integration organizations, intergovernmental organizations, non-governmental organizations and individuals involved in the management of chemicals throughout their life-cycles from all relevant sectors, including, but not limited to, agriculture, environment, health, industry, relevant economic activity, development cooperation, labour and science. Individual stakeholders include consumers, disposers, employers, farmers, producers, regulators, researchers, suppliers, transporters and workers.

Scope =

- The Strategic Approach has a scope that includes: რ
- Environmental, economic, social, health and labour aspects of chemical safety, ά.
- sustainable development and covering chemicals at all stages of Agricultural and industrial chemicals, with a view to promoting their life-cycle, including in products. o.
- processes that have been developed to date and be flexible enough to deal with new ones without duplicating efforts, in particular the efforts of forums The Strategic Approach should take due account of instruments and dealing with the military uses of chemicals.

Statement of needs ≓

- more effectively to achieve the 2020 goal articulated in paragraph 23 of the A major driving force for the establishment of the Strategic Approach countries to have more effective governance structures to help make the has been the recognition of the growing gaps between the capacities of synergies between existing instruments and processes and the growing sense of urgency regarding the need to assess and manage chemicals different countries to manage chemicals safely, the need to improve Johannesburg Plan of Implementation.² There is also the need for Strategic Approach a lasting success.
- own programmes to contribute to better chemicals management, and there wide range of risk management measures have been introduced; and new programmes have been created. Industry has developed and extended its management. Regulatory systems have been introduced or strengthened; Development in Rio de Janeiro in 1992, at which the Rio Declaration and chemicals have been assessed at the national level and internationally; a much more information has been made available about chemicals; many Labelling of Chemicals and pollutant release and transfer registers have Agenda 21 were adopted, much has been done to improve chemicals tools such as the Globally Harmonized System of Classification and are now in many countries active and well informed public interest been taken up and developed. New international instruments and Since the United Nations Conference on Environment and

movements promoting awareness and good practices with regard to chemicals. It is, however, recognized that:

- The existing international policy framework for chemicals is not completely adequate and needs to be further strengthened; æ.
- implementation of established international policies is uneven; <u>.</u>
- orocesses are not completely developed and should be further Coherence and synergies between existing institutions and mproved; ပ
- currently in use and often limited or no access to information There is often limited or no information on many chemicals that already exists; 6
- Many countries lack the capacity to manage chemicals soundly at the national, subregional, regional and global levels; ø.

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- There are inadequate resources available to address chemical widening gap between developed countries on the one hand and developing countries and countries with economies in safety issues in many countries, particularly to bridge the ransition on the other. <u>ب</u>
- management of chemicals throughout their entire life cycle including, where appropriate, products and articles containing chemicals. It is recognized minimizing and eliminating risks) is a key need in pursuing the sound Risk reduction (including preventing, reducing, remediating,
- improved scientific understanding of the role and behaviour of Risk assessment and management strategies, supported by substances, addressing product life-cycles, are central to achieving risk reduction; æ.
- methods and consideration of social and economic factors, are needed to reduce or eliminate the harmful effects of chemicals Risk reduction measures, appropriately informed by scientific and their inappropriate uses; o.
- adverse effects of chemicals on the health of children, pregnant women, fertile populations, the elderly, the poor, workers and Risk reduction measures need to be improved to prevent the other vulnerable groups and susceptible environments; ပ

-

aspects of the safety of the chemicals and products are regulated by a domestic food or pharmaceutical The Strategic Approach does not cover products to the extent that the health and environmental authority or arrangement.

A copy of paragraph 23 is set out in the appendix.

- chemicals of concern, and affordable sustainable technologies The development of safer alternatives, including alternatives to should be accelerated; 6
- Developing countries and countries with economies in transition alternatives, which will also assist in reducing illegal traffic in need better access to affordable, safer technologies and nazardous chemicals. ø.
- Knowledge, information and public awareness are basic needs for decision-making for the sound management of chemicals, including products and articles containing chemicals. It is recognized that:
- actors, and the pace of scientific research in these areas needs assessment and management principles are not available to all assessments, socio-economic methodologies and the tools to develop and apply science-based standards, harmonized risk Technological information, the results of hazard and risk to be accelerated; a,

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- information on chemicals for ready use by local populations. There is a lack of clear, accessible, timely and appropriate o.
- Governance is an important issue that needs to be addressed through a multi-sector and multi-stakeholder approach in pursuing the sound management of chemicals. There is therefore a need to recognize:
- aspects of decision-making related to the sound management of That in many countries some stakeholders, particularly women and indigenous communities, still do not participate in all chemicals, a situation which needs to be addressed; ď.
- countries for enhanced coherence, consistency and cooperation to ensure efficient and effective use of available resources at the sound management of chemicals, including binding instruments and other relevant initiatives, is uneven, a situation which needs national, regional, and international levels. Many countries have That implementation of the present international regime for the national chemicals regimes or developed national mechanisms to be addressed. There are gaps, overlaps and duplication in chemicals management activities and there is a need in many not ratified or implemented regional and global legally binding instruments and other relevant initiatives, addressed gaps in or coordinating chemicals activities; o.
- That the mechanisms used to address the social and economic impacts of chemicals on human health, society and the o.

- environment, including liability, compensation and redress, need to be improved in some countries;
- olans or strategies, sustainable development strategies and, as That chemicals issues are only sometimes featured in relevant national policy documents, including development assistance appropriate, poverty reduction strategies; 6
- That there is a need to promote the role of all sectors of civil society and the private sector in the implementation of the Strategic Approach. ø.
- Capacity-building and technical assistance in relation to all aspects of the sound management of chemicals are among the essential elements for the successful implementation of the Strategic Approach:
- countries, however, also face capacity issues in striving to meet economies in transition on the other should be bridged in order The widening gap in capacity between developed countries on to make progress towards the goal articulated in paragraph 23 of the Johannesburg Plan of Implementation. Some developed the one hand and developing countries and countries with æ.
- oromoting adequate transfer of cleaner and safer technology to strengthening the capacities of developing countries and management of chemicals and hazardous wastes and countries with economies in transition for the sound There is a need for enhanced cooperation aimed at those countries. þ.
- Illegal international traffic in hazardous substances and dangerous products is a pressing problem for many countries, especially for developing countries and countries with economies in transition.
- in pursuing the goal articulated in paragraph 23 of the Johannesburg Plan particular developing countries and countries with economies in transition, other resources needed to achieve the sound management of chemicals. of Implementation is to obtain access to the considerable financial and One of the challenges that will be faced by many countries, in

Objectives ≥

sound management of chemicals throughout their life-cycle so that, by The overall objective of the Strategic Approach is to achieve the minimization of significant adverse effects on human health and the 2020, chemicals are used and produced in ways that lead to the

A. Risk reduction

- 14. The objectives of the Strategic Approach with regard to risk reduction are:
- a. To minimize risks to human health, including that of workers, and to the environment throughout the life cycle of chemicals;
- To ensure that humans and ecosystems and their constituent parts that are especially vulnerable or especially subject to exposure to chemicals that may pose a risk are taken into account and protected in making decisions on chemicals;
- c. To implement transparent, comprehensive, efficient and effective risk management strategies based on appropriate scientific understanding, including of health and environmental effects, and appropriate social and economic analysis aimed at pollution prevention, risk reduction and risk elimination, including detailed safety information on chemicals, to prevent unsafe and unnecessary exposures to chemicals;
- d. To ensure, by 2020:
- That chemicals or chemical uses that pose an unreasonable and otherwise unmanageable risk to human health and the environment³ based on a science-based risk assessment and taking into account the costs and benefits as well as the availability of safer substitutes and their efficacy, are no longer produced or used for such uses:
- That risks from unintended releases of chemicals that pose an unreasonable and otherwise unmanageable risk to human health and the environment³ based on a sciencebased risk assessment and taking into account the costs and benefits, are minimized;
- ³ Groups of chemicals that might be prioritized for assessment and related studies include: persistent, bioaccumulative and toxic substances (PBTs); very persistent and very bioaccumulative substances; chemicals that are carcinogens or mutagens or that adversely affect, inter ala, the reproductive, endocrine, immune, or nervous systems; persistent organic pollutaris (POPs), mercury and other chemicals or global concern; chemicals produced or used in high volumes; those subject to wide dispersive uses; and other chemicals of concern at the national level.

- e. Appropriately to apply the precautionary approach, as set out in Principle 15 of the Rio Declaration on Environment and Development, while aiming to achieve that chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment;
- To give priority consideration to the application of preventive measures such as pollution prevention;
- To ensure that existing, new and emerging issues of global concern are sufficiently addressed by means of appropriate mechanisms;
- To reduce the generation of hazardous waste, both in quantity and toxicity, and to ensure the environmentally sound management of hazardous waste, including its storage, treatment and disposal;

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- To promote the environmentally sound recovery and recycling of hazardous materials and waste;
- To promote and support the development and implementation of, and further innovation in, environmentally sound and safer alternatives, including cleaner production, informed substitution of chemicals of particular concern and non-chemical alternatives.

B. Knowledge and information

- The objectives of the Strategic Approach with regard to knowledge and information are:
- To ensure that knowledge and information on chemicals and chemicals management are sufficient to enable chemicals to be adequately assessed and managed safely throughout their life cycle:
- b. To ensure, for all stakeholders:
- That information on chemicals throughout their life cycle, including, where appropriate, chemicals in products, is available, accessible, user friendly, adequate and appropriate to the needs of all stakeholders. Appropriate types of information include their effects on human health and the environment, their intrinsic properties, their potential uses, their protective measures and regulation;

- languages by making full use of, among other things, the media, hazard communication mechanisms such as the That such information is disseminated in appropriate Globally Harmonized System of Classification and Labelling of Chemicals and relevant provisions of nternational agreements; :=**:**
- and regulations, are protected in accordance with international national laws or regulations or, in the absence of such laws or chemicals relating to the health and safety of humans and the To ensure that, in making information available in accordance information and knowledge are protected in accordance with with paragraph 15 (b), confidential commercial and industrial provisions. In the context of this paragraph, information on environment should not be regarded as confidential; Ö
- To make objective scientific information available for appropriate relation to assessment of chemical hazards and risks to human health, especially vulnerable sub-populations such as children, and to the environment, particularly vulnerable ecosystems; decision-making relating to chemicals policy, including in integration into risk assessments and associated ö
- To ensure that science-based standards, risk assessment and management procedures and the results of hazard and risk assessments are available to all actors; σ.
- To make objective scientific methods and information available environment, particularly through the development and use of to assess the effects of chemicals on people and the indicators;
- chemical control technologies, development of safer chemicals To accelerate the pace of scientific research on identifying and assessing the effects of chemicals on human beings and the and cleaner technologies and non-chemical alternatives and environment, including emerging issues, and to ensure that research and development are undertaken in relation to echnologies; ġ
- To promote implementation of the common definitions and criteria contained in the Globally Harmonized System of Classification and Labelling of Chemicals; :
- To make widely available, for consideration and implementation, participating organizations of the Inter-Organization Programme the range of existing risk reduction and other tools from various

- organizations (INCHEM), in order to promote best practices in for the Sound Management of Chemicals (IOMC)⁴ such as the International Programme on Chemical Safety (IPCS) database chemicals management, harmonization and burden-sharing; Economic Co-operation and Development (OECD) and the Mutual Acceptance of Data system of the Organisation for on chemical safety information from intergovernmental
- To develop knowledge and information on the estimated current development associated with the unsound management of and projected financial and other impacts on sustainable chemicals of concern on a global basis.

Governance ပ

The objectives of the Strategic Approach with regard to governance 16. are:

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- comprehensive, effective, efficient, transparent, coherent and their life cycle by means of appropriate national, regional and circumstances and needs of countries, especially developing nternational mechanisms, as needed, that are multi-sectoral To achieve the sound management of chemicals throughout nclusive and ensure accountability, taking into account the countries and countries with economies in transition; ď.
- relevant sector and integrated programmes for sound chemicals To promote the sound management of chemicals within each management across all sectors; o.
- To provide guidance to stakeholders in identifying priorities for chemicals management activities; o.
- To strengthen enforcement and encourage the implementation management, including those that serve to implement of national laws and regulations regarding chemicals nternational agreements; 6
- To promote relevant codes of conduct, including those relating to corporate environmental and social responsibility; ø.
- To promote close international cooperation among concerned countries for the exchange of relevant information aimed at institutions, including among customs services, in different

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Organization, the United Nations Institute for Training and Research and the World Health Organization. Development, the United Nations Environment Programme, the United Nations Industrial Development 4 The participating organizations of IOMC are the Food and Agriculture Organization of the United Nations, the International Labour Organization, the Organisation for Economic Co-operation and

To support coordinated assistance activities at the international

level in accordance with the implementation of the Strategic

Approach;

To promote mutual supportiveness between trade and

environmental policies;

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 - To provide and support enabling frameworks for businesses to develop and improve products that advance the objectives of
- and development agencies in pursuit of the sound management To enhance synergies between the activities of Governments, international institutions, multilateral organization secretariats Ë
- chemicals between Governments, the private sector and civil To enhance cooperation on the sound management of society at the national, regional and global levels. Ċ.

Capacity-building and technical cooperation

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- The objectives of the Strategic Approach with regard to capacitybuilding and technical cooperation are:
- especially in developing countries and countries with economies chemicals throughout their life cycle in all countries as needed, To increase the capacity for the sound management of щ.
- To narrow the widening gap in capacities between developed countries with economies in transition on the other hand; countries on the one hand and developing countries and <u>.</u>

technical cooperation and the provision of appropriate and clean with economies in transition, maximizing synergies with the Bali echnology to and among developing countries and countries Strategic Plan for Technology Support and Capacity-building; To establish or strengthen partnerships and mechanisms for o.

To promote and support meaningful and active participation by

all sectors of civil society, particularly women, workers and

preventing all illegal international traffic in dangerous chemical

products

6

To ensure equal participation of women in decision-making on

chemicals policy and management;

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decision-making processes that relate to chemical safety;

indigenous communities, in regulatory and other

To ensure that national institutional frameworks address the

prevention of illegal international traffic in chemicals;

- strategies in developing countries and countries with economies n transition and to promote cooperation among all countries; To develop and implement sustainable capacity-building 6
- capacity-building for the sound management of chemicals and To promote coordination of and access to information on to enhance transparency and accountability; ø.
- assistance strategies, and to make chemicals an important part chemicals as a priority in social and economic development To include capacity-building for the sound management of strategies, poverty reduction strategy papers and country strategies, including national sustainable development of national policy;
- developing countries and countries with economies in transition; orogrammes on chemical safety and scientific research and analysis and to assist with capacity-building programmes in To encourage stakeholders to develop and promote ġ
- established by other countries and international organizations; countries and countries with economies in transition of work To encourage and facilitate appropriate use by developing already done and chemicals management models already :
- and other relevant actors of the relevance of chemical safety for To promote the awareness of donors, multilateral organizations poverty reduction and sustainable development.

Illegal international traffic ш

- The objectives of the Strategic Approach with regard to illegal nternational traffic are: <u>8</u>
- ncorporating these chemicals, mixtures and compounds and panned and severely restricted chemicals, including products To prevent illegal international traffic in toxic, hazardous, wastes: a.
- implementation supporting existing multilateral agreements that To strengthen mechanisms and domestic and regional þ.

contain provisions relating to the prevention of illegal international traffic; To promote information sharing and to strengthen the capacity transition at the national and regional levels for the prevention of developing countries and countries with economies in and control of illegal international traffic. o.

Financial considerations >

Programme and other measures set out in this paragraph, to accelerate the other things, the Bali Strategic Plan for Technology Support and Capacity-Strategic Approach should call upon existing and new sources of financial efforts to advance the sound management of chemicals recognizing Principle 7 of the Rio Declaration on Environment and Development. The strengthening of capabilities and capacities for the implementation of the Strategic Approach objectives. The extent to which developing countries, particularly least developed countries and small island developing States, The Strategic Approach should reflect national, regional and global building. It should also include the mobilization of additional national and and countries with economies in transition can make progress towards support to provide additional resources and should build upon, among reaching the 2020 goal depends, in part, on the availability of financial resources provided by the private sector and bilateral, multilateral and global agencies or donors. Financial arrangements for the Strategic international financial resources, including through the Quick Start Approach include, among other things:

- financing of Strategic Approach objectives, including by: Actions at the national or sub-national levels to support а Ж
- programmes, plans and/or strategies at various levels; Integrating Strategic Approach objectives in relevant
- Assessing current laws, policies and regulations to identify changes that may be needed to advance implementation of the Strategic Approach objectives, including an assessment of funding needs where appropriate; :=**:**
- could include economic instruments, that can help to cover Assessing and where necessary adopting appropriate policies at the national and sub-national levels, which he cost of sound chemicals management; ≔
- Where appropriate, assessing and adopting at the national internalize the external costs of chemicals, bearing in mind and sub-national levels economic instruments intended to .≥

that such instruments need careful design, especially in developing countries and countries with economies in ransition

- of economic instruments and submitting such information to the United Nations Environment Programme (UNEP) to information on experience and studies in the national use Governments and other stakeholders exchanging make it broadly available; >
- Enhancing industry partnerships and financial and technical participation in the implementation of Strategic Approach objectives, including by inviting industry: <u>.</u>
- associated with the implementation of Strategic Approach To review and strengthen current voluntary industry initiatives to address the considerable challenges objectives;

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- To develop new initiatives, including in partnership with organizations, for the implementation of Strategic foundations, academia and non-governmental Approach objectives;
- To provide resources, including in-kind contributions, for the implementation of Strategic Approach objectives, continuing and building upon its initiatives on good corporate social and environmental responsibility; :≡
- Integration of the Strategic Approach objectives into multilateral and bilateral development assistance cooperation, including by: ပ
- objectives into relevant national documents that influence donors, considering the integration of Strategic Approach transition, where necessary with the technical support of Developing countries and countries with economies in development assistance cooperation;
- economies in transition by recognizing Strategic Approach partnership with, developing countries and countries with objectives as an important element of bilateral aid agency cooperation in support of sustainable development; Donors responding to requests by, and working in
- include Strategic Approach objectives within their activities, programmes and other intergovernmental organizations to Inviting United Nations specialized agencies, funds and as appropriate; ≔

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resources to enable the secretariat of the Strategic Approach to

ulfil the tasks set out in paragraph 28, including by:

Inviting UNEP to arrange for the adaptation and

CWC Resource Guide 2013 Page 396 of 488

Inviting Governments and other stakeholders to provide

- Bahia Declaration on Chemical Safety;
- Johannesburg Plan of Implementation; and ._;
- The following agreements, where applicable to them: <u>о</u>

to consider whether and how they might support implementation of appropriate and relevant Strategic Approach objectives and to

implementation of Strategic Approach objectives by establishing

Supporting initial capacity-building activities for the

œ̈

a programme to be called the Quick Start Programme. The

Programme will contain a voluntary, time-limited trust fund and

cooperation. The trust fund will be administered by UNEP;

may include multilateral, bilateral and other forms of

Making more effective use of and building upon existing sources

6

Environment Facility and the Montreal Protocol on Substances Implementation of the Montreal Protocol within their mandates

of relevant global funding, including by inviting the Global

hat Deplete the Ozone Layer and its Multilateral Fund for the

- Montreal Protocol on Substances that Deplete the Ozone Layer;
- Movement of Hazardous Wastes and their Disposal Basel Convention on the Control of Transboundary
- Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; i
- Stockholm Convention on Persistent Organic Pollutants; .≥
- ILO Convention No. 170 concerning safety in the use of chemicals at work. >

VII. Implementation and taking stock of progress

- 21. Institutional arrangements to support implementation and taking stock and, as appropriate, regional processes and, at the international level, a of progress on the Strategic Approach will include national coordination periodic review process facilitated by a secretariat.
- private actors are encouraged to support these activities and to consider enabling phase to build necessary capacity, as appropriate, to develop, implementation plan, taking into consideration, as appropriate, existing elements such as legislation, national profiles, action plans, stakeholder he development of their own action plans as appropriate. Partnerships ntergovernmental organizations, international financial institutions and among stakeholders should be pursued in support of implementation. with relevant stakeholder participation, a national Strategic Approach appropriate, in a similar fashion. Subsequent implementation phases Implementation of the Strategic Approach could begin with an initiatives and gaps, priorities, needs and circumstances. Strategic Approach regional implementation plans may be developed, as should focus on implementing specific action plans. In parallel,
- concerned national departmental and stakeholder interests are represented Government should establish arrangements for implementing the Strategic communication, nationally and internationally, each Government should To sustain an integrated approach to managing chemicals, each Approach on an inter-ministerial or inter-institutional basis so that all and all relevant substantive areas are addressed. To facilitate

designate a Strategic Approach national focal point to act as an effective conduit for communication on Strategic Approach matters, including invitations to participate in meetings and information dissemination. The Strategic Approach national focal point should be a representative of the country's inter-ministerial or inter-institutional arrangements, where such arrangements exist.

- 24. The International Conference on Chemicals Management (hereafter referred to as the Conference) will undertake periodic reviews of the Strategic Approach. The functions of the Conference will be:
- To receive reports from all relevant stakeholders on progress in implementation of the Strategic Approach and to disseminate information as appropriate;
- To evaluate the implementation of the Strategic Approach with a view to reviewing progress against the 2020 target and taking strategic decisions, programming, prioritizing and updating the approach as necessary;

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- To provide guidance on implementation of the Strategic Approach to stakeholders;
- d. To report on progress in implementation of the Strategic Approach to stakeholders;
- e. To promote implementation of existing international instruments and programmes;
- To promote coherence among chemicals management instruments at the international level;
- g. To promote the strengthening of national chemicals management capacities;
- To work to ensure that the necessary financial and technical resources are available for implementation;
- . To evaluate the performance of the financing of the Strategic Approach;
- To focus attention and call for appropriate action on emerging policy issues as they arise and to forge consensus on priorities for cooperative action;
- K. To promote information exchange and scientific and technical cooperation;

- To provide a high-level international forum for multi-stakeholder and multi-sectoral discussion and exchange of experience on chemicals management issues with the participation of non-governmental organizations in accordance with applicable rules of procedure;
- m. To promote the participation of all stakeholders in the implementation of the Strategic Approach.
- 25. Where appropriate, sessions of the Conference should be held back-to-back with meetings of the governing bodies of relevant intergovernmental organizations in order to enhance synergies and cost-effectiveness and to promote the Strategic Approach's multi-sectoral nature. Sessions of the Conference should be held in 2009, 2012, 2015 and 2020, unless otherwise decided by the Conference.
- 26. It will be essential that implementation of the Strategic Approach continue effectively between meetings of the Conference, building on its open, multi-stakeholder and multi-sectoral methods. There will be a number of elements for achieving this:
- a. Regional meetings have played a significant role in the development of the Strategic Approach and it will be important to build on this commitment and expertise, taking into account the needs of developing countries, in particular the least developed among them, countries with economies in transition and developed countries. Regional meetings will facilitate input on Strategic Approach activities, preparation for future meetings of the Conference and exchange of regional expertise and exchange of information. As with the Conference itself, such meetings could be held back-to-back with relevant regional or global intergovernmental organization meetings, subject to extrabudgetary funding;
- b. The functions of the regional meetings will include:
- . To review progress on implementation of the Strategic Approach within the regions;
- ii. To provide guidance on implementation to all stakeholders at a regional level;
- iii. To enable technical and strategic discussions and exchange of information to take place;
- c. The implementation of the Strategic Approach will depend in significant part on the activities of relevant intergovernmental organizations. In order to help ensure that these activities are

26

- coordinated properly, IOMC should continue to perform a coordinating function for intergovernmental organization activities and work programmes.
- The Conference should have a bureau with functions in accordance with the rules of procedure. 27.
- The functions to be performed by the secretariat will be: 28.
- Conference, as well as regional meetings, with maximum multistakeholder participation, and to disseminate the reports and To facilitate meetings and intersessional work of the recommendations of the Conference; а Ж
- To report to the Conference on implementation of the Strategic Approach by all participants; <u>.</u>

ОЛЕВАВСНІЙ РОГІСУ STRATEGY

- Strategic Approach stakeholders at the national, regional and, in To promote the establishment and maintenance of a network of the case of intergovernmental and non-governmental: organizations, international levels; Ö
- materials to support implementation of the Strategic Approach To facilitate the development and dissemination of guidance by stakeholders; ö

CWC Resource Guide 2013 Page 398 of 488

- To provide guidance to stakeholders in the initiation of project proposals; œ̈
- relevant sources, and facilitation of access to information and Strategic Approach, referral of requests for information to provision of advice to countries on implementation of the To provide information clearing-house services such as expertise in support of specific national actions;
- To ensure that recommendations from the Conference are conveyed to relevant global and regional organizations and institutions; ġ
- To promote the exchange of relevant scientific and technical information; ۲
- participating organizations of IOMC in order to draw upon their To establish and maintain a working relationship with sectoral expertise. ._:

IOMC and UNDP, as well as with other intergovernmental organizations, as overall administrative responsibility. The Strategic Approach secretariat will be co-located with the UNEP chemicals and waste cluster in Geneva, and coordination and/or cooperation with the participating organizations of (WHO) will take lead roles in the secretariat in their respective areas of sectoral nature of the Strategic Approach, the secretariat will work in expertise in relation to the Strategic Approach, with UNEP assuming ake full advantage of existing synergies. In order to reflect the multiappropriate. The secretariat will report to the Conference.

Text of paragraph 23 of the Johannesburg Plan of Implementation The Johannesburg Plan of Implementation is a key political commitment underlying the Overarching Policy Strategy of the Strategic Approach. In the Plan, it was agreed that governments, relevant international organizations, the private sector and all major groups should play an active role in changing unsustainable consumption and production patterns. This would include the actions at all levels set out in paragraph 23 of the Plan:

Appendix to the Overarching Policy Strategy

"23. Renew the commitment, as advanced in Agenda 21, to sound management of chemicals throughout their life cycle and of hazardous wastes for sustainable development as well as for the protection of human health and the environment, inter alia, aiming to achieve, by 2020, that chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment, using transparent science-based risk assessment procedures and science-based risk management procedures, taking into account the precautionary approach, as set out in principle 15 of the Rio Declaration on Environment and Development, and support developing countries in strengthening their capacity for the sound management of chemicals and hazardous wastes by providing technical and financial assistance. This would include actions at all lavels to:

CWC Resource Guide 2013 Page 399 of 488

- "(a) Promote the ratification and implementation of relevant international instruments on chemicals and hazardous waste, including the Rotterdam Convention on Prior Informed Consent Procedures for Certain Hazardous Chemicals and Pesticides in International Trade so that it can enter into force by 2003 and the Stockholm Convention on Persistent Organic Pollutants so that it can enter into force by 2004, and encourage and improve coordination as well as supporting developing countries in their implementation;
- "(b) Further develop a strategic approach to international chemicals management based on the Bahia Declaration and Priorities for Action beyond 2000 of the Intergovernmental Forum on Chemical Safety by 2005, and urge that the United Nations Environment Programme, the Intergovernmental Forum, other international organizations dealing with chemical management and other relevant international organizations and actors closely cooperate in this regard, as appropriate;
- "(c) Encourage countries to implement the new globally harmonized system for the classification and labelling of chemicals as soon as possible with a view to having the system fully operational by 2008;

- "(d) Encourage partnerships to promote activities aimed at enhancing environmentally sound management of chemicals and hazardous wastes, implementing multilateral environmental agreements, raising awareness of issues relating to chemicals and hazardous waste and encouraging the collection and use of additional scientific data;
- "(e) Promote efforts to prevent international illegal trafficking of hazardous chemicals and hazardous wastes and to prevent damage resulting from the transboundary movement and disposal of hazardous wastes in a manner consistent with obligations under relevant international instruments, such as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal;
- "(f) Encourage development of coherent and integrated information on chemicals, such as through national pollutant release and transfer registers;
- "(g) Promote reduction of the risks posed by heavy metals that are harmful to human health and the environment, including through a review of relevant studies, such as the United Nations Environment Programme global assessment of mercury and its compounds."

Executive summary

Introduction

- 1. The Global Plan of Action of the Strategic Approach to International Chemicals Management has been structured into work areas and associated activities that may be undertaken voluntarily by stakeholders in order to pursue the commitments and objectives expressed in the Dubai Declaration on International Chemicals Management and the Overarching Policy Strategy. These reaffirm the commitment expressed at the World Summit on Sustainable Development in the Johannesburg Plan of Implementation that by 2020 chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment. The plan should be regarded as a guidance document to be reviewed, as appropriate, and the activities should be considered and implemented, as appropriate, by stakeholders during the implementation of the Strategic Approach, according to their applicability.
- 2. The present executive summary aims to give policy-makers a brief overview of the structure of the Global Plan of Action and the list of actions that can be undertaken to achieve the objectives of the Strategic Approach. Within the Global Plan of Action, possible work areas and their associated activities, actors, targets and timeframes, indicators of progress and implementation aspects are grouped according to five categories of objectives contained in the Overarching Policy Strategy of the Strategic Approach, namely, risk reduction, knowledge and information, governance, capacity-building and technical assistance and illegal international traffic. These objectives are discussed in sections A to E of the present executive summary. Cross-cutting measures that appear under more than one objective are discussed in section F, entitled Improved general practices."

CWC Resource Guide 2013 Page 400 of 488

3. Three tables follow this executive summary. Table A provides a summary list of the work areas and the numbers of the possible activities associated with them. Table B lists the work areas together with the possible activities associated with them and suggested actors, targets and timeframes, indicators of progress and implementation aspects, set out in five separate sections corresponding to the five categories of objectives listed in paragraph 2 above. Although each work area is listed under a single principal category in the summary table A, it may appear under several objectives in the detailed table B. The columns dealing with suggested actors, targets and timeframes, indicators of progress and

¹ Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August 4 September 2002 (United Nations publication, Sales No. E.03.II.A.I. and corrigendum) chap. I, resolution 2, annex.

GLOBAL PLAN OF ACTION

implementation aspects were not fully discussed and sufficient time was not available to achieve agreement during the process to develop the Strategic Approach. However, stakeholders might find them useful in their implementation of the relevant activities. A table listing acronyms and abbreviations used in table B is appended as well.

- 4. Participants in the process to develop the Strategic Approach were unable to conclude their discussions on a number of activities, as reflected in table C of document SAICM/ICCM.1/4, which can be found at the website http://www.chem.unep.ch/saicm. Bearing in mind that the Global Plan of Action is an evolving tool to assist in achieving the objectives of the Strategic Approach, stakeholders may wish to discuss these items. In the period between the first and second sessions of the International Conference on Chemicals Management, activities such as regional meetings could be pursued.
- 5. The various categories of objectives, together with their corresponding work areas, are closely in terconnected. Thus, numerous risk reduction actions are needed to protect human health and the environment from the unsound management of chemicals. A large number of these risk reduction actions will need to be supported by extensive improvements in our knowledge and information on chemicals, governance arrangements (including institutional coordination, regulatory frameworks and public policy) in all sectors involved with chemicals, and general practices associated with the sound management of chemicals throughout their life-cycles. Furthermore, meaningful and timely capacity-building and technical assistance in support of the actions of developing countries and countries with economies in transition are essential to making substantive improvements in reducing the risks to human health and the environment caused by the unsound management of chemicals.
- 6. The Global Plan of Action also serves as guidance to all stakeholders at the global, regional, national and local levels, including when assessing the current status of their actions in support of the sound management of chemicals and identifying priorities to address gaps in such management. It is emphasized that priorities and timeframes will differ among countries, reflecting, for instance, the current state of chemicals management and the capacity to carry out a given measure in a given country. It is anticipated that Governments and other stakeholders will adopt flexible programmes to build and sustain adequate and comprehensive capabilities for the sound management of chemicals consistent with national circumstances and the Strategic Approach objectives.
- 7. In general, priority should be given to activities which:
- Focus on narrowing the gap between developed countries on the one hand and developing countries and countries with

32

- Facilitate the implementation of existing agreements and work areas;
- c. Target issues not currently addressed in existing agreements and work areas;
- d. Ensure that, by 2020:
- Chemicals or chemical uses that pose an unreasonable and otherwise unmanageable risk to human health and the environment² based on a science-based risk assessment and taking into account the costs and benefits as well as the availability of safer substitutes and their efficacy are no longer produced or used for such uses;
- ii. The risks from unintended releases of chemicals that pose an unreasonable and otherwise unmanageable risk to human health and the environment² based on a science-based risk assessment and taking into account the costs and benefits are minimized;
- Farget chemicals that pose unreasonable and unmanageable risks;

CWC Resource Guide 2013 Page 401 of 488

- Promote the generation of adequate science-based knowledge on health and environmental risks of chemicals and make it available to all stakeholders.
- 8. For many of the work areas, it is important to work in a concerted manner in order to be most effective. It is therefore critical for all stakeholders to take appropriate cooperative action on global priorities. These include, among others:
- Integrating chemicals issues into the broader development agenda, including the development of plans for prioritization of action in consultation with stakeholders, including vulnerable groups;
- ² Groups of chemicals that might be prioritized for assessment and related studies include; persistent, bioaccumulative and toxic substances (PBTs); very persistent and very bioaccumulative substances; chemicals that are carcinogens or mutagens or that adversely affect, inter alia, the reproductive, endocrine, immune or nervous systems; persistent organic pollutants (POPs); mercury and other chemicals of global concern; chemicals produced or used in high volumes; chemicals subject to wide dispersive uses; and other chemicals of concern at the national level.

GLOBAL PLAN OF ACTION

- Promoting ratification and implementation of relevant existing international conventions on health, safety, occupational health and safety and environment;
- c. Encouraging implementation of existing internationally recognized standards, tools and approaches for environment and health and protection from chemicals, such as the Globally Harmonized System of Classification and Labelling of Chemicals and pollutant release and transfer registers;
- d. Promoting reduction of risks from mercury and other chemicals of global concern so that they are minimized;
- Encouraging the reduction of the quantity and toxicity of hazardous wastes;
- Promoting efforts to prevent illegal traffic in chemicals and hazardous waste;
- Promoting greater coordination among regional and national centres and other stakeholders in order to address the whole spectrum of issues regarding chemicals and hazardous waste;
- Promoting alternatives in order to reduce and phase out highly toxic pesticides;
- Promoting capacity-building, education and training and information exchange on sound management of chemicals for all stakeholders;
- j. Promoting voluntary industry initiatives and product stewardship in all relevant industries;
- k. Promoting the phase-out of lead in gasoline;
- Promoting the remediation of contaminated areas.

A. Measures to support risk reduction

9. Under the risk reduction objective, work areas aimed at protecting human health and the environment would include the development of action plans to address priority concerns in relation to groups with specific vulnerabilities. Examples of measures to safeguard the health of women and children are the minimization of chemical exposures before conception and through gestation, infancy, childhood and adolescence. Occupational health and safety for workers would be promoted through measures such as the establishment of national inspection systems and implementation of adequate occupational health and safety standards to minimize workplace

CWC Resource Guide 2013 Page 402 of 488

hazards from chemicals. Groups of chemicals that might be prioritized for assessment and related studies, such as for the development and use of safe and effective alternatives, include: persistent, bioaccumulative and toxic substances (PBTs); very persistent and very bioaccumulative and toxic substances; chemicals that are carcinogens or mutagens or that adversely affect, inter alia, the reproductive, endocrine, immune or nervous systems; persistent organic pollutants (POPs); mercury and other chemicals of global concern; chemicals produced or used in high volumes; chemicals subject to wide dispersive uses; and other chemicals of concern at the national level. Minimization of hazardous wastes would be enhanced by national planning and policies, awareness-raising and protection of handlers, while contaminated sites would be subject to identification and remediation. Pollution prevention measures would include the phasing out of lead in gasoline. Capacities to deal with poisonings and other chemical incidents would be strengthened.

3. Strengthening knowledge and information

10. Measures to strengthen knowledge and information would include improved education, training and awareness-raising activities aimed at those who may be exposed to toxic substances at any stage in the life cycle of chemicals and the generation and dissemination of data on the hazards of all chemicals in commerce, taking account of legitimate commercial confidentiality needs. Among other measures in this area would be stepped-up monitoring of the impacts of chemicals on health and the environment, harmonized risk assessments, efforts to implement the Globally Harmonized System of the Classification and Labelling of Chemicals, and the development and publication of national pollutant release and transfer registers.

C. Governance: strengthening of institutions, law and policy

T1. Central to the Strategic Approach's governance objectives would be measures to review national legislation in order to ratify and implement existing international agreements dealing with chemicals and hazardous wastes, such as the Basel Convention on the Control of the Transboundary Movement of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants, the International Labour Organization conventions on the protection of workers and measures to improve coordination and synergies with respect to chemical safety policy and activities at the national and international levels. Another core area would be measures to ensure the participation of all stakeholders, including women in particular, in the management of the life cycle of chemicals. Measures to integrate chemicals management into strategies for development assistance, sustainable development and poverty reduction

papers would be important to underpin the more effective direction of resources to chemical safety activities. Other measures under the governance category would include the development of systems for emergency preparedness and response in the case of chemical accidents, the consideration of chemical use in protected areas, training in liability and compensation schemes in relation to damage to human health and the environment caused by the production and use of chemicals and action to prevent and detect illegal trafficking of chemicals and hazardous wastes.

D. Enhancing capacity-building

12. Capacity-building measures include training of personnel in order to provide the necessary skills to support the systematic implementation of the Strategic Approach at the local, national and regional levels in a coordinated way and across the full range of chemical safety needs, including strategic planning, risk assessment and management, testing and research and control of illegal traffic. Use would be made of information-exchange mechanisms on capacity-building in order to ensure coordination.

E. Addressing illegal international traffic

13. Actions at the national, regional and global levels are needed to prevent and detect illegal trafficking of chemicals and hazardous wastes, including efforts towards the more effective application of international conventions relating to transboundary movements of chemicals and hazardous waste.

F. Improved general practices

GLOBAL PLAN OF ACTION

14. The list of work areas contains a number of activities to improve general chemicals management practices, such as the development and implementation of cleaner production methods in accordance with best available techniques and best environmental practices. Similarly, better agricultural methods, including the use of non-chemical alternatives, would be promoted. Measures associated with improved corporate social and environmental responsibility for the safe production and use of products would include the further development and implementation of voluntary initiatives such as industry's Responsible Care programme and the International Code of Conduct on the Distribution and Use of Pesticides of the Food and Agriculture Organization of the United Nations.

Agenda item 13.15

18 May 2002

Global public health response to natural occurrence, accidental release or deliberate use of biological and chemical agents or radionuclear material that affect health

The Fifty-fifth World Health Assembly,

Underlining that the World Health Organization focuses on the possible public health consequences of an incident involving biological and chemical agents and radionuclear material, regardless of whether it is characterized as a natural occurrence, accidental release or a deliberate act;

Having reviewed the report on the deliberate use of biological and chemical agents to cause harm: public health response;¹

Seriously concerned about threats against civilian populations, including those caused by natural occurrence or accidental release of biological or chemical agents or radionuclear material as well as their deliberate use to cause illness and death in target populations;

Noting that such agents can be disseminated through a range of mechanisms, including the food- and water-supply chains, thereby threatening the integrity of public health systems;

Acknowledging that natural occurrence or accidental release of biological, chemical agents and radionuclear material could have serious global public health implications and jeopardise the public health achievements of the past decades;

Acknowledging also that the local release of biological, chemical and radionuclear material designed to cause harm could have serious global public health implications and jeopardize the public health achievements of the past decades;

Recalling resolution WHA54.14 on global health security: epidemic alert and response, which stresses the need for all Member States to work together, with WHO and with other technical partners, in addressing health emergencies of international concern, and resolution WHA45.32 on the International Programme on Chemical Safety, which emphasized the need to establish or strengthen national and local capacities to respond to chemical incidents;

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¹ Document A55/20.

Recognizing that one of the most effective methods of preparing for deliberately caused disease is to strengthen public health surveillance and response activities for naturally or accidentally occurring diseases,

1. URGES Member States:

- (1) to ensure they have in place national disease-surveillance plans which are complementary to regional and global disease-surveillance mechanisms, and to collaborate in the rapid analysis and sharing of surveillance data of international humanitarian concern;
- (2) to collaborate and provide mutual support in order to enhance national capacity in field epidemiology, laboratory diagnoses, toxicology and case management;
- (3) to treat any deliberate use, including local, of biological and chemical agents and radionuclear attack to cause harm also as a global public health threat, and to respond to such a threat in other countries by sharing expertise, supplies and resources in order rapidly to contain the event and mitigate its effects;

2. REQUESTS the Director-General:

- (1) to continue, in consultation with relevant intergovernmental agencies and other international organizations, to strengthen global surveillance of infectious diseases, water quality, and food safety, and related activities such as revision of the International Health Regulations and development of WHO's food safety strategy, by coordinating information gathering on potential health risks and disease outbreaks, data verification, analysis and dissemination, by providing support to laboratory networks, and by making a strong contribution to any international humanitarian response, as required;
- (2) to provide tools and support for Member States, particularly developing countries, in strengthening their national health systems, notably with regard to emergency preparedness and response plans, including disease surveillance and toxicology, risk communication, and psychosocial consequences of emergencies;
- (3) to continue to issue international guidance and technical information on recommended public health measures to deal with the deliberate use of biological and chemical agents to cause harm, and to make this information available on WHO's web site;
- (4) to examine the possible development of new tools, within the mandate of WHO, including modelling of possible scenarios of natural occurrence, accidental release or deliberate use of biological, chemical agents and radionuclear material that affect health, and collective mechanisms concerning the global public health response to contain or mitigate the effects of natural occurrence, accidental release or deliberate use of biological, chemical agents and radionuclear material that affect health.

Ninth plenary meeting, 18 May 2002 A55/VR/9

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FIFTY-EIGHTH WORLD HEALTH ASSEMBLY

WHA58.3

Agenda item 13.1

23 May 2005

Revision of the International Health Regulations

The Fifty-eighth World Health Assembly,

Having considered the draft revised International Health Regulations;1

Having regard to articles 2(k), 21(a) and 22 of the Constitution of WHO;

Recalling references to the need for revising and updating the International Health Regulations in resolutions WHA48.7 on revision and updating of the International Health Regulations, WHA54.14 on global health security: epidemic alert and response, WHA55.16 on global public health response to natural occurrence, accidental release or deliberate use of biological and chemical agents or radionuclear material that affect health, WHA56.28 on revision of the International Health Regulations, and WHA56.29 on severe acute respiratory syndrome (SARS), with a view to responding to the need to ensure global public health,

Welcoming resolution 58/3 of the United Nations General Assembly on enhancing capacity building in global public health, which underscores the importance of the International Health Regulations and urges that high priority should be given to their revision;

Affirming the continuing importance of WHO's role in global outbreak alert and response to public health events, in accordance with its mandate;

Underscoring the continued importance of the International Health Regulations as the key global instrument for protection against the international spread of disease;

Commending the successful conclusion of the work of the Intergovernmental Working Group on Revision of the International Health Regulations,

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- 1. ADOPTS the revised International Health Regulations attached to this resolution, to be referred to as the "International Health Regulations (2005)";
- CALLS UPON Member States and the Director-General to implement fully the International Health Regulations (2005), in accordance with the purpose and scope set out in Article 2 and the principles embodied in Article 3;
- 3. DECIDES, for the purposes of paragraph 1 of Article 54 of the International Health Regulations (2005), that States Parties and the Director-General shall submit their first report to the Sixy-first World Health Assembly, and that the Health Assembly shall on that occasion consider the schedule for the submission of further such reports and the first review on the functioning of the Regulations pursuant to paragraph 2 of Article 54;
- 4. FURTHER DECIDES that, for the purposes of paragraph 1 of Article 14 of the International Health Regulations (2005), the other competent intergovernmental organizations or international bodies with which WHO is expected to cooperate and coordinate its activities, as appropriate, include the following: United Nations, International Labour Organization, Food and Agriculture Organization, International Atomic Energy Agency, International Civil Aviation Organization, International Maritime Organization, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, International Air Transport Association, International Shipping Federation, and Office International des Epizooties;

5. URGES Member States:

- to build, strengthen and maintain the capacities required under the International Health Regulations (2005), and to mobilize the resources necessary for that purpose;
- (2) to collaborate actively with each other and WHO in accordance with the relevant provisions of the International Health Regulations (2005), so as to ensure their effective implementation;
- (3) to provide support to developing countries and countries with economies in transition if they so request in the building, strengthening and maintenance of the public health capacities required under the International Health Regulations (2005);
- (4) to take all appropriate measures, pending entry into force of the International Health Regulations (2005), for furthering their purpose and eventual implementation, including development of the necessary public health capacities and legal and administrative provisions, and, in particular, to initiate the process for introducing use of the decision instrument contained in Annex 2;

6. REQUESTS the Director-General:

- (1) to give prompt notification of the adoption of the International Health Regulations (2005) in accordance with paragraph 1 of Article 65 thereof;
- (2) to inform other competent intergovernmental organizations or international bodies of the adoption of the International Health Regulations (2005) and, as appropriate, to cooperate with them in the updating of their norms and standards and to coordinate with them the activities of WHO under the International Health Regulations (2005) with a view to ensuring the application

¹ See document A58/4.

of adequate measures for the protection of public health and strengthening of the global publichealth response to the international spread of disease;

- (3) to transmit to the International Civil Aviation Organization (ICAO) the recommended changes to the Health Part of the Aircraft General Declaration, after completion by ICAO of its revision of the Aircraft General Declaration, to inform the Health Assembly and replace Annex 9 of the International Health Regulations (2005) with the Health Part of the Aircraft General Declaration as revised by ICAO;
- (4) to build and strengthen the capacities of WHO to perform fully and effectively the functions entrusted to it under the International Health Regulations (2005), in particular through strategic health operations that provide support to countries in detection and assessment of, and response to, public health emergencies;
- (5) to collaborate with States Parties to the International Health Regulations (2005), as appropriate, including through the provision or facilitation of technical cooperation and logistical support;
- (6) to collaborate with States Parties to the extent possible in the mobilization of financial resources to provide support to developing countries in building, strengthening and maintaining the capacities required under the International Health Regulations (2005);
- (7) to draw up, in consultation with Member States, guidelines for the application of health measures at ground crossings in accordance with Article 29 of the International Health Regulations (2005);
- (8) to establish the Review Committee of the International Health Regulations (2005) in accordance with Article 50 of these Regulations;
- (9) to take steps immediately to prepare guidelines for the implementation and evaluation of the decision instrument contained in the International Health Regulations (2005), including elaboration of a procedure for the review of its functioning, which shall be submitted to the Health Assembly for its consideration pursuant to paragraph 3 of Article 54 of these Regulations;
- (10) to take steps to establish an IHR Roster of Experts and to invite proposals for its membership, pursuant to Article 47 of the International Health Regulations (2005).

CWC Resource Guide 2013 Page 406 of 488

INTERNATIONAL HEALTH REGULATIONS (2005)

WHA58.3

PART I – DEFINITIONS, PURPOSE AND SCOPE, PRINCIPLES AND RESPONSIBLE AUTHORITIES

Article 1 Definitions

For the purposes of the International Health Regulations (hereinafter the "IHR" or "Regulations");

"affected" means persons, baggage, cargo, containers, conveyances, goods, postal parcels or human remains that are infected or contaminated, or carry sources of infection or contamination, so as to constitute a public health risk;

"affected area" means a geographical location specifically for which health measures have been recommended by WHO under these Regulations;

"aircraft" means an aircraft making an international voyage;

"airport" means any airport where international flights arrive or depart,

"arrival" of a conveyance means:

- (a) in the case of a seagoing vessel, arrival or anchoring in the defined area of a port;
- (b) in the case of an aircraft, arrival at an airport;
- (c) in the case of an inland navigation vessel on an international voyage, arrival at a point of
- in the case of a train or road vehicle, arrival at a point of entry;

'baggage' means the personal effects of a traveller;

"cargo" means goods carried on a conveyance or in a container;

"competent authority" means an authority responsible for the implementation and application of health measures under these Regulations;

'container" means an article of transport equipment:

- (a) of a permanent character and accordingly strong enough to be suitable for repeated use;
- specially designed to facilitate the carriage of goods by one or more modes of transport, without intermediate reloading.
- (c) fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another; and

Document A58/41 Add.2.

(d) specially designed as to be easy to fill and empty;

"container loading area" means a place or facility set aside for containers used in international

"contamination" means the presence of an infectious or toxic agent or matter on a human or animal body surface, in or on a product prepared for consumption or on other inanimate objects, including conveyances, that may constitute a public health risk;

"conveyance" means an aircraft, ship, train, road vehicle or other means of transport on an international voyage;

'conveyance operator" means a natural or legal person in charge of a conveyance or their agent;

'crew' means persons on board a conveyance who are not passengers;

"decontamination" means a procedure whereby health measures are taken to eliminate an infectious or toxic agent or matter on a human or animal body surface, in or on a product prepared for consumption or on other inanimate objects, including conveyances, that may constitute a public health risk.

"departure" means, for persons, baggage, cargo, conveyances or goods, the act of leaving territory;

"deratting" means the procedure whereby health measures are taken to control or kill rodent vectors of human disease present in baggage, cargo, containers, conveyances, facilities, goods and postal parcels at the point of entry;

'Director-General" means the Director-General of the World Health Organization;

"disease" means an illness or medical condition, irrespective of origin or source, that presents or could present significant harm to humans;

"disinfection" means the procedure whereby health measures are taken to control or kill infectious agents on a human or animal body surface or in or on baggage, cargo, containers, conveyances, goods and postal parcels by direct exposure to chemical or physical agents;

"disinsection" means the procedure whereby health measures are taken to control or kill the insect vectors of human diseases present in baggage, cargo, containers, conveyances, goods and postal parcels;

"event" means a manifestation of disease or an occurrence that creates a potential for disease;

"free pratique" means permission for a ship to enter a port, embark or disembark, discharge or load cargo or stores; permission for an aircraft, after landing, to embark or disembark, discharge or load cargo or stores; and permission for a ground transport vehicle, upon arrival, to embark or disembark, discharge or load cargo or stores;

"goods" mean tangible products, including animals and plants, transported on an international voyage, including for utilization on board a conveyance;

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CWC Resource Guide 2013 Page 407 of 488

WHA58.3

"ground crossing" means a point of land entry in a State Party, including one utilized by road vehicles and trains;

"ground transport vehicle" means a motorized conveyance for overland transport on an international voyage, including trains, coaches, lorries and automobiles;

"health measure" means procedures applied to prevent the spread of disease or contamination; a health measure does not include law enforcement or security measures;

"ill person" means an individual suffering from or affected with a physical ailment that may pose a public health risk;

"infection" means the entry and development or multiplication of an infectious agent in the body of humans and animals that may constitute a public health risk;

"inspection" means the examination, by the competent authority or under its supervision, of areas, baggage, containers, conveyances, facilities, goods or postal parcels, including relevant data and documentation, to determine if a public health risk exists;

"international traffic" means the movement of persons, baggage, cargo, containers, conveyances, goods or postal parcels across an international border, including international trade;

"international voyage" means:

- (a) in the case of a conveyance, a voyage between points of entry in the territories of more than one State, or a voyage between points of entry in the territory or territories of the same State if the conveyance has contacts with the territory of any other State on its voyage but only as regards those contacts.
- (b) in the case of a traveller, a voyage involving entry into the territory of a State other than the territory of the State in which that traveller commences the voyage;

"intrusive" means possibly provoking discomfort through close or intimate contact or questioning;

"invasive" means the puncture or incision of the skin or insertion of an instrument or foreign material into the body or the examination of a body cavity. For the purposes of these Regulations, medical examination of the ear, nose and mouth, temperature assessment using an ear, oral or cutaneous thermometer, or thermal imaging; medical inspection; auscultation; external palpation; retinoscopy; external collection of urine, faeces or saliva samples; external measurement of blood pressure; and electrocardiography shall be considered to be non-invasive;

"isolation" means separation of ill or contaminated persons or affected baggage, containers, conveyances, goods or postal parcels from others in such a manner as to prevent the spread of infection or contamination;

"medical examination" means the preliminary assessment of a person by an authorized health worker or by a person under the direct supervision of the competent authority, to determine the person's health status and potential public health risk to others, and may include the scrutiny of health documents, and a physical examination when justified by the circumstances of the individual case;

"National IHR Focal Point" means the national centre, designated by each State Party, which shall be accessible at all times for communications with WHO IHR Contact Points under these Regulations;

"Organization" or "WHO" means the World Health Organization;

"permanent residence" has the meaning as determined in the national law of the State Party neemed;

personal data" means any information relating to an identified or identifiable natural person;

"point of entry" means a passage for international entry or exit of travellers, baggage, cargo, containers, conveyances, goods and postal parcels as well as agencies and areas providing services to them on entry or exit,

"port" means a seaport or a port on an inland body of water where ships on an international voyage arrive or depart,

"postal parcel" means an addressed article or package carried internationally by postal or courier services;

"public health emergency of international concern" means an extraordinary event which is determined, as provided in these Regulations:

 to constitute a public health risk to other States through the international spread of disease and

CWC Resource Guide 2013 Page 408 of 488

(ii) to potentially require a coordinated international response;

"public health observation" means the monitoring of the health status of a traveller over time for the purpose of determining the risk of disease transmission;

"public health risk" means a likelihood of an event that may affect adversely the health of human populations, with an emphasis on one which may spread internationally or may present a serious and direct danger;

"quarantine" means the restriction of activities and/or separation from others of suspect persons who are not ill or of suspect baggage, containers, conveyances or goods in such a manner as to prevent the possible spread of infection or contamination;

"recommendation" and "recommended" refer to temporary or standing recommendations issued under these Regulations;

"reservoir" means an animal, plant or substance in which an infectious agent normally lives and whose presence may constitute a public health risk;

"road vehicle" means a ground transport vehicle other than a train;

"scientific evidence" means information furnishing a level of proof based on the established and accepted methods of science;

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"scientific principles" means the accepted fundamental laws and facts of nature known through the methods of science:

'ship" means a seagoing or inland navigation vessel on an international voyage;

"standing recommendation" means non-binding advice issued by WHO for specific ongoing public health risks pursuant to Article 16 regarding appropriate health measures for routine or periodic application needed to prevent or reduce the international spread of disease and minimize interference with international traffic;

"surveillance" means the systematic ongoing collection, collation and analysis of data for public health purposes and the timely dissemination of public health information for assessment and public health response as necessary;

"suspect" means those persons, baggage, cargo, containers, conveyances, goods or postal parcels considered by a State Party as having been exposed, or possibly exposed, to a public health risk and that could be a possible source of spread of disease;

"temporary recommendation" means non-binding advice issued by WHO pursuant to Article 15 for application on a time-limited, risk-specific basis, in response to a public health emergency of international concern, so as to prevent or reduce the international spread of disease and minimize interference with international traffic,

"temporary residence" has the meaning as determined in the national law of the State Party concerned;

"traveller" means a natural person undertaking an international voyage:

"vector" means an insect or other animal which normally transports an infectious agent that constitutes a public health risk;

"verification" means the provision of information by a State Party to WHO confirming the status of an event within the territory or territories of that State Party;

"WHO IHR Contact Point" means the unit within WHO which shall be accessible at all times for communications with the National IHR Focal Point.

 Unless otherwise specified or determined by the context, reference to these Regulations includes the annexes thereto.

Article 2 Purpose and scope

The purpose and scope of these Regulations are to prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic

Article 3 Principles

- The implementation of these Regulations shall be with full respect for the dignity, human rights and fundamental freedoms of persons.
- The implementation of these Regulations shall be guided by the Charter of the United Nations and the Constitution of the World Health Organization.
- The implementation of these Regulations shall be guided by the goal of their universal application for the protection of all people of the world from the international spread of disease.
- States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to legislate and to implement legislation in pursuance of their health policies. In doing so they should uphold the purpose of these Regulations.

Article 4 Responsible authorities

- Each State Party shall designate or establish a National IHR Focal Point and the authorities responsible within its respective jurisdiction for the implementation of health measures under these Regulations.
- National IHR Focal Points shall be accessible at all times for communications with the WHO
 IHR Contact Points provided for in paragraph 3 of this Article. The functions of National IHR Focal Points shall include:
- (a) sending to WHO IHR Contact Points, on behalf of the State Party concerned, urgent communications concerning the implementation of these Regulations, in particular under Articles 6 to 12; and
- (b) disseminating information to, and consolidating input from, relevant sectors of the administration of the State Party concerned, including those responsible for surveillance and reporting, points of entry, public health services, clinics and hospitals and other government departments.
- 3. WHO shall designate IHR Contact Points, which shall be accessible at all times for communications with National IHR Focal Points. WHO IHR Contact Points shall send urgent communications concerning the implementation of these Regulations, in particular under Articles 6 to 12, to the National IHR Focal Point of the States Parties concerned. WHO IHR Contact Points may be designated by WHO at the headquarters or at the regional level of the Organization.
- WHO shall provide States Parties with contact details of WHO IHR Contact Points. These contact States Parties shall provide WHO with contact details of their National IHR Focal Point and details shall be continuously updated and annually confirmed. WHO shall make available to all States Parties the contact details of National IHR Focal Points it receives pursuant to this Article.

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CWC Resource Guide 2013 Page 409 of 488

WHA58.3

PART II - INFORMATION AND PUBLIC HEALTH RESPONSE

Article 5 Surveillance

- Each State Party shall develop, strengthen and maintain, as soon as possible but no later than five years from the entry into force of these Regulations for that State Party, the capacity to detect, assess, notify and report events in accordance with these Regulations, as specified in Annex 1.
- Following the assessment referred to in paragraph 2, Part A of Annex 1, a State Party may report to WHO on the basis of a justified need and an implementation plan and, in so doing, obtain an extension of two years in which to fulfil the obligation in paragraph 1 of this Article. In exceptional circumstances, and supported by a new implementation plan, the State Party may request a further extension not exceeding two years from the Director-General, who shall make the decision, taking into account the technical advice of the Committee established under Article 50 (hereinafter the "Review Committee"). After the period mentioned in paragraph 1 of this Article, the State Party that has obtained an extension shall report annually to WHO on progress made towards the full implementation.
- WHO shall assist States Parties, upon request, to develop, strengthen and maintain the capacities referred to in paragraph 1 of this Article.
- WHO shall collect information regarding events through its surveillance activities and assess their potential to cause international disease spread and possible interference with international traffic. Information received by WHO under this paragraph shall be handled in accordance with Articles 11 and 45 where appropriate.

Article 6 Notification

- 1. Each State Party shall assess events occurring within its territory by using the decision instrument in Annex 2. Each State Party shall notify WHO, by the most efficient means of of public health information, of all events which may constitute a public health emergency of communication available, by way of the National IHR Focal Point, and within 24 hours of assessment international concern within its territory in accordance with the decision instrument, as well as any health measure implemented in response to those events. If the notification received by WHO involves the competency of the International Atomic Energy Agency (IAEA), WHO shall immediately notify
- Following a notification, a State Party shall continue to communicate to WHO timely, accurate and sufficiently detailed public health information available to it on the notified event, where possible including case definitions, laboratory results, source and type of the risk, number of cases and deaths, conditions affecting the spread of the disease and the health measures employed; and report, when necessary, the difficulties faced and support needed in responding to the potential public health emergency of international concern.

4rticle 7 Information-sharing during unexpected or unusual public health events

If a State Party has evidence of an unexpected or unusual public health event within its territory, irrespective of origin or source, which may constitute a public health emergency of international concern, it shall provide to WHO all relevant public health information. In such a case, the provisions of Article 6 shall apply in full.

Article 8 Consultation

In the case of events occurring within its territory not requiring notification as provided in Article 6, in particular those events for which there is insufficient information available to complete the decision instrument, a State Party may nevertheless keep WHO advised thereof through the National IHR Focal Point and consult with WHO on appropriate health measures. Such communications shall be treated in accordance with paragraphs 2 to 4 of Article 11. The State Party in whose territory the event has occurred may request WHO assistance to assess any epidemiological evidence obtained by that State Party.

Article 9 Other reports

- 1. WHO may take into account reports from sources other than notifications or consultations and shall assess these reports according to established epidemiological principles and then communicate information on the event to the State Party in whose territory the event is allegedly occurring. Before taking any action based on such reports, WHO shall consult with and attempt to obtain verification from the State Party in whose territory the event is allegedly occurring in accordance with the procedure set forth in Article 10. To this end, WHO shall make the information received available to the States Parties and only where it is duly justified may WHO maintain the confidentiality of the source. This information will be used in accordance with the procedure set forth in Article 11.
- States Parties shall, as far as practicable, inform WHO within 24 hours of receipt of evidence of
 a public health risk identified outside their territory that may cause international disease spread, as manifested by exported or imported:
- (a) human cases;
- (b) vectors which carry infection or contamination; or
- (c) goods that are contaminated.

Article 10 Verification

- WHO shall request, in accordance with Article 9, verification from a State Party of reports from sources other than notifications or consultations of events which may constitute a public health emergency of international concern allegedly occurring in the State's territory. In such cases, WHO shall inform the State Party concerned regarding the reports it is seeking to verify.
- Pursuant to the foregoing paragraph and to Article 9, each State Party, when requested by WHO, shall verify and provide:
- (a) within 24 hours, an initial reply to, or acknowledgement of, the request from WHO;
- (b) within 24 hours, available public health information on the status of events referred to in WHO's request; and
- (c) information to WHO in the context of an assessment under Article 6, including relevant information as described in that Article.

12

WHA58.3

3. When WHO receives information of an event that may constitute a public health emergency of international concern, it shall offer to collaborate with the State Party concemed in assessing the potential for international disease spread, possible interference with international traffic and the adequacy of control measures. Such activities may include collaboration with other standard-setting organizations and the offer to mobilize international assistance in order to support the national authorities in conducting and coordinating one-site assessments. When requested by the State Party, WHO shall provide information supporting such an offer.

4. If the State Party does not accept the offer of collaboration, WHO may, when justified by the magnitude of the public health risk, share with other States Parties the information available to it, whilst encouraging the State Party to accept the offer of collaboration by WHO, taking into account the views of the State Party concerned.

Article 11 Provision of information by WHO

- 1. Subject to paragraph 2 of this Article, WHO shall send to all States Parties and, as appropriate, to relevant intergovernmental organizations, as soon as possible and by the most efficient means available, in confidence, such public health information which it has received under Articles 5 to 10 inclusive and which is necessary to enable States Parties to respond to a public health risk. WHO should communicate information to other States Parties that might help them in preventing the occurrence of similar incidents.
- 2. WHO shall use information received under Articles 6 and 8 and paragraph 2 of Article 9 for verification, assessment and assistance purposes under these Regulations and, unless otherwise agreed with the States Parties referred to in those provisions, shall not make this information generally available to other States Parties, until such time as:
- (a) the event is determined to constitute a public health emergency of international concern in accordance with Article 12; or
- information evidencing the international spread of the infection or contamination has been confirmed by WHO in accordance with established epidemiological principles; or
- (c) there is evidence that:
- (i) control measures against the international spread are unlikely to succeed because of the nature of the contamination, disease agent, vector or reservoir; or
- (ii) the State Party lacks sufficient operational capacity to carry out necessary measures to prevent further spread of disease; or
- (d) the nature and scope of the international movement of travellers, baggage, cargo, containers, conveyances, goods or postal parcels that may be affected by the infection or contamination requires the immediate application of international control measures.
- WHO shall consult with the State Party in whose territory the event is occurring as to its intent to make information available under this Article.
- When information received by WHO under paragraph 2 of this Article is made available to States Parties in accordance with these Regulations, WHO may also make it available to the public if

13

58.3

other information about the same event has already become publicly available and there is a need for the dissemination of authoritative and independent information.

Article 12 Determination of a public health emergency of international concern

- The Director-General shall determine, on the basis of the information received, in particular from the State Party within whose territory an event is occurring, whether an event constitutes a public health emergency of international concern in accordance with the criteria and the procedure set out in these Regulations.
- 2. If the Director-General considers, based on an assessment under these Regulations, that a public health emergency of international concern is occurring, the Director-General shall consult with the State Party in whose territory the event arises regarding this preliminary determination. If the Director-General and the State Party are in agreement regarding this determination, the Director-General shall, in accordance with the procedure set forth in Article 49, seek the views of the Committee established under Article 48 (hereinafter the "Emergency Committee") on appropriate temporary recommendations.
- 3. If, following the consultation in paragraph 2 above, the Director-General and the State Party in whose territory the event arises do not come to a consensus within 48 hours on whether the event constitutes a public health emergency of international concern, a determination shall be made in accordance with the procedure set forth in Article 49.
- In determining whether an event constitutes a public health emergency of international concern, the Director-General shall consider:
- (a) information provided by the State Party;
- (b) the decision instrument contained in Annex 2;
- (c) the advice of the Emergency Committee;
- (d) scientific principles as well as the available scientific evidence and other relevant information; and
- (e) an assessment of the risk to human health, of the risk of international spread of disease and of the risk of interference with international traffic.
- 5. If the Director-General, following consultations with the State Party within whose territory the public health emergency of international concern has occurred, considers that a public health emergency of international concern has ended, the Director-General shall take a decision in accordance with the procedure set out in Article 49.

Article 13 Public health response

Each State Party shall develop, strengthen and maintain, as soon as possible but no later than
five years from the entry into force of these Regulations for that State Party, the capacity to respond
promptly and effectively to public health risks and public health emergencies of international concern
as set out in Annex 1. WHO shall publish, in consultation with Member States, guidelines to support
States Parties in the development of public health response capacities.

14

2 Following the assessment referred to in paragraph 2, Part A of Annex 1, a State Party may report to WHO on the basis of a justified need and an implementation plan and, in so doing, obtain an extension of two years in which to fulfil the obligation in paragraph 1 of this Article. In exceptional circumstances and supported by a new implementation plan, the State Party may request a further extension not exceeding two years from the Director-General, who shall make the decision, taking into account the technical advice of the Review Committee. After the period mentioned in paragraph 1 of this Article, the State Party that has obtained an extension shall report annually to WHO on progress made towards the full implementation.

WHA58.3

- 3. At the request of a State Party, WHO shall collaborate in the response to public health risks and other events by providing technical guidance and assistance and by assessing the effectiveness of the control measures in place, including the mobilization of international teams of experts for on-site assistance, when necessary.
- 4. If WHO, in consultation with the States Parties concerned as provided in Article 12, determines that a public health emergency of international concern is occurring, it may offer, in addition to the support indicated in paragraph 3 of this Article, further assistance to the State Party, including an assessment of the severity of the international risk and the adequacy of control measures. Such collaboration may include the offer to mobilize international assistance in order to support the national authorities in conducting and coordinating on-site assessments. When requested by the State Party, WHO shall provide information supporting such an offer.
- 5. When requested by WHO, States Parties should provide, to the extent possible, support to WHO-coordinated response activities.
- When requested, WHO shall provide appropriate guidance and assistance to other States Parties affected or threatened by the public health emergency of international concern.

Article 14 Cooperation of WHO with intergovernmental organizations and international bodies

- WHO shall cooperate and coordinate its activities, as appropriate, with other competent intergovernmental organizations or international bodies in the implementation of these Regulations, including through the conclusion of agreements and other similar arrangements.
- 2. In cases in which notification or verification of, or response to, an event is primarily within the competence of other intergovernmental organizations or international bodies, WHO shall coordinate its activities with such organizations or bodies in order to ensure the application of adequate measures for the protection of public health.
- Notwithstanding the foregoing, nothing in these Regulations shall preclude or limit the provision by WHO of advice, support, or technical or other assistance for public health purposes.

PART III – RECOMMENDATIONS

Article 15 Temporary recommendations

1. If it has been determined in accordance with Article 12 that a public health emergency of international concern is occurring, the Director-General shall issue temporary recommendations in accordance with the procedure set out in Article 49. Such temporary recommendations may be

modified or extended as appropriate, including after it has been determined that a public health emergency of international concern has ended, at which time other temporary recommendations may be issued as necessary for the purpose of preventing or promptly detecting its recurrence.

- regarding persons, baggage, cargo, containers, conveyances, goods and/or postal parcels to prevent or Temporary recommendations may include health measures to be implemented by the State Party experiencing the public health emergency of international concern, or by other States Parties, reduce the international spread of disease and avoid unnecessary interference with international traffic.
- Temporary recommendations may be terminated in accordance with the procedure set out in Article 49 at any time and shall automatically expire three months after their issuance. They may be modified or extended for additional periods of up to three months. Temporary recommendations may not continue beyond the second World Health Assembly after the determination of the public health emergency of international concern to which they relate.

Article 16 Standing recommendations

WHO may make standing recommendations of appropriate health measures in accordance with Article 53 for routine or periodic application. Such measures may be applied by States Parties unnecessary interference with international traffic. WHO may, in accordance with Article 53, modify regarding persons, baggage, cargo, containers, conveyances, goods and/or postal parcels for specific, ongoing public health risks in order to prevent or reduce the international spread of disease and avoid or terminate such recommendations, as appropriate.

Article 17 Criteria for recommendations

When issuing, modifying or terminating temporary or standing recommendations, the Director-General shall consider:

- the views of the States Parties directly concerned;
- the advice of the Emergency Committee or the Review Committee, as the case may be; (p)
- scientific principles as well as available scientific evidence and information; <u>၁</u>
- are not more restrictive of international traffic and trade and are not more intrusive to persons than reasonably available alternatives that would achieve the appropriate level of health (d) health measures that, on the basis of a risk assessment appropriate to the circumstances,
- (e) relevant international standards and instruments;
- activities undertaken by other relevant intergovernmental organizations and international
- (g) other appropriate and specific information relevant to the event.

With respect to temporary recommendations, the consideration by the Director-General of subparagraphs (e) and (f) of this Article may be subject to limitations imposed by urgent circumstances

91

Article 18 Recommendations with respect to persons, baggage, cargo, containers, conveyances, goods and postal parcels

WHA58.3

Recommendations issued by WHO to States Parties with respect to persons may include the following advice:

- no specific health measures are advised;
- review travel history in affected areas;
- review proof of medical examination and any laboratory analysis;
- require medical examinations;
- review proof of vaccination or other prophylaxis;
- require vaccination or other prophylaxis;
- place suspect persons under public health observation;
- implement quarantine or other health measures for suspect persons;
- implement isolation and treatment where necessary of affected persons;
- implement tracing of contacts of suspect or affected persons;
- refuse entry of suspect and affected persons;
- refuse entry of unaffected persons to affected areas; and
- implement exit screening and/or restrictions on persons from affected areas.
- Recommendations issued by WHO to States Parties with respect to baggage, cargo, containers, conveyances, goods and postal parcels may include the following advice:
- no specific health measures are advised;
- review manifest and routing;
- implement inspections;
- review proof of measures taken on departure or in transit to eliminate infection contamination;
- implement treatment of the baggage, cargo, containers, conveyances, goods, postal parcels or human remains to remove infection or contamination, including vectors and reservoirs;
- the use of specific health measures to ensure the safe handling and transport of human

- implement isolation or quarantine;
- seizure and destruction of infected or contaminated or suspect baggage, cargo, containers, conveyances, goods or postal parcels under controlled conditions if no available treatment or process will otherwise be successful; and
- refuse departure or entry.

PART IV – POINTS OF ENTRY

Article 19 General obligations

Each State Party shall, in addition to the other obligations provided for under these Regulations:

- (a) ensure that the capacities set forth in Annex 1 for designated points of entry are developed within the timeframe provided in paragraph 1 of Article 5 and paragraph 1 of
- identify the competent authorities at each designated point of entry in its territory; and (q)
- furnish to WHO, as far as practicable, when requested in response to a specific potential public health risk, relevant data concerning sources of infection or contamination, including vectors and reservoirs, at its points of entry, which could result in international disease spread. <u>છ</u>

Article 20 Airports and ports

- States Parties shall designate the airports and ports that shall develop the capacities provided in Annex 1.
- States Parties shall ensure that Ship Sanitation Control Exemption Certificates and Ship Sanitation Control Certificates are issued in accordance with the requirements in Article 39 and the model provided in Annex 3. CWC Resource Guide 2013 Page 413 of 488
- Each State Party shall send to WHO a list of ports authorized to offer:
- the issuance of Ship Sanitation Control Certificates and the provision of the services (a) the issuance or only owner referred to in Annexes 1 and 3; or
- (b) the issuance of Ship Sanitation Control Exemption Certificates only; and
- extension of the Ship Sanitation Control Exemption Certificate for a period of one month (c) extension of the Ship Sanitation Control exemption Certuicate not a port until the arrival of the ship in the port at which the Certificate may be received.

Each State Party shall inform WHO of any changes which may occur to the status of the listed ports. WHO shall publish the information received under this paragraph.

4. WHO may, at the request of the State Party concerned, arrange to certify, after an appropriate investigation, that an airport or port in its territory meets the requirements referred to in paragraphs 1

I8

WHA58.3

and 3 of this Article. These certifications may be subject to periodic review by WHO, in consultation with the State Party. WHO, in collaboration with competent intergovernmental organizations and international bodies, shall develop and publish the certification guidelines for airports and ports under this Article. WHO shall also publish a list of certified airports and ports.

Article 21 Ground crossings

- Where justified for public health reasons, a State Party may designate ground crossings that shall develop the capacities provided in Annex 1, taking into consideration:
- the volume and frequency of the various types of international traffic, as compared to other points of entry, at a State Party's ground crossings which might be designated; and
- the public health risks existing in areas in which the international traffic originates, or through which it passes, prior to arrival at a particular ground crossing.
- States Parties sharing common borders should consider: d
- entering into bilateral or multilateral agreements or arrangements concerning prevention or control of international transmission of disease at ground crossings in accordance with Article 57; and
- joint designation of adjacent ground crossings for the capacities in Annex 1 in accordance with paragraph 1 of this Article. (P)

Article 22 Role of competent authorities

- The competent authorities shall: _;
- parcels and human remains departing and arriving from affected areas, so that they are be responsible for monitoring baggage, cargo, containers, conveyances, goods, postal maintained in such a condition that they are free of sources of infection or contamination, including vectors and reservoirs;
- ensure, as far as practicable, that facilities used by travellers at points of entry are maintained in a sanitary condition and are kept free of sources of infection or contamination, including vectors and reservoirs;
- (c) be responsible for the supervision of any deratting, disinfection, disinsection or decontamination of baggage, cargo, containers, conveyances, goods, postal parcels and human remains or sanitary measures for persons, as appropriate under these Regulations;
- (d) advise conveyance operators, as far in advance as possible, of their intent to apply control measures to a conveyance, and shall provide, where available, written information concerning the methods to be employed;

- (e) be responsible for the supervision of the removal and safe disposal of any contaminated water or food, human or animal dejecta, wastewater and any other contaminated matter from a conveyance:
- (f) take all practicable measures consistent with these Regulations to monitor and control the discharge by ships of sewage, refuse, ballast water and other potentially disease-causing matter which might contaminate the waters of a port, river, canal, strait, lake or other international waterway.
- (g) be responsible for supervision of service providers for services concerning travellers, baggage, cargo, containers, conveyances, goods, postal parcels and human remains at points of entry, including the conduct of inspections and medical examinations as necessary;
- (h) have effective contingency arrangements to deal with an unexpected public health event; and
- (i) communicate with the National IHR Focal Point on the relevant public health measures taken pursuant to these Regulations.
- 2. Health measures recommended by WHO for travellers, baggage, cargo, containers, conveyances, goods, postal parcels and human remains arriving from an affected area may be reapplied on arrival, if there are verifiable indications and/or evidence that the measures applied on departure from the affected area were unsuccessful.
- Disinsection, deratting, disinfection, decontamination and other sanitary procedures shall be carried out so as to avoid injury and as far as possible discomfort to persons, or damage to the environment in a way which impacts on public health, or damage to baggage, cargo, containers, conveyances, goods and postal parcels.

PART V – PUBLIC HEALTH MEASURES

Chapter I – General provisions

Article 23 Health measures on arrival and departure

- Subject to applicable international agreements and relevant articles of these Regulations, a State Party may require for public health purposes, on arrival or departure:
- (a) with regard to travellers:
- information concerning the traveller's destination so that the traveller may be contacted;
- information concerning the traveller's itinerary to ascertain if there was any travel
 in or near an affected area or other possible contacts with infection or contamination prior
 to arrival, as well as review of the traveller's health documents if they are required under
 these Regulations; and/or

20

(iii) a non-invasive medical examination which is the least intrusive examination that would achieve the public health objective;

WHA58.3

- (b) inspection of baggage, cargo, containers, conveyances, goods, postal parcels and human remains.
- 2. On the basis of evidence of a public health risk obtained through the measures provided in paragraph 1 of this Article, or through other means, States Parties may apply additional health measures, in accordance with these Regulations, in particular, with regard to a suspect or affected traveller, on a case-by-case basis, the least intrusive and invasive medical examination that would achieve the public health objective of preventing the international spread of disease.
- 3. No medical examination, vaccination, prophylaxis or health measure under these Regulations shall be carried out on travellers without their prior express informed consent or that of their parents or guardians, except as provided in paragraph 2 of Article 31, and in accordance with the law and international obligations of the State Party.
- 4. Travellers to be vaccinated or offered prophylaxis pursuant to these Regulations, or their parents or guardians, shall be informed of any risk associated with vaccination or with non-vaccination and with the use or non-use of prophylaxis in accordance with the law and international obligations of the State Party. States Parties shall inform medical practitioners of these requirements in accordance with the law of the State Party.
- 5. Any medical examination, medical procedure, vaccination or other prophylaxis which involves a risk of disease transmission shall only be performed on, or administered to, a traveller in accordance with established national or international safety guidelines and standards so as to minimize such a risk.

$Chapter\ II-Special\ provisions\ for\ conveyances\ and\ conveyance\ operators$

1rticle 24 Conveyance operators

- States Parties shall take all practicable measures consistent with these Regulations to ensure that conveyance operators:
- (a) comply with the health measures recommended by WHO and adopted by the State Party;
- inform travellers of the health measures recommended by WHO and adopted by the State Party for application on board; and
- (c) permanently keep conveyances for which they are responsible free of sources of infection or contamination, including vectors and reservoirs. The application of measures to control sources of infection or contamination may be required if evidence is found.
- Specific provisions pertaining to conveyances and conveyance operators under this Article are provided in Annex 4. Specific measures applicable to conveyances and conveyance operators with regard to vector-borne diseases are provided in Annex 5.

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Article 25 Ships and aircraft in transit

Subject to Articles 27 and 43 or unless authorized by applicable international agreements, no health measure shall be applied by a State Party to:

- (a) a ship not coming from an affected area which passes through a maritime canal or waterway in the territory of that State Party on its way to a port in the territory of another State. Any such ship shall be permitted to take on, under the supervision of the competent authority, fuel, water, food and supplies;
- (b) a ship which passes through waters within its jurisdiction without calling at a port or on the coast; and
- (c) an aircraft in transit at an airport within its jurisdiction, except that the aircraft may be restricted to a particular area of the airport with no embarking and disembarking or loading and discharging. However, any such aircraft shall be permitted to take on, under the supervision of the competent authority, fuel, water, food and supplies.

Article 26 Civilian lorries, trains and coaches in transit

Subject to Articles 27 and 43 or unless authorized by applicable international agreements, no health measure shall be applied to a civilian lorry, train or coach not coming from an affected area which passes through a territory without embarking, disembarking, loading or discharging.

Article 27 Affected conveyances

- If clinical signs or symptoms and information based on fact or evidence of a public health risk, including sources of infection and contamination, are found on board a conveyance, the competent authority shall consider the conveyance as affected and may:
- (a) disinfect, decontaminate, disinsect or derat the conveyance, as appropriate, or cause these measures to be carried out under its supervision; and
- (b) decide in each case the technique employed to secure an adequate level of control of the public health risk as provided in these Regulations. Where there are methods or materials advised by WHO for these procedures, these should be employed, unless the competent authority determines that other methods are as safe and reliable.

The competent authority may implement additional health measures, including isolation of the conveyances, as necessary, to prevent the spread of disease. Such additional measures should be reported to the National IHR Focal Point.

- If the competent authority for the point of entry is not able to carry out the control measures required under this Article, the affected conveyance may nevertheless be allowed to depart, subject to the following conditions:
- (a) the competent authority shall, at the time of departure, inform the competent authority for the next known point of entry of the type of information referred to under subparagraph (b); and

22

in the case of a ship, the evidence found and the control measures required shall be noted

in the Ship Sanitation Control Certificate.

WHA58.3

Any such conveyance shall be permitted to take on, under the supervision of the competent authority, fuel, water, food and supplies.

- 3. A conveyance that has been considered as affected shall cease to be regarded as such when the competent authority is satisfied that:
- (a) the measures provided in paragraph 1 of this Article have been effectively carried out;
 and
- (b) there are no conditions on board that could constitute a public health risk

Article 28 Ships and aircraft at points of entry

- 1. Subject to Article 43 or as provided in applicable international agreements, a ship or an aircraft shall not be prevented for public health reasons from calling at any point of entry. However, if the point of entry is not equipped for applying health measures under these Regulations, the ship or aircraft may be ordered to proceed at its own risk to the nearest suitable point of entry available to it, unless the ship or aircraft has an operational problem which would make this diversion unsafe.
- 2. Subject to Article 43 or as provided in applicable international agreements, ships or aircraft shall not be refused *free pratique* by States Parties for public health reasons, in particular they shall not be prevented from embarking or disembarking, discharging or loading cargo or stores, or taking on fuel, water, food and supplies. States Parties may subject the granting of *free pratique* to inspection and, if a source of infection or contamination is found on board, the carrying out of necessary disribection, decontamination, disinsection or deratting, or other measures necessary to prevent the spread of the infection or contamination.
- 3. Whenever practicable and subject to the previous paragraph, a State Party shall authorize the granting of *free pratique* by radio or other communication means to a ship or an aircraft when, on the basis of information received from it prior to its arrival, the State Party is of the opinion that the arrival of the ship or aircraft will not result in the introduction or spread of disease.
- 4. Officers in command of ships or pilots in command of aircraft, or their agents, shall make known to the port or airport control as early as possible before arrival at the port or airport of destination any cases of illness indicative of a disease of an infectious nature or evidence of a public health risk on board as soon as such illnesses or public health risks are made known to the officer or pilot. This information must be immediately relayed to the competent authority for the port or airport. In urgent circumstances, such information should be communicated directly by the officers or pilots to the relevant port or airport authority.
- 5. The following shall apply if a suspect or affected aircraft or ship, for reasons beyond the control of the pilot in command of the aircraft or the officer in command of the ship, lands elsewhere than at the airport at which the aircraft was due to land or berths elsewhere than at the port at which the ship was due to berth:

(a) the pilot in command of the aircraft or the other in command or any or any

(b) as soon as the competent authority has been informed of the landing it may apply health measures recommended by WHO or other health measures provided in these Regulations;

unless required for emergency purposes or for communication with the competent authority, no traveller on board the aircraft or ship shall leave its vicinity and no cargo shall be removed from that vicinity, unless authorized by the competent authority; and <u>ي</u>

aircraft or ship may, so far as such health measures are concerned, proceed either to the airport or port at which it was due to land or berth, or, if for technical reasons it cannot do so, to a when all health measures required by the competent authority have been completed, the conveniently situated airport or port.

pilot in command of an aircraft may take such emergency measures as may be necessary for the health and safety of travellers on board. He or she shall inform the competent authority as early as possible Notwithstanding the provisions contained in this Article, the officer in command of a ship or concerning any measures taken pursuant to this paragraph.

4rticle 29 Civilian lorries, trains and coaches at points of entry

WHO, in consultation with States Parties, shall develop guiding principles for applying health measures to civilian lorries, trains and coaches at points of entry and passing through ground

Chapter III - Special provisions for travellers

Article 30 Travellers under public health observation

Subject to Article 43 or as authorized in applicable international agreements, a suspect traveller traveller does not pose an imminent public health risk and the State Party informs the competent who on arrival is placed under public health observation may continue an international voyage, if the authority of the point of entry at destination, if known, of the traveller's expected arrival. On arrival, the traveller shall report to that authority.

Article 31 Health measures relating to entry of travellers

Invasive medical examination, vaccination or other prophylaxis shall not be required as a condition of entry of any traveller to the territory of a State Party, except that, subject to Articles 32, 42 and 45, these Regulations do not preclude States Parties from requiring medical examination, vaccination or other prophylaxis or proof of vaccination or other prophylaxis:

when necessary to determine whether a public health risk exists; (a)

as a condition of entry for any travellers seeking temporary or permanent residence; (p) as a condition of entry for any travellers pursuant to Article 43 or Annexes 6 and 7; or <u>ی</u>

24

(d) which may be carried out pursuant to Article 23.

WHA58.3

concerned may, subject to Articles 32, 42 and 45, deny entry to that traveller. If there is evidence of an imminent public health risk, the State Party may, in accordance with its national law and to the If a traveller for whom a State Party may require a medical examination, vaccination or other prophylaxis under paragraph 1 of this Article fails to consent to any such measure, or refuses to provide the information or the documents referred to in paragraph 1(a) of Article 23, the State Party extent necessary to control such a risk, compel the traveller to undergo or advise the traveller, pursuant to paragraph 3 of Article 23, to undergo:

the least invasive and intrusive medical examination that would achieve the public health objective; (a)

vaccination or other prophylaxis; or (p)

additional established health measures that prevent or control the spread of disease, including isolation, quarantine or placing the traveller under public health observation. ં

Article 32 Treatment of travellers

In implementing health measures under these Regulations, States Parties shall treat travellers with respect for their dignity, human rights and fundamental freedoms and minimize any discomfort or distress associated with such measures, including by:

treating all travellers with courtesy and respect; (a)

taking into consideration the gender, sociocultural, ethnic or religious concerns of (p)

providing or arranging for adequate food and water, appropriate accommodation and clothing, protection for baggage and other possessions, appropriate medical treatment, means of necessary communication if possible in a language that they can understand and other appropriate assistance for travellers who are quarantined, isolated or subject to medical examinations or other procedures for public health purposes. ં

Chapter IV - Special provisions for goods, containers and container loading areas

Article 33 Goods in transit

Subject to Article 43 or unless authorized by applicable international agreements, goods, other than live animals, in transit without transhipment shall not be subject to health measures under these Regulations or detained for public health purposes.

Article 34 Container and container loading areas

States Parties shall ensure, as far as practicable, that container shippers use international traffic containers that are kept free from sources of infection or contamination, including vectors and reservoirs, particularly during the course of packing.

States Parties shall ensure, as far as practicable, that container loading areas are kept free from sources of infection or contamination, including vectors and reservoirs.

Whenever, in the opinion of a State Party, the volume of international container traffic is sufficiently large, the competent authorities shall take all practicable measures consistent with these Regulations, including carrying out inspections, to assess the sanitary condition of container loading areas and containers in order to ensure that the obligations contained in these Regulations are implemented.

4. Facilities for the inspection and isolation of containers shall, as far as practicable, be available at container loading areas. Container consignees and consignors shall make every effort to avoid cross-contamination when multiple-use loading of containers is employed 5.

PART VI - HEALTH DOCUMENTS

4rticle 35 General rule

document requirements concerning the public health status of goods or cargo in international trade recommendations issued by WHO, shall be required in international traffic, provided however that this Article shall not apply to travellers seeking temporary or permanent residence, nor shall it apply to pursuant to applicable international agreements. The competent authority may request travellers to complete contact information forms and questionnaires on the health of travellers, provided that they other than those provided for under these Regulations or meet the requirements set out in Article 23. health documents, %

Article 36 Certificates of vaccination or other prophylaxis

1. Vaccines and prophylaxis for travellers administered pursuant to these Regulations, or to recommendations and certificates relating thereto, shall conform to the provisions of Annex 6 and, when applicable, Annex 7 with regard to specific diseases. A traveller in possession of a certificate of vaccination or other prophylaxis issued in conformity with Annex 6 and, when applicable, Annex 7, shall not be denied entry as a consequence of the disease to which the certificate refers, even if coming from an affected area, unless the competent authority has verifiable indications and/or evidence that the vaccination or other prophylaxis was not effective.

4rticle 37 Maritime Declaration of Health

shall, on arrival, or in advance of the vessel's arrival if the vessel is so equipped and the State Party requires such advance delivery, complete and deliver to the competent authority for that port a Maritime Declaration of Health which shall be countersigned by the ship's surgeon, if one is carried. ascertain the state of health on board, and, except when that State Party does not require it, the master The master of a ship, before arrival at its first port of call in the territory of a State Party, shall

The master of a ship, or the ship's surgeon if one is carried, shall supply any information required by the competent authority as to health conditions on board during an international voyage.

26

A Maritime Declaration of Health shall conform to the model provided in Annex 8. 3

WHA58.3

A State Party may decide: 4

to dispense with the submission of the Maritime Declaration of Health by all arriving ships; or (a)

to require the submission of the Maritime Declaration of Health under a recommendation concerning ships arriving from affected areas or to require it from ships which might otherwise carry infection or contamination.

The State Party shall inform shipping operators or their agents of these requirements.

Irticle 38 Health Part of the Aircraft General Declaration

The pilot in command of an aircraft or the pilot's agent, in flight or upon landing at the first airport in the territory of a State Party, shall, to the best of his or her ability, except when that State Party does not require it, complete and deliver to the competent authority for that airport the Health Part of the Aircraft General Declaration which shall conform to the model specified in Annex 9. The pilot in command of an aircraft or the pilot's agent shall supply any information required by the State Party as to health conditions on board during an international voyage and any health measure applied to the aircraft.

A State Party may decide: ω. to dispense with the submission of the Health Part of the Aircraft General Declaration by all arriving aircraft; or (a)

(b) to require the submission of the Health Part of the Aircraft General Declaration under a recommendation concerning aircraft arriving from affected areas or to require it from aircraft which might otherwise carry infection or contamination.

The State Party shall inform aircraft operators or their agents of these requirements.

1rticle 39 Ship sanitation certificates

Ship Sanitation Control Exemption Certificates and Ship Sanitation Control Certificates shall be valid for a maximum period of six months. This period may be extended by one month if the inspection or control measures required cannot be accomplished at the port.

 If a valid Ship Sanitation Control Exemption Certificate or Ship Sanitation Control Certificate is not produced or evidence of a public health risk is found on board a ship, the State Party may proceed as provided in paragraph 1 of Article 27.

The certificates referred to in this Article shall conform to the model in Annex 3.

Whenever possible, control measures shall be carried out when the ship and holds are empty. In the case of a ship in ballast, they shall be carried out before loading.

authority shall issue a Ship Sanitation Control Certificate, noting the evidence found and the control When control measures are required and have been satisfactorily completed, the competent

The competent authority may issue a Ship Sanitation Control Exemption Certificate at any port including vectors and reservoirs. Such a certificate shall normally be issued only if the inspection of the ship has been carried out when the ship and holds are empty or when they contain only ballast or other material, of such a nature or so disposed as to make a thorough inspection of the holds possible. specified under Article 20 if it is satisfied that the ship is free of infection and contamination,

7. If the conditions under which control measures are carried out are such that, in the opinion of the competent authority for the port where the operation was performed, a satisfactory result cannot be obtained, the competent authority shall make a note to that effect on the Ship Sanitation Control Certificate.

PART VII – CHARGES

Article 40 Charges for health measures regarding travellers

Except for travellers seeking temporary or permanent residence, and subject to paragraph 2 of this Article, no charge shall be made by a State Party pursuant to these Regulations for the following measures for the protection of public health:

(a) any medical examination provided for in these Regulations, or any supplementary examination which may be required by that State Party to ascertain the health status of the traveller examined;

CWC Resource Guide 2013 Page 418 of 488

(b) any vaccination or other prophylaxis provided to a traveller on arrival that is not a published requirement or is a requirement published less than 10 days prior to provision of the vaccination or other prophylaxis;

appropriate isolation or quarantine requirements of travellers; <u>ં</u> any certificate issued to the traveller specifying the measures applied and the date of application; or **a**

(e) any health measures applied to baggage accompanying the traveller.

State Parties may charge for health measures other than those referred to in paragraph 1 of this Article, including those primarily for the benefit of the traveller.

3. Where charges are made for applying such health measures to travellers under these Regulations, there shall be in each State Party only one tariff for such charges and every charge shall:

conform to this tariff; (a)

not exceed the actual cost of the service rendered; and (p) (c) be levied without distinction as to the nationality, domicile or residence of the traveller concerned.

The tariff, and any amendment thereto, shall be published at least 10 days in advance of any levy thereunder. Nothing in these Regulations shall preclude States Parties from seeking reimbursement for expenses incurred in providing the health measures in paragraph 1 of this Article:

from conveyance operators or owners with regard to their employees; or

from applicable insurance sources. (p)

from the territory of a State Party pending payment of the charges referred to in paragraphs 1 or 2 of Under no circumstances shall travellers or conveyance operators be denied the ability to depart

4rticle 41 Charges for baggage, cargo, containers, conveyances, goods or postal parcels

 Where charges are made for applying health measures to baggage, cargo, containers, conveyances, goods or postal parcels under these Regulations, there shall be in each State Party only one tariff for such charges and every charge shall:

conform to this tariff;

not exceed the actual cost of the service rendered; and (p) be levied without distinction as to the nationality, flag, registry or ownership of the baggage, cargo, containers, conveyances, goods or postal parcels concerned. In particular, there be no distinction made between national and foreign baggage, cargo, containers, conveyances, goods or postal parcels. <u>ာ</u>

The tariff, and any amendment thereto, shall be published at least 10 days in advance of any The tariff levy thereunder.

PART VIII - GENERAL PROVISIONS

Article 42 Implementation of health measures

Health measures taken pursuant to these Regulations shall be initiated and completed without delay, and applied in a transparent and non-discriminatory manner

Article 43 Additional health measures

 These Regulations shall not preclude States Parties from implementing health measures, in accordance with their relevant national law and obligations under international law, in response to specific public health risks or public health emergencies of international concern, which:

achieve the same or greater level of health protection than WHO recommendations; or

CWC Resource Guide 2013 Page 419 of 488

(b) are otherwise prohibited under Article 25, Article 26, paragraphs 1 and 2 of Article 28, Article 30, paragraph 1(c) of Article 31 and Article 33,

provided such measures are otherwise consistent with these Regulations.

Such measures shall not be more restrictive of international traffic and not more invasive or intrusive to persons than reasonably available alternatives that would achieve the appropriate level of health protection.

- In determining whether to implement the health measures referred to in paragraph 1 of this paragraph 2 of Article 28 and paragraph 2(c) of Article 31, States Parties shall base their Article or additional health measures under paragraph 2 of Article 23, paragraph 1 of Article 27, determinations upon:
- scientific principles; (a)
- (b) available scientific evidence of a risk to human health, or where such evidence is insufficient, the available information including from WHO and other relevant intergovernmental organizations and international bodies; and
- any available specific guidance or advice from WHO. (၁
- which significantly interfere with international traffic shall provide to WHO the public health rationale and relevant scientific information for it. WHO shall share this information with other States Parties and shall share information regarding the health measures implemented. For the purpose of this Article, significant interference generally means refusal of entry or departure of international travellers, baggage, cargo, containers, conveyances, goods, and the like, or their delay, for more than A State Party implementing additional health measures referred to in paragraph 1 of this Article
- 4. After assessing information provided pursuant to paragraph 3 and 5 of this Article and other relevant information, WHO may request that the State Party concerned reconsider the application of the measures.
- A State Party implementing additional health measures referred to in paragraphs 1 and 2 of this Article that significantly interfere with international traffic shall inform WHO, within 48 hours of implementation, of such measures and their health rationale unless these are covered by a temporary or standing recommendation.
- A State Party implementing a health measure pursuant to paragraph 1 or 2 of this Article shall within three months review such a measure taking into account the advice of WHO and the criteria in paragraph 2 of this Article.
- 7. Without prejudice to its rights under Article 56, any State Party impacted by a measure taken pursuant to paragraph 1 or 2 of this Article may request the State Party implementing such a measure to consult with it. The purpose of such consultations is to clarify the scientific information and public health rationale underlying the measure and to find a mutually acceptable solution.
- The provisions of this Article may apply to implementation of measures concerning travellers taking part in mass congregations.

30

Article 44 Collaboration and assistance

WHA58.3

- States Parties shall undertake to collaborate with each other, to the extent possible,
- the detection and assessment of, and response to, events as provided under these (a)
- the provision or facilitation of technical cooperation and logistical support, particularly in the development, strengthening and maintenance of the public health capacities required under these Regulations; (P)
- the mobilization of financial resources to facilitate implementation of their obligations under these Regulations; and <u>၁</u>
- the formulation of proposed laws and other legal and administrative provisions for the implementation of these Regulations.
- WHO shall collaborate with States Parties, upon request, to the extent possible, in: ۲i
- the evaluation and assessment of their public health capacities in order to facilitate the effective implementation of these Regulations;
- the provision or facilitation of technical cooperation and logistical support to States Parties; and
- the mobilization of financial resources to support developing countries in building, strengthening and maintaining the capacities provided for in Annex 1. <u>၁</u>
- Collaboration under this Article may be implemented through multiple channels, including bilaterally, through regional networks and the WHO regional offices, and through intergovernmental organizations and international bodies.

Article 45 Treatment of personal data

- Health information collected or received by a State Party pursuant to these Regulations from another State Party or from WHO which refers to an identified or identifiable person shall be kept confidential and processed anonymously as required by national law.
- Notwithstanding paragraph 1, States Parties may disclose and process personal data where essential for the purposes of assessing and managing a public health risk, but State Parties, in accordance with national law, and WHO must ensure that the personal data are:
- processed fairly and lawfully, and not further processed in a way incompatible with that (a)
- (b) adequate, relevant and not excessive in relation to that purpose;
- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that data which are inaccurate or incomplete are erased or rectified; and
- not kept longer than necessary ਉ

CWC Resource Guide 2013 Page 420 of 488

3. Upon request, WHO shall as far as practicable provide an individual with his or her personal data referred to in this Article in an intelligible form, without undue delay or expense and, when necessary, allow for correction.

Article 46 Transport and handling of biological substances, reagents and materials for diagnostic purposes

States Parties shall, subject to national law and taking into account relevant international guidelines, facilitate the transport, entry, exit, processing and disposal of biological substances and diagnostic specimens, reagents and other diagnostic materials for verification and public health response purposes under these Regulations.

PART IX – THE IHR ROSTER OF EXPERTS, THE EMERGENCY COMMITTEE AND THE REVIEW COMMITTEE

Chapter I - The IHR Roster of Experts

Article 47 Composition

The Director-General shall establish a roster composed of experts in all relevant fields of the IHR Expert Roster." The Director-General shall appoint the members of the IHR Expert Roster in accordance with the WHO Regulations for Expert Advisory Panels and Committees (hereinafter the "WHO Advisory Panel Regulations"), unless otherwise provided in these Regulations. In addition, the Director-General shall appoint one member at the request of each State Party and, where appropriate, experts proposed by relevant intergovernmental and regional economic integration organizations. Interested States Parties shall notify the Director-General of the qualifications and fields of expertise of each of the experts they propose for membership. The Director-General shall periodically inform the States Parties, and relevant intergovernmental and regional economic integration organizations, of the composition of the IHR Expert Roster.

Chapter II - The Emergency Committee

1rticle 48 Terms of reference and composition

- 1. The Director-General shall establish an Emergency Committee that at the request of the Director-General shall provide its views on:
- (a) whether an event constitutes a public health emergency of international concern;
- (b) the termination of a public health emergency of international concern; and
- (c) the proposed issuance, modification, extension or termination of temporary recommendations.
- 2. The Emergency Committee shall be composed of experts selected by the Director-General from the IHR Expert Roster and, when appropriate, other expert advisory panels of the Organization. The Director-General shall determine the duration of membership with a view to ensuring its continuity in the consideration of a specific event and its consequences. The Director-General shall select the members of the Emergency Committee on the basis of the expertise and experience required for any particular session and with due regard to the principles of equitable geographical representation. At

least one member of the Emergency Committee should be an expert nominated by a State Party within

WHA58.3

The Director-General may, on his or her own initiative or at the request of the Emergency Committee, appoint one or more technical experts to advise the Committee.

whose territory the event arises.

Article 49 Procedure

- 1. The Director-General shall convene meetings of the Emergency Committee by selecting a number of experts from among those referred to in paragraph 2 of Article 48, according to the fields of expertise and experience most relevant to the specific event that is occurring. For the purpose of this Article, "meetings" of the Emergency Committee may include teleconferences, videoconferences or electronic communications.
- The Director-General shall provide the Emergency Committee with the agenda and any relevant
 information concerning the event, including information provided by the States Parties, as well as any
 temporary recommendation that the Director-General proposes for issuance.
- 3. The Emergency Committee shall elect its Chairperson and prepare following each meeting a brief summary report of its proceedings and deliberations, including any advice on recommendations.
- 4. The Director-General shall invite the State Party in whose territory the event arises to present its views to the Emergency Committee. To that effect, the Director-General shall notify to it the dates and the agenda of the meeting of the Emergency Committee with as much advance notice as necessary. The State Party concerned, however, may not seek a postponement of the meeting of the Emergency Committee for the purpose of presenting its views thereto.
- 5. The views of the Emergency Committee shall be forwarded to the Director-General for consideration. The Director-General shall make the final determination on these matters.
- 6. The Director-General shall communicate to States Parties the determination and the termination of a public health emergency of international concern, any health measure taken by the State Party concerned, any temporary recommendation, and the modification, extension and termination of such recommendations, together with the views of the Emergency Committee. The Director-General shall inform conveyance operators through States Parties and the relevant international agencies of such temporary recommendations, including their modification, extension or termination. The Director-General shall subsequently make such information and recommendations available to the general public.
- 7. States Parties in whose territories the event has occurred may propose to the Director-General the termination of a public health emergency of international concern and/or the temporary recommendations, and may make a presentation to that effect to the Emergency Committee.

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Chapter III - The Review Committee

Article 50 Terms of reference and composition

- The Director-General shall establish a Review Committee, which shall carry out the following nctions:
- (a) make technical recommendations to the Director-General regarding amendments to these Regulations;
- (b) provide technical advice to the Director-General with respect to standing recommendations, and any modifications or termination thereof;
- (c) provide technical advice to the Director-General on any matter referred to it by the Director-General regarding the functioning of these Regulations.
 - 2. The Review Committee shall be considered an expert committee and shall be subject to the WHO Advisory Panel Regulations, unless otherwise provided in this Article.
- 3. The Members of the Review Committee shall be selected and appointed by the Director-General from among the persons serving on the IHR Expert Roster and, when appropriate, other expert advisory panels of the Organization.
- The Director-General shall establish the number of members to be invited to a meeting of the Review Committee, determine its date and duration, and convene the Committee.
- 5. The Director-General shall appoint members to the Review Committee for the duration of the work of a session only.
- 6. The Director-General shall select the members of the Review Committee on the basis of the principles of equitable geographical representation, gender balance, a balance of experts from developed and developing countries, representation of a diversity of scientific opinion, approaches and practical experience in various parts of the world, and an appropriate interdisciplinary balance.

Article 51 Conduct of business

- Decisions of the Review Committee shall be taken by a majority of the members present and voting.
- 2. The Director-General shall invite Member States, the United Nations and its specialized agencies and other relevant intergovernmental organizations or nongovernmental organizations in official relations with WHO to designate representatives to attend the Committee sessions. Such representatives may submit memoranda and, with the consent of the Chairperson, make statements on the subjects under discussion. They shall not have the right to vote.

Article 52 Reports

1. For each session, the Review Committee shall draw up a report setting forth the Committee's views and advice. This report shall be approved by the Review Committee before the end of the

34

session. Its views and advice shall not commit the Organization and shall be formulated as advice to

the Director-General. The text of the report may not be modified without the Committee's consent.

WHA58.3

- If the Review Committee is not unanimous in its findings, any member shall be entitled to
 express his or her dissenting professional views in an individual or group report, which shall state the
 reasons why a divergent opinion is held and shall form part of the Committee's report.
- 3. The Review Committee's report shall be submitted to the Director-General, who shall communicate its views and advice to the Health Assembly or the Executive Board for their consideration and action.

4rticle 53 Procedures for standing recommendations

When the Director-General considers that a standing recommendation is necessary and appropriate for a specific public health risk, the Director-General shall seek the views of the Review Committee. In addition to the relevant paragraphs of Articles 50 to 52, the following provisions shall apply:

- proposals for standing recommendations, their modification or termination may be submitted to the Review Committee by the Director-General or by States Parties through the Director-General;
- (b) any State Party may submit relevant information for consideration by the Review Committee:
- (c) the Director-General may request any State Party, intergovemmental organization or nongovernmental organization in official relations with WHO to place at the disposal of the Review Committee information in its possession concerning the subject of the proposed standing recommendation as specified by the Review Committee;
- (d) the Director-General may, at the request of the Review Committee or on the Director-General's own initiative, appoint one or more technical experts to advise the Review Committee. They shall not have the right to vote;
- (e) any report containing the views and advice of the Review Committee regarding standing recommendations shall be forwarded to the Director-General for consideration and decision. The Director-General shall communicate the Review Committee's views and advice to the Health Assembly;
- the Director-General shall communicate to States Parties any standing recommendation, as well as the modifications or termination of such recommendations, together with the views of the Review Committee;
- (g) standing recommendations shall be submitted by the Director-General to the subsequent Health Assembly for its consideration.

PART X – FINAL PROVISIONS

4rticle 54 Reporting and review

- States Parties and the Director-General shall report to the Health Assembly on the implementation of these Regulations as decided by the Health Assembly.
- The Health Assembly shall periodically review the functioning of these Regulations. To that end it may request the advice of the Review Committee, through the Director-General. The first such review shall take place no later than five years after the entry into force of these Regulations.
- 3. WHO shall periodically conduct studies to review and evaluate the functioning of Annex 2. The first such review shall commence no later than one year after the entry into force of these Regulations. The results of such reviews shall be submitted to the Health Assembly for its consideration, as

Article 55 Amendments

- 1. Amendments to these Regulations may be proposed by any State Party or by the Director-General. Such proposals for amendments shall be submitted to the Health Assembly for its
- Director-General at least four months before the Health Assembly at which it is proposed for consideration. The text of any proposed amendment shall be communicated to all States Parties by
- come into force for all States Parties on the same terms, and subject to the same rights and obligations, Amendments to these Regulations adopted by the Health Assembly pursuant to this Article shall as provided for in Article 22 of the Constitution of WHO and Articles 59 to 64 of these Regulations.

Article 56 Settlement of disputes

- In the event of a dispute between two or more States Parties concerning the interpretation or the dispute through negotiation or any other peaceful means of their own choice, including good offices, mediation or conciliation. Failure to reach agreement shall not absolve the parties to the application of these Regulations, the States Parties concerned shall seek in the first instance to settle dispute from the responsibility of continuing to seek to resolve it.
- In the event that the dispute is not settled by the means described under paragraph 1 of this Article, the States Parties concerned may agree to refer the dispute to the Director-General, who shall make every effort to settle it.
- 3. A State Party may at any time declare in writing to the Director-General that it accepts arbitration as compulsory with regard to all disputes concerning the interpretation or application of Permanent Court of Arbitration Optional Rules for Arbitrating Disputes between Two States applicable at the time a request for arbitration is made. The States Parties that have agreed to accept arbitration as compulsory shall accept the arbitral award as binding and final. The Director-General State Party accepting the same obligation. The arbitration shall be conducted in accordance with the these Regulations to which it is a party or with regard to a specific dispute in relation to any other shall inform the Health Assembly regarding such action as appropriate.

36

consideration. appropriate.

Nothing in these Regulations shall impair the rights of States Parties under any international agreement to which they may be parties to resort to the dispute settlement mechanisms of other intergovernmental organizations or established under any international agreement.

WHA58.3

5. In the event of a dispute between WHO and one or more States Parties concerning the interpretation or application of these Regulations, the matter shall be submitted to the Health

1rticle 57 Relationship with other international agreements

- States Parties recognize that the IHR and other relevant international agreements should be interpreted so as to be compatible. The provisions of the IHR shall not affect the rights and obligations of any State Party deriving from other international agreements.
- Subject to paragraph 1 of this Article, nothing in these Regulations shall prevent States Parties having certain interests in common owing to their health, geographical, social or economic conditions, from concluding special treaties or arrangements in order to facilitate the application of these Regulations, and in particular with regard to:
- the direct and rapid exchange of public health information between neighbouring territories of different States;
- the health measures to be applied to international coastal traffic and to international traffic in waters within their jurisdiction;
- the health measures to be applied in contiguous territories of different States at their common frontier;
- (d) arrangements for carrying affected persons or affected human remains by means of transport specially adapted for the purpose; and
- deratting, disinsection, disinfection, decontamination or other treatment designed to render goods free of disease-causing agents. **e**
- Without prejudice to their obligations under these Regulations, States Parties that are members of a regional economic integration organization shall apply in their mutual relations the common rules in force in that regional economic integration organization.

Article 58 International sanitary agreements and regulations

- These Regulations, subject to the provisions of Article 62 and the exceptions hereinafter provided, shall replace as between the States bound by these Regulations and as between these States and WHO, the provisions of the following international sanitary agreements and regulations:
- International Sanitary Convention, signed in Paris, 21 June 1926;
- International Sanitary Convention for Aerial Navigation, signed at The Hague, 12 April 1933; (p)

(c) International Agreement for dispensing with Bills of Health, signed in Paris, 22 December 1934:

(d) International Agreement for dispensing with Consular Visas on Bills of Health, signed in Paris, 22 December 1934;

(e) Convention modifying the International Sanitary Convention of 21 June 1926, signed in Paris, 31 October 1938;

(f) International Sanitary Convention, 1944, modifying the International Sanitary Convention of 21 June 1926, opened for signature in Washington, 15 December 1944;

(g) International Sanitary Convention for Aerial Navigation, 1944, modifying the International Sanitary Convention of 12 April 1933, opened for signature in Washington, 15 December 1944;

(h) Protocol of 23 April 1946 to prolong the International Sanitary Convention, 1944, signed in Washington; (i) Protocol of 23 April 1946 to prolong the International Sanitary Convention for Aerial Navigation, 1944, signed in Washington;

 International Sanitary Regulations, 1951, and the Additional Regulations of 1955, 1956, 1960, 1963 and 1965; and

(k) the International Health Regulations of 1969 and the amendments of 1973 and 1981

2. The Pan American Sanitary Code, signed at Havana, 14 November 1924, shall remain in force with the exception of Articles 2, 9, 10, 11, 16 to 53 inclusive, 61 and 62, to which the relevant part of paragraph 1 of this Article shall apply.

Article 59 Entry into force; period for rejection or reservations

1. The period provided in execution of Article 22 of the Constitution of WHO for rejection of, or reservation to, these Regulations or an amendment thereto, shall be 18 months from the date of the notification by the Director-General of the adoption of these Regulations or of an amendment to these Regulations by the Health Assembly. Any rejection or reservation received by the Director-General after the expiry of that period shall have no effect.

 These Regulations shall enter into force 24 months after the date of notification referred to in paragraph 1 of this Article, except for:

 (a) a State that has rejected these Regulations or an amendment thereto in accordance with Article 61; (b) a State that has made a reservation, for which these Regulations shall enter into force as provided in Article 62;

38

(c) a State that becomes a Member of WHO after the date of the notification by the Director-General referred to in paragraph 1 of this Article, and which is not already a party to these Regulations, for which these Regulations shall enter into force as provided in Article 60; and

WHA58.3

(d) a State not a Member of WHO that accepts these Regulations, for which they shall enter into force in accordance with paragraph 1 of Article 64.

3. If a State is not able to adjust its domestic legislative and administrative arrangements fully with these Regulations within the period set out in paragraph 2 of this Article, that State shall submit within the period specified in paragraph 1 of this Article a declaration to the Director-General regarding the outstanding adjustments and achieve them no later than 12 months after the entry into force of these Regulations for that State Party.

4rticle 60 New Member States of WHO

Any State which becomes a Member of WHO after the date of the notification by the Director-General referred to in paragraph 1 of Article 59, and which is not already a party to these Regulations, may communicate its rejection of, or any reservation to, these Regulations within a period of twelve months from the date of the notification to it by the Director-General after becoming a Member of WHO. Unless rejected, these Regulations shall enter into force with respect to that State, subject to the provisions of Articles 62 and 63, upon expiry of that period. In no case shall these Regulations enter into force in respect to that State earlier than 24 months after the date of notification referred to in paragraph 1 of Article 59.

Article 61 Rejection

If a State notifies the Director-General of its rejection of these Regulations or of an amendment thereto within the period provided in paragraph 1 of Article 59, these Regulations or the amendment concerned shall not enter into force with respect to that State. Any international sanitary agreement or regulations listed in Article 58 to which such State is already a party shall remain in force as far as such State is concerned.

Article 62 Reservations

 States may make reservations to these Regulations in accordance with this Article. Such reservations shall not be incompatible with the object and purpose of these Regulations.

2. Reservations to these Regulations shall be notified to the Director-General in accordance with paragraph 1 of Article 59 and Article 60, paragraph 1 of Article 63 or paragraph 1 of Article 64, as the case may be. A State not a Member of WHO shall notify the Director-General of any reservation with its notification of acceptance of these Regulations. States formulating reservations should provide the Director-General with reasons for the reservations.

A rejection in part of these Regulations shall be considered as a reservation.

 The Director-General shall, in accordance with paragraph 2 of Article 65, issue notification of each reservation received pursuant to paragraph 2 of this Article. The Director-General shall:

- (a) if the reservation was made before the entry into force of these Regulations, request those Member States that have not rejected these Regulations to notify him or her within six months of any objection to the reservation, or
- (b) if the reservation was made after the entry into force of these Regulations, request States Parties to notify him or her within six months of any objection to the reservation.

States objecting to a reservation should provide the Director-General with reasons for the objection.

- 5. After this period, the Director-General shall notify all States Parties of the objections he or she has received with regard to reservations. Unless by the end of six months from the date of the notification referred to in paragraph 4 of this Article a reservation has been objected to by one-third of the States referred to in paragraph 4 of this Article, it shall be deemed to be accepted and these Regulations shall enter into force for the reserving State, subject to the reservation.
- 6. If at least one-third of the States referred to in paragraph 4 of this Article object to the reservation by the end of six months from the date of the notification referred to in paragraph 4 of this Article, the Director-General shall notify the reserving State with a view to its considering withdrawing the reservation within three months from the date of the notification by the Director-General.
- 7. The reserving State shall continue to fulfil any obligations corresponding to the subject matter of the reservation, which the State has accepted under any of the international sanitary agreements or regulations listed in Article 58.
- 8. If the reserving State does not withdraw the reservation within three months from the date of the notification by the Director-General referred to in paragraph 6 of this Article, the Director-General shall seek the view of the Review Committee if the reserving State so requests. The Review Committee shall advise the Director-General as soon as possible and in accordance with Article 50 on the practical impact of the reservation on the operation of these Regulations.
- 9. The Director-General shall submit the reservation, and the views of the Review Committee if applicable, to the Health Assembly for its consideration. If the Health Assembly, by a majority vote, objects to the reservation on the ground that it is incompatible with the object and purpose of these Regulations, the reservation shall not be accepted and these Regulations shall enter into force for the reserving State only after it withdraws its reservation pursuant to Article 63. If the Health Assembly accepts the reservation, these Regulations shall enter into force for the reservation, these Regulations shall enter into force for the reserving State, subject to its reservation.

Article 63 Withdrawal of rejection and reservation

1. A rejection made under Article 61 may at any time be withdrawn by a State by notifying the Director-General. In such cases, these Regulations shall enter into force with regard to that State upon receipt by the Director-General of the notification, except where the State makes a reservation when withdrawing its rejection, in which case these Regulations shall enter into force as provided in Article 62. In no case shall these Regulations enter into force in respect to that State earlier than 24 months after the date of notification referred to in paragraph 1 of Article 59.

40

WHA58.3

2. The whole or part of any reservation may at any time be withdrawn by the State Party concerned by notifying the Director-General. In such cases, the withdrawal will be effective from the date of receipt by the Director-General of the notification.

Article 64 States not Members of WHO

- 1. Any State not a Member of WHO, which is a party to any international sanitary agreement or regulations listed in Article 58 or to which the Director-General has notified the adoption of these Regulations by the World Health Assembly, may become a party hereto by notifying its acceptance to the Director-General and, subject to the provisions of Article 62, such acceptance shall become effective upon the date of entry into force of these Regulations, or, if such acceptance is notified after that date, three months after the date of receipt by the Director-General of the notification of acceptance.
- 2. Any State not a Member of WHO which has become a party to these Regulations may at any time withdraw from participation in these Regulations, by means of a notification addressed to the Director-General which shall take effect six months after the Director-General has received it. The State which has withdrawn shall, as from that date, resume application of the provisions of any international sanitary agreement or regulations listed in Article 58 to which it was previously a party.

Article 65 Notifications by the Director-General

- The Director-General shall notify all States Members and Associate Members of WHO, and also other parties to any international sanitary agreement or regulations listed in Article 58, of the adoption by the Health Assembly of these Regulations.
- 2. The Director-General shall also notify these States, as well as any other State which has become a party to these Regulations or to any amendment to these Regulations, of any notification received by WHO under Articles 60 to 64 respectively, as well as of any decision taken by the Health Assembly under Article 62.

Article 66 Authentic texts

- The Arabic, Chinese, English, French, Russian and Spanish texts of these Regulations shall be equally authentic. The original texts of these Regulations shall be deposited with WHO.
- 2. The Director-General shall send, with the notification provided in paragraph 1 of Article 59, certified copies of these Regulations to all Members and Associate Members, and also to other parties to any of the international sanitary agreements or regulations listed in Article 58.
- 3. Upon the entry into force of these Regulations, the Director-General shall deliver certified copies thereof to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

5. Documents from Regional and Other Organizations/Regions

At a most basic level, regional organizations play an important role in providing states with a forum for consultation on political and security issues in a regional or other context.

5.1 Association of Southeast Asian Nations

As part of its commitment to promote regional peace and stability the Association of Southeast Asian Nations (ASEAN) established the ASEAN Regional Forum (ARF) in 1994. ARF currently has 27 participants. The ARF agenda consists of two broad objectives: first, to foster constructive dialogue and consultation on political and security issues of common interest and concern and, second, to contribute to efforts towards confidence building and preventive diplomacy in the Asia-Pacific region. This agenda aims to evolve in three broad stages, namely the promotion of confidence building, development of preventive diplomacy and elaboration of approaches to conflicts and, as part of that, the ARF countries agreed a non-proliferation statement in 2004, (reproduced in the 2008 edition of the *Resource Guide*). This edition of the *Resource Guide* contains relevant extracts from the most recent report from an ARF meeting on non-proliferation of weapons of mass destruction.

5.2 European Union

Established in 1957 by the Treaty of Rome and developed through subsequent treaties, the European Union (EU) currently has 27 Member States. The EU has long had an interest in arms control, disarmament and non-proliferation, especially since the adoption of its Common Foreign and Security Policy in the early 1990s through which, its involvement became much more intensive and pro-active. In 1999, a Council Joint Action established a EU cooperation programme for non-proliferation and disarmament in Russia, including financial assistance for destruction of chemical weapons. In 2003, the EU adopted its 'Strategy against Proliferation of Weapons of Mass Destruction', commonly known as the WMD Strategy.

Since 2003, the EU has focused on more concrete activities, including through, *inter alia*, the adoption of successive decisions to provide support for OPCW activities within the framework of the implementation of the WMD Strategy and a decision outlining a common approach to the 2013 CWC Review Conference. This section of the *Resource Guide* includes the most recent relevant Council Decisions.

5.3 Non-Aligned Movement

The first conference of Non-Aligned Heads of State was held in Belgrade in September 1961. The Non-Aligned Movement (NAM) currently has 119 Member States. Summit meetings of NAM Heads of State are held approximately every three years and there have been sixteen to date, with the most recent being held in Tehran, Islamic Republic of Iran, during 26-31 August 2012. After each summit, the host country becomes convenor of the NAM until the next summit meeting, so Iran will be the holder of this position for the Third CWC Review Conference. This section of the *Resource Guide* contains an extract from the Final Document of the 16th Summit of Heads of State or Government of the Non-Aligned Movement in 2012.

5.4 Other groupings

The **African Union**, established by the issuing of the Sirte Declaration in 1999 and the Constitutive Act of the African Union in 2000, is a successor to the amalgamated African Economic Community and the Organization of African Unity. The AU has 54 member states, including all African states except Morocco. In 2002, the African Union adopted a decision on the implementation and universality of the CWC, which was included in the 2008 edition

of the *Resource Guide*. In January 2006, OPCW Director-General Rogelio Pfirter and the Chairperson of the African Union Commission, Alpha Oumar Konaré, signed a memorandum of understanding focused on the universality of the Convention in Africa, effective national implementation of its provisions, and increased participation by African Member States in the OPCW's international cooperation programmes (the MoU is annexed to OPCW document S/547/2006).

Latin America has seen a number of CWC-relevant political activities. In September 1991 in Mendoza, Argentina, the governments of Argentina, Brazil and Chile jointly signed the Declaration of Mendoza which committed the three countries not to 'develop, produce or acquire in any way, stockpile or retain, transfer directly or indirectly, and not to use chemical or biological arms'. The Declaration was agreed in the context of the negotiation of the CWC and is primarily concerned with supporting the negotiation but, in its preambular determination to 'consolidate the region as an area of peace and cooperation, free from the scourge of these weapons of mass destruction', it can be seen as a precursor of later declarations by the OAS. The Declaration was subsequently also signed by Bolivia, Ecuador, Paraguay and Uruguay. In December 1991, the leaders of the Andean Group countries (Bolivia, Colombia, Ecuador, Peru and Venezuela) signed a Declaration on Renunciation of Weapons of Mass Destruction in Cartagena des Indias. The declaration obliged its signatories not to produce, develop, use, test and transfer weapons of mass destruction, whether nuclear, biological, toxin or chemical weapons, and to refrain from storing, acquiring or holding such weapons. Regarding the CWC specifically, the Declaration states the signatories support for the ongoing CWC negotiations and their intention to become original States Parties to the Convention. Like the Mendoza Declaration, the Cartagena Declaration states the goal of 'the transformation of Latin America and the Caribbean into the first inhabited area of the planet which is free of weapons of mass destruction'. Both declarations were included in the 2008 edition of the Resource Guide.

The **Organization of American States** (OAS) brings together 35 independent countries (however, while Cuba remains a member of the OAS, its government has been excluded from participation since 1962) to strengthen cooperation and advance common interests in the Western Hemisphere. At the Second Summit of the Americas, held in Santiago, Chile, in 1998 the Heads of State and Government decided to promote regional dialogue taking into account the new post Cold War political, economic, social, and strategic-military factors with a view to revitalizing and strengthening the institutions of the Inter-American system. One result of this regional dialogue was momentum to make the region a chemical and biological weapons-free zone, building on earlier commitments in the Mendoza and Cartagena Declarations of 1991. In October 2003, a Special Conference in Mexico City adopted the 'Declaration on Security in the Americas' which represented a new approach to hemispheric security taking into account the impact of globalization and other changes in the region. The Declaration reaffirmed their commitment to preventing the proliferation of weapons of mass destruction by resolutely supporting the OPCW. It additionally declared as an objective of the OAS making the Americas a region free of chemical and biological weapons. This latter objective was put into effect by a resolution of the 34th OAS General Assembly in Quito in 2004 in which OAS Member States resolved to 'concretely fulfil the shared commitment of member states to make the Americas a region free of biological and chemical weapons'. A copy of the resolution was included in the 2008 edition of the Resource Guide.

CO-CHAIRS' SUMMARY REPORT OF THE FOURTH ASEAN REGIONAL FORUM INTER-SESSIONAL MEETING ON NON-PROLIFERATION AND DISARMAMENT (ISM-NPD)

Sydney, 8-9 March 2012

- 1. Pursuant to the decision of the 18th Ministerial Meeting of the ASEAN Regional Forum (ARF) held in Bali on 23 July 2011, the Fourth ASEAN Regional Forum (ARF) Inter-Sessional Meeting on Non-Proliferation and Disarmament (ISM-NPD) was held in Sydney from 8 to 9 March 2012. The meeting was co-chaired by Australia (Mr Allan McKinnon, First Assistant Secretary, International Security Division, Department of Foreign Affairs and Trade), the Philippines (Mr Jose Brillantes, Undersecretary for Special and Ocean Concerns, Department of Foreign Affairs), and Japan (Mr Yoshiya Muto, Deputy Director-General for Disarmament, Non-Proliferation and Science Department of the Ministry of Foreign Affairs).
- 2. Participants from Australia, Bangladesh, Brunei, Cambodia, Canada, China, European Union, India, Indonesia, Japan, Laos, Malaysia, Mongolia, Myanmar, New Zealand, Pakistan, Papua New Guinea, the Philippines, Republic of Korea, the Russian Federation, Singapore, Thailand, Timor Leste, the United States, Viet Nam and the ASEAN Secretariat attended the meeting. Experts from the International Atomic Energy Agency (IAEA), the Organisation for the Prohibition of Chemical Weapons (OPCW), the Biological Weapons Convention Implementation Support Unit (BWC ISU), the United Nations Security Council (UNSC) Committee established pursuant to Resolution 1540, the Panel of Experts established pursuant to UNSC Resolution 1874, and the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO), and the Malaysian Ministry of International Trade and Industry briefed the meeting. The list of participants is attached at Annex I.
- 3. The ISM was preceded by the 15th meeting of the Council for Security Cooperation in Asia-Pacific (CSCAP) Study Group on countering the proliferation of WMD in the Asia-Pacific. On 9 March, at the conclusion of the officials' meeting, participants took part in a tour of the Australian Nuclear Science and Technology Organisation at Lucas Heights.

Opening Session

4. Mr Allan McKinnon, First Assistant Secretary, International Security Division, Department of Foreign Affairs and Trade of Australia, host and ISM Co-Chair, opened the meeting. Mr McKinnon noted the significant role the ARF plays in enhancing international security, particularly in the Asia-Pacific region. With the growing strategic and economic importance of the region, the role of the ARF was more significant than ever, including in relation to non-proliferation and disarmament. Mr McKinnon noted several non-proliferation challenges critical to international security. These included illicit trade in WMD materials supporting WMD programs, progress towards a Middle East WMD Free Zone, the Iran and DPRK nuclear issues, and terrorist attempts to acquire biological weapons. He expected this meeting would strengthen the regional approach to addressing such issues and contribute to international security and stability.

Agenda Item 1: Introduction and Adoption of Agenda

- 5. Co-Chair Mr Jose Brillantes, Undersecretary for Special and Ocean Concerns, Department of Foreign Affairs, the Philippines, emphasised the importance of non-proliferation and disarmament issues in the maintenance of peace and security in the Asia-Pacific region. He noted the prominence of these issues in the ARF agenda and in the "Hanoi Plan of Action to Implement the ARF Vision Statement by 2020", which provides policy guidance for practical actions, including cooperation, to take forward the non-proliferation and disarmament agenda. Mr Brillantes reviewed recent major international and regional non-proliferation developments and noted they serve as an impetus for further cooperation. On the regional front, he recalled the development of the ARF Preventive Diplomacy Work Plan, agreed at the 18th ARF Ministerial Meeting in Bali, Indonesia in July 2011, and the impetus this gives to enhancing action on all four ARF priority areas of preventive diplomacy. He also commended the successful conclusion of the first cycle of the ARF ISM-NPD and the opportunity of the second cycle to take stock of recent gains and to develop concrete actions to sustain ARF cooperation on non-proliferation, disarmament and peaceful uses of nuclear energy.
- 6. Co-Chair, Mr Yoshiya Muto, Deputy Director-General for Disarmament, Non-Proliferation and Science Department of the Ministry of Foreign Affairs of Japan, reiterated the valuable work of the ARF Inter-Sessional Meetings on non-proliferation and disarmament in implementing the "Hanoi Plan of Action to Implement the ARF Vision Statement by 2020", including through practical actions such as capacity building activities and best practices. He noted the meeting's timeliness in the leadup to the first NPT Preparatory Committee of the 2015 NPT Review process. In this regard Mr Muto outlined the work of the Japan/Australia-launched Non-Proliferation and Disarmament Initiative (NPDI), a cross regional group of ten countries working on practical proposals for the realization of a world without nuclear weapons. In providing an update on the post-Fukushima situation, Mr Muto emphasised that it is vital to learn from such accidents in order to enhance international nuclear safety. He also announced The Fukushima Ministerial Conference on Nuclear Safety which will be held from 15-17 December 2012, organised by the Government of Japan in co-sponsorship with the IAEA.
- 7. Mr Ralph Cossa and Mr Nguyen Hung Son, representing the Council for Security Cooperation in Asia-Pacific (CSCAP), reported on key findings of the 15th meeting of the CSCAP Weapons of Mass Destruction Study Group, which had met immediately preceding the ISM. They highlighted: Indonesia's CTBT ratification, hoping this will be an impetus for others in the region to also ratify; the recent DPRK/US agreement as a positive first step, although developments needed to be carefully handled to avoid unrealistic expectations; and the extension of the UN Security Council Resolution 1540 creating a new phase for this Resolution. The ARF's attention was drawn to the range of CSCAP publications available online, including the CSCAP Guidelines for Managing Trade of Strategic Goods.
- 8. The meeting adopted the Agenda of the Fourth ARF ISM-NPD as attached in Annex II.

Agenda Item 2: Strengthening Global and Regional Nuclear Non-Proliferation Measures

9. Dr Peter Rance, of the International Atomic Energy Agency, presented on "Strengthening Global and Regional Nuclear Non-Proliferation Measures". He noted that the non-proliferation regime was an interconnected web of national, bilateral, regional, multilateral and international mechanisms, processes and commitments. The NPT was the centrepiece of this web, with the IAEA responsible for verifying states' NPT and other non-proliferation commitments. To both verify the

correctness and completeness of states' declarations, the IAEA needed the required legal powers, including through conclusion of Additional Protocols, as well as states' full cooperation. The number of countries with Additional Protocols has for the last three years exceeded those without one and numbers continue to steadily rise; reaching 116 as of 2012.

- 10. Ms Nalinie Sewpersadsingh, of the Preparatory Commission of the Comprehensive Nuclear Test-Ban Treaty Organization (CTBTO), provided an update on the status of the treaty and the activities of the CTBTO. With the recent ratification of the treaty by Indonesia, there remained only eight Annex 2 states needing to ratify for the CTBT to enter into force. She outlined the global International Monitoring System, which is currently over 80% complete and not only provides a detection capability for nuclear tests, but is contributing to civil and scientific efforts related to earthquakes, tsunami warning, and radiation and atmospheric studies. These capabilities were used in the aftermath of the Fukushima incident to inform the international community. The CTBTO has recently launched a new education and training capacity building initiative.
- 11. Participants warmly welcomed Indonesia's ratification of the CTBT and many expressed the hope that this would lead to other ARF participants' ratification of the treaty in the near future. The majority of participants expressed strong support for the CTBT entering into force at the earliest opportunity.
- 12. Various challenges facing the region were noted along with the collective obligation of ARF members to address these challenges. Non-proliferation and disarmament were key elements of international peace and security. It was highlighted that ARF members could further contribute through mechanisms such as stronger safeguards, tighter export controls, full implementation of UN Security Council resolutions and other means such as entry into force of the CTBT. The value of capacity building was highlighted and several participants offered assistance in helping ARF states with implementing non-proliferation mechanisms.
- 13. Participants party to the NPT expressed their support for the Treaty and emphasised the importance of all three NPT pillars: disarmament, non-proliferation and the peaceful uses of nuclear energy. They welcomed the successful 2010 NPT Review Conference and its outcomes documents, and highlighted the importance of maintaining momentum in taking forward the 64-point Action Plan agreed by NPT states. They looked forward to the May 2012 NPT Preparatory Committee as an opportunity to take stock of developments to date and make further progress on the three pillars of the NPT. The meeting noted that it was important for ARF members to make a strong contribution to the 2012 NPT Preparatory Committee meeting.
- 14. Participants shared common aspirations and objectives to reduce and eliminate the threat of the proliferation of weapons of mass destruction and their means of delivery, and committed themselves to engage in efforts to this end. The meeting discussed the current developments, challenges and opportunities in the nuclear non-proliferation regime. They particularly noted the continuing challenge of ensuring the entirely peaceful nature of civil nuclear programs. Participants welcomed reports that the DPRK has agreed to a moratorium on nuclear tests, long-range missile launches, and nuclear activities at Yongbyon, and to allow the IAEA to monitor the moratorium on these nuclear activities.
- 15. Some participants noted various non-proliferation initiatives, including: the Non-Proliferation and Disarmament Initiative (NPDI), a cross regional group of ten countries undertaking practical steps

to take forward the NPT Action Plan; the initiative to promote de-alerting of nuclear weapons; and the Proliferation Security Initiative (PSI). Several participants expressed the hope that non-proliferation and disarmament momentum could be increased towards progress on a Fissile Material Cut-off Treaty and a Nuclear Weapons Convention.

- 16. The issue of the South East Asia Nuclear Weapons Free Zone (SEANWFZ) was discussed. Participants welcomed the conclusion of direct consultations between ASEAN Member States and the Nuclear Weapon States (NWSs) at the 19th ASEAN Summit in November 2011. This was considered a significant step forward in formally preserving South East Asia as a nuclear weapons-free zone. The participants encouraged all ASEAN Member States and the NWSs to continue their constructive collaboration to ensure the early accession of the NWSs to the Protocol of the SEANWFZ Treaty. It is expected that signing of the Protocol by NWSs could occur during the 45th ASEAN Ministerial Meeting/Post Ministerial Conference/19th ARF Meeting in July 2012.
- 17. The meeting noted concerns about the possibility of terrorists obtaining nuclear or radiological material. In this regard the meeting looked forward to the March 2012 Nuclear Security Summit in Seoul, Republic of Korea. This meeting was expected to focus on progress since the first Nuclear Security Summit in Washington, security of radiological sources and circumstances where security issues could lead to safety issues.
- 18. Some participants expressed disappointment that, to date, the Conference on Disarmament had not been able to make substantial progress on its agreed work program. They expressed their willingness to participate in the work of the CD in a positive and constructive manner, so as to make substantive contributions to the work of the CD on nuclear disarmament, the Fissile Material Cut-off Treaty, preventing an arms race in outer space, as well as negative security assurances to non-nuclear-weapon-states.
- 19. Participants reiterated the right of all states to pursue peaceful nuclear programs, while stressing that this work must be done in ways that are consistent with all non-proliferation commitments and international obligations. The role of the IAEA in fostering cooperation in peaceful uses of nuclear energy was welcomed.
- 20. Participants noted that the ARF can play a constructive role in addressing nuclear non-proliferation issues, including through the sharing of national experiences and expertise, and fostering a climate that facilitates enhanced implementation of our shared non-proliferation commitments.

Agenda Item 3: Prospects for the Biological Weapons Convention (BWC) and the Chemical Weapons Convention (CWC), in view of the outcomes of the BWC Review Conference and the Conference of the States Parties to the CWC

21. Mr Malik Azhar Ellahi, from the Organisation for the Prohibition of Chemical Weapons (OPCW) provided an outline of the outcomes of the 16th Session of the Conference of the States Parties to the Chemical Weapons Convention (CWC). The Conference had decided to extend the deadline for destruction of chemical weapons by Possessor States, to extend Libya's deadline for destruction of chemical weapons, and to renew the OPCW's Action Plan on Universality. The Conference had also reaffirmed the importance of national implementation and international

cooperation. Mr Ellahi also provided an outline of the main achievements and future OPCW challenges.

- 22. Participants expressed their strong support for the CWC and their appreciation for the verification work of the OPCW. They encouraged all states possessing chemical weapons to maintain momentum on destruction activities and for all states to facilitate and cooperate with the verification activities of the OPCW. Participants emphasised the importance of CWC universality as a vital step towards eliminating all chemical weapons everywhere. Cooperation between the ARF and the OPCW was considered important to strengthen the CWC and support CWC States Parties. One participant emphasised the need for further work on abandoned chemical weapons and another participant referred to recent progress made in this field.
- 23. Mr Richard Lennane, from the Biological Weapons Convention (BWC) Implementation Support Unit provided a briefing on the outcomes of the 7th Review Conference (RevCon) of the Convention held in December 2011. The meeting welcomed the enhanced inter-sessional process (ISP) agreed by the RevCon. The meeting noted the greater continuity the ISP would provide over the coming five years for states to address in a sustained manner the following issues: ways and means to enhance national implementation; review of developments in science and technology related to the Convention; and cooperation and assistance.
- 24. The meeting noted the growing threat of bio-terrorism non-state actors accessing biological materials and technologies- and considered the BWC as one mechanism to address this threat. Effective national implementation of the BWC's provisions was identified as important in reducing the possibility of BW proliferation and in raising barriers to bioterrorism. Confidence Building Measure under the BWC reports were considered to provide welcome transparency and confidence. Some participants regarded further discussion on a verification mechanism for the BWC would be another positive step towards strengthening the treaty.
- 25. Participants also acknowledged the important goal of BWC universality.
- 26. Overlaps, synergies and convergence between the BWC and CWC were discussed and the benefits of greater effectiveness and reduced resources were identified. Participants expressed the view that a common national approach to implementing these two treaties could lead to better controls over dual-use CBW material, strengthen CBW counter terrorism strategies and raise awareness of non-proliferation among the chemical and biological industries.
- 27. Some participants yet to ratify the BWC and CWC affirmed their commitment to ratify both conventions.

Agenda Item 4: Reducing the WMD threat through implementing UNSCR 1540 and other sanctions obligations: Role of the ARF

28. The Chairman of the UN Security Council Resolution 1540 Committee, H. E. Ambassador Baso Sangqu, made a presentation on the implementation of UNSCR 1540 and the future work of the Committee. The meeting noted the long-term objectives of the Resolution and the extension of the 1540 Committee until 2021. Participants commended the role of UNSCR 1540, not only for filling the gap in international efforts to prevent non-state actors, including terrorist groups, from acquiring

WMD, but also its important role in preventing the proliferation of WMD-related goods and knowledge more widely. Participants noted the progress that has been made in implementing UNSCR 1540, and underlined the need for greater cooperation among UN member states in its implementation at the national, regional and global levels.

- 29. Participants stressed their commitment to UNSCR 1540, supported the role of the ARF in implementing the resolution, and shared national and regional experiences in this regard, including legal, regulatory, control and enforcement efforts. It was suggested that the ARF could encourage regional initiatives focused on implementation of UNSC Resolution 1540, including through encouraging participants to designate Points of Contact for implementation of the Resolution, a step already taken by other regional organisations such as OAS, AU and OSCE.
- 30. Mr William Newcomb, from the Panel of Experts established pursuant to UN Security Council Resolution 1874 provided an update on developments in relation to UNSC Resolutions 1718 and 1874. The meeting noted that these resolutions require the DPRK to suspend its ballistic missile and related activities, abandon its nuclear weapons program and return to the NPT. The resolution further requires all states to prevent the sale and transfer of arms, missile, WMD related items and luxury goods to the DPRK. The 1718 Committee, supported by the Panel of Experts, assesses the effectiveness of the implementation of these resolutions. New recommendations from the Committee focus on implementation by states of financial controls and sanctions.
- 31. Some participants raised the issue of reporting requirements under the UNSC resolutions on non-proliferation. In particular, they noted the burden that the range of proliferation instruments imposed particularly on smaller states dealing with a range of competing requirements with limited resources. In this regard, the Chair of the 1540 Committee and several participants offered assistance to help states establish and implement their obligations under UNSC Resolution 1540 and other non-proliferation undertakings.

Agenda Item 5: Strengthening export controls and eliminating illicit trade in WMD sensitive goods

- 32. Mr Faizal Mohd Yusof, Deputy Strategic Trade Controller, Malaysian Ministry of International Trade and Industry, spoke on Malaysia's experience with export controls and eliminating the illicit trade in WMD-sensitive goods. He outlined the legislation and regulatory process to bring into force such controls and the challenges involved. Implementation required not only coordination across a large number of government agencies, but also a significant education program for Malaysian industry and exporters.
- 33. Some participants shared their national and regional experiences on export controls in a detailed manner. Participants recognised the usefulness of this information in improving their own national infrastructure. Participants noted the importance of transparency, legitimacy, effectiveness, and inclusiveness in implementing effective export controls. While noting the positive impact that export controls can have on the promotion of trade, and on the peaceful development of nuclear, chemical and biological activities, participants stressed the need to ensure that the regimes do not hamper the legitimate rights of developing countries to sustainable economic development.

- 34. Participants noted the challenges faced in implementing effective export and domestic controls, including the need for capacity and resources, enforcement, interagency coordination, raising industry awareness, industry-government relations, and the complexity of regulating certain activities. The meeting noted ASEAN's efforts to improve implementation of export controls in ways that help to facilitate economic development, such as the ASEAN Single Window Program.
- 35. Several participants and international organisations present at the meeting offered assistance to help states establish and implement effective tools for preventing the illicit transfer of WMD-related items, and to promote the peaceful development of nuclear, chemical and biological activities.

Agenda Item 6: Wrap up / closing session

- 36. Participants were encouraged by the comprehensive, in-depth and fruitful discussions during this two-day meeting. They expressed the view that the ongoing work of ISM-NPD provided a valuable opportunity for the ARF to foster consensus on disarmament and non-proliferation, and other related issues concerning regional and international security and stability. Participants commended the open and thoughtful contribution of participants and noted that the meeting had been useful in informing states on pressing issues related to disarmament, non-proliferation and peaceful use in the region and the world at large.
- 37. Participants appreciated the progress undertaken inter-sessionally by states on the ARF work plan on non-proliferation and disarmament and agreed that the elaboration of such a plan is a positive development. Some participants noted that the work plan was "a living document" and would require regular review as part of the ISM processes. Participants further agreed to recommend the work plan (Annex III) to the next ARF Inter-Sessional Group meeting in May as a basis for discussion, with a view to its endorsement by ARF Senior Officials and its eventual adoption by Ministers at the ARF meeting in July 2012.
- 38. Several participants highlighted additional national and regional activities that contribute to non-proliferation and disarmament. The meeting noted the annual UN-ROK joint Conference on Disarmament and Non-Proliferation Issues, the UN conferences on Disarmament Issues in cooperation with Japan and the ASEAN/P5 arrangements supporting the SEANWFZ Treaty and promoting the peaceful uses of nuclear energy and safe disposal of radioactive waste.
- 39. Participants expressed their gratitude and appreciation to the Government of Australia for its generous hospitality and for the excellent arrangements made for the meeting.
- 40. The meeting agreed the ARF ISM on Non-Proliferation and Disarmament would meet again in the Philippines where it would focus on peaceful uses, and in Japan where it would focus on disarmament in 2013 and 2014.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL DECISION 2009/569/CFSP

of 27 July 2009

on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 13(3) and Article 23(1) thereof,

Whereas:

- (1) On 12 December 2003, the European Council adopted the EU Strategy against Proliferation of Weapons of Mass Destruction (hereinafter referred to as the EU Strategy), Chapter III of which contains a list of measures to combat such proliferation.
- The EU Strategy underlines the crucial role of the (2) Chemical Weapons Convention (CWC) and of the Organisation for the Prohibition of Chemical Weapons (OPCW) in creating a world free of chemical weapons. As part of the EU Strategy, the EU has committed itself to working towards universal adherence to key disarmament and non-proliferation treaties and agreements, including the CWC. The objectives of the EU Strategy are complementary to the objectives pursued by the OPCW, in the context of its responsibility for the implementation of the CWC.
- On 22 November 2004, the Council adopted Joint (3) Action 2004/797/CFSP on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (1), followed on its expiry by Joint Action 2005/913/CFSP of 12 December 2005 (2) and Joint Action 2007/185/CFSP of 19 March 2007 (3). The latter will expire on 31 July 2009.

(¹) OJ L 349, 25.11.2004, p. 63. (²) OJ L 331, 17.12.2005, p. 34. (³) OJ L 85, 27.3.2007, p. 10.

The continuation of such intensive and targeted assistance from the EU to the OPCW is necessary in the context of the active implementation of Chapter III of the EU Strategy. Measures related to the universalisation of the CWC should continue and be adapted and targeted to the declining number of States not Parties to the CWC. These activities should be complemented by new ones to support specific projects conducted by the OPCW aimed at the full implementation of the CWC and to enhance international cooperation in the field of chemical activities,

HAS DECIDED AS FOLLOWS:

Article 1

- For the purpose of giving immediate and practical application to some elements of the EU Strategy, the European Union shall support activities of the OPCW, with the following objectives:
- to enhance the capacities of States Parties in fulfilling their obligations under the Convention, and
- to promote universality by encouraging States not Party to join the Convention.
- In this context, the projects of the OPCW, corresponding to measures of the EU Strategy, shall be the following:

Project I: National Implementation, Verification and Universality

Activities:

- bilateral technical assistance visits
- training of customs officials on the technical aspects of the Convention's transfers' regime
- training of national escorts

- training of national authorities for the use of an electronic declaration tool
- challenge inspection field exercise

Project II: International Cooperation

Activities:

- analytical skills development course
- CWC and chemical process safety workshop

Project III: Seminar — OPCW's Contribution to International Security Dimension and Challenges

Project IV: visits by representatives of the Executive Council to chemical weapons destruction facilities

Project V: second session of the Scientific Advisory Board

Project VI: seminar — OPCW's contribution in the sphere of security and non-proliferation

Project VII: preparedness of States Parties to prevent and respond to attacks involving chemicals

Activities:

- table top exercise
- regional workshop on Article X of the Convention

Project VIII: Africa programme

Activities:

- bilateral technical assistance visits
- outreach activity academic and training Institution Kofi Annan Centre
- training of customs officials on the technical aspects of the Convention's transfers' regime
- outreach to States not Parties
- analytical skills development course

- outreach to industry CWC and chemical process safety workshop
- regional workshop Article X and issues of regional cooperation in the area of assistance and emergency response

A detailed description of the projects is set out in Annex to this Decision.

Article 2

- 1. The Presidency, assisted by the Secretary-General of the Council/High Representative (SG/HR) for the CFSP, shall be responsible for the implementation of this Decision. The Commission shall be fully associated.
- 2. Technical implementation of the project referred to in Article 1(2) shall be carried out by the Technical Secretariat of the OPCW (hereinafter referred to as the Technical Secretariat). It shall perform this task under the responsibility of the Presidency and under the control of the SG/HR. For this purpose, the SG/HR shall enter into the necessary arrangements with the Technical Secretariat.
- 3. The Presidency, the SG/HR and the Commission shall coordinate regularly on the project, in accordance with their respective competences.

Article 3

- 1. The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be EUR 2 110 000.
- 2. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.
- 3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For this purpose, it shall conclude a financing agreement with the Technical Secretariat. The agreement shall stipulate that the Technical Secretariat is to ensure visibility of the EU contribution, appropriate to its size.
- 4. The Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the agreement. The Commission shall publish in the Official Journal of the European Union, C series, notice of the date of conclusion of the financing agreement.

Article 4

The Presidency, assisted by the SG/HR, shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by the Technical Secretariat. Those reports shall form the basis for the evaluation carried out by the Council. The Commission shall be fully associated. It shall report on the financial aspects of the projects referred to in Article 1(2).

Article 5

- 1. This Decision shall enter into force on the day of its adoption.
- 2. This Decision shall expire 18 months after the date of the conclusion of the financing agreement referred to in Article 3(3). However, it shall expire 6 months after its entry

into force if that financing agreement has not been concluded by that time.

Article 6

This Decision shall be published in the Official Journal of the European Union.

Done at Brussels, 27 July 2009.

For the Council
The President
C. BILDT

ANNEX

EU support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction

Project I: National implementation, verification and universality

Objective:

To enhance the capacity of States Parties in fulfilling their obligations under the Convention and to encourage States not Party to better understand the benefits of joining the Convention and getting more involved in OPCW activities.

Purpose:

- Purpose 1
 - States Parties make progress towards:
 - fulfilling national implementation requirements under Article VII of the Convention,
 - complying with their declarations and inspection declarations requirements under Article VI of the Convention,
 - understanding the procedures entailed in a challenge inspection under Article IX of the Convention, as well as the relevant challenges and other issues.
- Purpose 2
 - States not Party get more involved in OPCW activities and increase their understanding of the Convention and its benefits.

Results:

- Result 1
 - National Authorities have enhanced their capacity to draft national implementing legislation,
 - Customs Officials have enhanced their capacity to identify chemicals relevant to the Convention and to submit accurate transfers of scheduled chemicals data to National Authorities,
 - National Authorities have enhanced their capacity to prepare and submit timely declarations, particularly, in electronic format,
 - National Authorities officials are trained to escort OPCW inspection teams, and
 - States Parties have a better knowledge of the challenge inspection mechanism, as a fundamental verification tool at their disposal to clarify possible non-compliance with the Convention,
 - States Parties receive assurances on the readiness of the Technical Secretariat to successfully conduct a challenge inspection and effectively apply the Convention verification regime.
- Result 2
 - States not Party are more involved in OPCW activities and have obtained a better understanding of the benefits of
 joining the Convention and are more involved in OPCW activities.

Activities:

Bilateral technical assistance visits: support to States Parties will be provided through technical assistance visits that will be designed on a case-by-case basis and conducted to provide focused assistance to meet the requirements of the requests made by the States Parties. The nature of this support will include sensitisation and outreach efforts through national awareness workshops, specialised training courses, assistance for drafting national implementing legislation and related measures, and Article VI industry-related topics.

Training of customs Officials on the Technical aspects of the Convention's transfers' regime: support to customs officials has been provided under the three previous Joint Actions. On the basis of experience gained, outreach to customs officials through training courses will be undertaken with a view to improving the collection and transmission of data on imports and exports of scheduled chemicals to National Authorities. Regional and sub-regional training courses undertaken will offer practical hands-on demonstrations and exercises.

Training of national escorts: a course will be offered to raise awareness amongst States Parties of their rights and obligations in the conduct of inspections under Article VI. Training of national escorts will be undertaken through a sub-regional training course designed to provide relevant information about the verification regime, in particular the conduct of inspections under Article VI. Such training course will also include practical hands-on exercises at a facility and table-top exercises.

Training of National Authorities for the use of an electronic declaration tool: courses and sensitisation workshops at regional or sub-regional level will provide personnel from National Authorities with the tools and the knowledge to collect, maintain, and analyse information about the production, processing and consumption of dual-use chemicals, making them better equipped to submit accurate and timely declarations and to identify any potential threats and/or proliferation activities.

Challenge inspection field exercise: a full-scale field exercise will be carried out to increase States Parties' knowledge and understanding of the procedures involved in a challenge inspection. This exercise will also provide an opportunity for the Technical Secretariat to test and improve its skills and capabilities to organise challenge inspections as well as identify problems which, if not known or addressed, could affect the Secretariat's ability to effectively conduct a real challenge inspection.

Outreach to States not Party: representatives of States not Party who are in a position to influence national actions relating to accession/ratification and those directly involved in issues of relevance to the Convention will be sponsored to attend various programmes organised by the International Cooperation and Assistance Division (ICA). These programmes will include regional workshops for National Authorities of States Parties and regional workshops for Customs Authorities. Where necessary, staff members from the External Relations Division of the Technical Secretariat will also be sponsored to attend these meetings in order to undertake necessary contacts and interaction with the sponsored participants from the States not Party. In addition, and as may be necessary, tailored-made visits and arrangements involving States not Party are also envisaged within this scheme of support to States not Party.

Project II: International Cooperation

Objective:

To enhance the technological capacity of States Parties through international cooperation in the field of chemical activities for the purposes not prohibited under the Convention.

Purpose:

- Purpose 1
 - States Parties with developing economies or economies in transition engage in international cooperation initiatives for the peaceful use of chemistry.
 - States Parties in countries with developing economies or economies in transition enhance the capacity of their publicly funded laboratories to implement the Convention in the field of peaceful uses of chemistry.
- Purpose 2
 - States Parties in countries with developing economies or economies in transition progress in the promotion of the industry-related national implementation of the Convention, in accordance with Article XI, through enhancing chemical process safety management approaches.

Results:

- Result 1
 - Increased capacity of States Parties with developing economies or economies in transition to engage in international cooperation initiatives for the peaceful use of chemistry.

- Enhanced level of technical competence in publicly funded laboratories in States Parties with developing economies or economies in transition to analyse chemicals related to national implementation of the Convention and in the peaceful application of chemistry using modern analytical methods especially Gas Chromatography (GC) and Gas Chromatography/Mass Spectrometry (GC/MS).
- Result 2
 - Increased capacity of States Parties with developing economies or economies in transition to engage in international cooperation initiatives for the peaceful use of chemicals.
 - Upgraded levels of competence and understanding by the personnel of small and medium enterprises, representatives of industry associations and the national authorities or governmental institutions of States Parties whose economies are developing or in transition regarding process safety management practices in small and medium chemical enterprises.

Activities:

Analytical skills development course: during this two weeks course, participants will receive theoretical training and hands-on experience in gas chromatography and gas chromatography-mass spectrometry, covering hardware, system validation and optimisation, and trouble-shooting. Focus will also be made on the preparation of environmental samples and on GC and GC/MS analyses of such samples for chemicals related to the Convention. Participants will also receive intensive hands-on training in the preparation of different sample matrices to be analysed by GC with element-selective detectors and by GC/MS in electron impact and chemical-ionisation modes and they will be introduced to a range of extraction, clean-up, and derivatisation procedures. The course will be implemented with the support of VERIFIN/TU Delft or similar renowned institutions selected through a transparent process.

Industry outreach — CWC and chemical process safety workshop: there will be an introduction on the Convention and the international cooperation programmes implemented pursuant to it. Best industry practices and the elements of the process safety management concept — amongst others — will be discussed during this workshop. In addition an overview of Process Hazard Analysis (PHA) and Hazard and Operability (HAZOP), principles of human factors, management of change, and safety culture/employee participation will be covered at this workshop.

Project III: Seminar — OPCW's contribution to the International Security Dimension and Challenges

Objective:

To support the effective implementation of the Convention and enhance the understanding of its global contribution to international peace and security.

Purpose:

- Purpose 1 to provide a holistic overview of the role and importance of the Convention in the international security
 architecture.
- Purpose 2 to raise awareness among the major stakeholders of the Convention at the national, regional and international levels, on the provisions of the Convention and implementation strategies.
- Purpose 3 to promote networking and synergies and other inter-agency cooperative approaches to international security.

Results:

- Result 1 stakeholders are better informed on the importance of the Convention and increase their support to the
 work of the OPCW including its world-wide programme and activities.
- Result 2 stakeholders are more aware of the Convention and innovative strategies for their implementation.
- Result 3 States not Party have enhanced their dialogue and cooperative relations with the OPCW to facilitate their
 efforts aimed at joining the Convention.

- Result 4 - the chemical industry improves its capacity to coordinate joint initiatives to implement the Convention.

Activity:

Seminar: the seminar will be held in the Hague or in an interested State Party. The Technical Secretariat staff and representatives of other intergovernmental organisations, States Parties, the chemical industry and academia will provide presentations on the relevant subjects pertaining to the Convention. The event will also provide the Technical Secretariat an opportunity to conduct bilateral consultations with participating intergovernmental organisations and States not Party. This Seminar will be organised in partnership or with the support of the host country and any interested (and relevant) organisation.

Project IV: visits by representatives of the Executive Council to chemical weapons destruction facilities

Objective:

To advance the elimination of chemical weapons stockpiles and chemical weapons production facilities subject to the verification measures provided for in the Convention.

Purpose:

- Purpose 1 States Parties are able to monitor progress made towards achieving complete destruction of chemical
 weapons stockpiles and can identify and address problems to achieve destruction at an early stage.
- Purpose 2 States Parties are more confident that tangible and concrete steps are undertaken for the complete
 destruction of chemical weapons stockpiles.

Results:

- Result 1 States Parties have enhanced understanding of the problems and technical difficulties related to the destruction of chemical weapons.
- Result 2 States Parties have enhanced confidence that tangible and concrete steps are undertaken for the complete
 destruction of chemical weapons stockpiles.

Activity:

Visits to chemical weapons destruction facilities (CWDFs): To date, three visits have taken place — to the Anniston CWDF, in the United States of America (October 2007), to the Shchuchye CWDF, in the Russian Federation (September 2008), and to Pueblo and Umatilla CWDFs, also in the United States (June 2009). The three visits conducted so far have been valuable as a means of addressing questions or concerns about a possessor State Party's programme for fulfilling its obligations on the destruction of its chemical weapons within the approved extended deadline. Therefore, in line with the Conference decision, it is clear that for the remaining years until 2012, both possessor States Parties will host further such visits to their operational chemical weapons destruction facilities and to facilities currently under construction.

Project V: Second Session of the Scientific Advisory Board

Objective:

To enable the Conference of States Parties, the Executive Council or the States Parties to better take into account the advances in science and technology and their potential impact on the implementation of the Convention.

Purpose:

To enable the Director-General to render special advice to the OPCW policy making organs and to the States Parties on the areas of science and technology relevant to the Convention.

Results:

 Result 1 — States Parties receive advice and recommendations on areas of science and technology relevant to the Convention. Result 2 — States Parties are updated and more informed on areas of science and technology relevant to the Convention.

Activity:

Scientific Advisory Board (SAB): in the autumn of 2009, a second SAB session will be held in The Hague. The session will last for three days, during which the SAB will continue addressing questions related to advances in science and technology and their potential impact on the implementation of the Convention. The session will also address a report of the temporary working group on sampling and analysis, which will be prepared during the convened meeting of that group prior to the second session of the SAB. The temporary working group addresses questions related to new and additional techniques for on-site analysis, off-site analysis, and the analysis of toxins (ricin and saxitoxin) off-site and on-site.

Project VI: Seminar — OPCW's contribution in the sphere of security and non-proliferation

Objective:

To support the global efforts aimed at the non-proliferation of weapons of mass destruction, particularly chemical weapons.

Purpose:

- Purpose 1 national authorities and other stakeholders involved in the implementation of the Convention enhance their capacities to help prevent the proliferation of chemical weapons and the use of chemicals in terrorist attacks.
- Purpose 2 a multi-stakeholder cooperation forum is established as a tool to support specific activities of States Parties in the sphere of chemical non-proliferation and in the fight against terrorism.

Results:

- Result 1 stakeholders in the Convention have increased awareness of the proliferation threat and challenges posed by chemical weapons and the use of toxic chemicals in terrorist attacks.
- Result 2 States Parties are better prepared to meet the threats of terrorism involving the use of toxic chemicals in different settings.
- Result 3 national authorities and relevant national and international partners, the chemical industry, academia and
 the OPCW are able to improve synergies and further contacts towards a common goal the full and effective
 implementation of the Convention.
- Result 4 States Parties with developing economies or economies in transition participate in the exchange of knowledge and experience on verification and other implementation measures and have increased knowledge on the recent developments in the sphere of the Convention's verification regime and the protection against chemical weapons.

Activity:

Seminar: the seminar will feature presentations by the Technical Secretariat on various issues related to the implementation the Convention and its contribution to security and non-proliferation. Presentations will be made by the different stakeholders in the Convention, and specialised workshops will be organised in the context of the seminar on relevant aspects related to the risks associated with the proliferation of chemical weapons and the use of toxic chemicals in terrorist attacks. The seminar will also provide an opportunity to discuss and pose questions and answers on issues related to the OPCW's contribution to security and non-proliferation.

Project VII: Preparedness of States Parties to prevent and respond to attacks involving chemicals

Objective:

To contribute to the development of national capacities of States Parties to reduce the risks of a terrorist attack with chemicals and to improve their response to requests for assistance in case of use or threat of use of chemicals.

Purpose:

- Purpose 1 States Parties, whose economies are developing or in transition, enhance their capacity to:
 - reduce the risks of possible terrorist access to materials, equipment and knowledge that could be used in a terrorist attack on chemical plants,
 - assess the adequacy of existing plans, policies, and procedures to respond to a terrorist attack on chemical plants,
 - respond in case of a terrorist attack with chemicals,
 - exercise their decision-making processes, including information exchange and coordination of actions with national and international partners in case of terrorist attack on chemical plants,
 - start working on the creation of a platform of cooperation between target groups to respond in case of terrorism with release of toxic chemicals.

— Purpose 2

- States Parties enhance their awareness of the importance of submitting timely and full declarations on national programmes related to protective purposes,
- States Parties contribute to the preparedness of the OPCW to respond to a request for assistance,
- States Parties in the regions or sub-regions are encouraged to foster contacts for the creation of regional networks to improve their coordinated response to a chemical weapons emergency.

Results:

- Result 1 increased awareness of States Parties, whose economies are developing or in transition, regarding:
 - the use of toxic chemicals by terrorists and/or safety and security at chemical plants,
 - the need to promote cooperation in relation to chemical weapons emergencies in case of a terrorist attack.
- Result 2 increased capacity of States Parties, whose economies are developing or in transition, to:
 - reduce the risks of possible terrorist access to materials, equipment and knowledge that could be used in a terrorist attack on chemical plants,
 - respond in case of terrorist attack with toxic chemicals,
 - exchange information and coordinate actions with national and international partners in case of a terrorist attack on chemical plants.
- Result 3 States Parties are aware of the importance of submitting timely and full
 declarations on national programmes related to protective purposes.
- Result 4 States Parties are better positioned to make offers of assistance to the OPCW in response to a request of assistance.
- Result 5 States Parties have developed contacts that may result in future cooperation at regional level to respond to a chemical weapons emergency.

Activities:

Table-top exercise: this activity aims at developing the capabilities of the States Parties to reduce the risks of chemical weapons being acquired or used for terrorist purposes. This will include preventing possible terrorist access to materials, equipment, and knowledge that could be used in the development and production of chemical weapons. A detailed concept of the table-top exercise will be developed. The terrorist attack at chemical plant with a release of toxic chemicals will be a basic scenario of the exercise. The table-top exercise will examine cross government decision-making, information exchange and provision of assistance between relevant national and international organisations. The table-top exercise will be repeated in other regions in the future, based on the module developed by the Technical Secretariat and the States Parties. This activity will involve the participation of related branches in the International Cooperation and Assistance Division, Verification Division and the Inspectorate Division. The table-top exercise will be organised by the Office of Special Projects.

Regional Workshop: The Regional Workshop is intended to foster discussion and analysis of several assistance and protection-related issues with special focus on areas such as, the rights and obligation of States Parties under Article X of the Convention, the submission of declarations of protective programmes, an analysis of Article X weaknesses and problem areas, and an overview of assistance and protection activities in the region. States Parties will make presentations in order to share experiences and lessons learned.

Project VIII: Africa Programme

Objective:

To enhance the capacity of States Parties in fulfilling their obligations under the Convention and to encourage States not Party to better understand the benefits of joining the Convention and getting more involved in OPCW activities.

Purpose:

- Purpose 1 African States Parties make progress towards:
 - fulfilling national implementation requirements under Article VII of the Convention,
 - complying with their declarations and inspection declarations requirements under Article VI of the Convention.

— Purpose 2

— African States Parties make progress towards including the Convention in the curriculum of the Kofi Annan International Peacekeeping Training Centre (KAIPTC).

— Purpose 3

 States not Party get more involved in OPCW activities and increase their understanding of the Convention and its benefits.

— Purpose 4

- African States Parties with developing economies or economies in transition engage in international cooperation initiatives for the peaceful use of chemistry,
- African States Parties with developing economies or economies in transition enhance the capacity of their publicly-funded laboratories to implement the Convention in the field of peaceful uses of chemistry.

— Purpose 5

- African States Parties enhance their awareness of the importance of submitting timely and full declarations on national programmes related to protective purposes,
- African States Parties contribute to the preparedness of the OPCW to respond to a request for assistance,
- African States Parties in the regions or sub-regions are encouraged to foster contacts for the creation of regional networks to improve their coordinated response to a chemical weapons emergency.

Results:

- Result 1

- National authorities have enhanced their capacity to draft national implementing legislation,
- Customs officials have enhanced their capacity to identify chemicals relevant to the Convention and to submit accurate transfers of scheduled chemicals data to National Authorities,
- National authorities have enhanced their capacity to prepare and submit timely declarations, particularly, in electronic format.
- National authorities' officials are trained to escort OPCW inspection teams.

- Result 2

- Staff at the KAIPTC and participants of the Centre's programmes will be more familiar with the Convention.

- Result 3

States not Party are more involved in OPCW activities and have obtained a better understanding of the benefits of
joining the Convention and are more involved in OPCW activities.

- Result 4

- Increased capacity of African States Parties with developing economies or economies in transition to engage in international cooperation initiatives for the peaceful use of chemistry,
- Enhanced level of technical competence in publicly funded laboratories in African States Parties with developing economies or economies in transition to analyse chemicals related to national implementation of the Convention and in the peaceful application of chemistry using modern analytical methods especially GC and GC/MS,
- Increased capacity of African States Parties with developing economies or economies in transition to engage in international cooperation initiatives for the peaceful use of chemicals,
- Upgraded levels of competence and understanding by the personnel of small and medium enterprises, representatives of industry associations and the national authorities/governmental institutions of African States Parties whose economies are developing or in transition regarding process safety management practices in small and medium chemical enterprises.

— Result 5

- African States Parties are aware of the importance of submitting timely and full declarations on national programmes related to protective purposes,
- African States Parties are better positioned to make offers of assistance to the OPCW in response to a request of assistance,
- African States Parties have developed contacts that may result in future cooperation at regional level to respond to a chemical weapons emergency,

Activities:

Bilateral technical assistance visits: support to African States Parties will be provided through technical assistance visits that will be designed on a case-by-case basis and conducted to provide focused assistance to meet the requirements of the requests made by the African States Parties. The nature of this support will include sensitisation and outreach efforts through national awareness workshops, specialised training courses, assistance for drafting national implementing legislation and related measures, and Article VI industry-related topics.

Outreach Activity — academic and training institution — Kofi Annan Centre: staff of the OPCW will visit the KAIPTC to deliver presentations on various aspects of the Convention. Since the KAIPTC offers a wide range of training programmes for both military and civil-service officials, who are expected to assume policy making roles in the government, this outreach activity by the Technical Secretariat is intended to advance the inclusion of the Convention in the KAIPT curriculum

Training of Customs officials on the technical aspects of the Convention's transfers' regime: support to customs officials has been provided under the three previous Joint Actions. On the basis of experience gained, outreach to customs officials through training courses will be undertaken with a view to improving the collection and transmission of data on imports and exports of scheduled chemicals to national authorities. Regional and sub-regional training courses undertaken will offer practical hands-on demonstrations and exercises.

Outreach to States not Party: representatives of the African States not Party who are in a position to influence perceptions regarding accession/ratification and those directly involved in issues of relevance to the Convention, including customs, will be sponsored to attend different programmes organised by the International Cooperation Branch. These programmes will include regional workshops for national authorities of States Parties and regional workshops for Customs authorities. Where necessary, staff members from the External Relations Division of the Technical Secretariat will also be sponsored to attend these meetings in order to undertake necessary contacts and interaction with the sponsored participants from the States not Party.

Analytical skills development course: During this two weeks course, participants of African States will receive theoretical training and hands-on experience in gas chromatography and gas chromatography-mass spectrometry, covering hardware, system validation and optimisation, and trouble-shooting. Focus will also be made on the preparation of environmental samples and on GC and GC/MS analyses of such samples for chemicals related to the Convention. Participants will also receive intensive hands-on training in the preparation of different sample matrices to be analysed by GC with element-selective detectors and by GC/MS in electron impact and chemical-ionisation modes and they will be introduced to a range of extraction, clean-up, and derivatisation procedures. The course will be implemented with the support of VERIFIN/TU Delft or similar renowned institutions selected through a transparent process.

Industry outreach — CWC and chemical process safety workshop: there will be an introduction on the Convention and the international cooperation programmes implemented pursuant thereto. Best industry practices and the elements of the process safety management concept — among others — will be discussed during this workshop. In addition, an Overview of Process Hazard Analysis (PHA) and Hazard and Operability (HAZOP), principles of human factor, management of change, safety culture/employee participation will be covered at this workshop.

Regional Workshop — Article X and issues of regional cooperation in the area of assistance and emergency response: the regional workshop is intended to foster discussion and analysis of several assistance and protection-related issues with special focus on areas such as, rights and obligation of States Parties under Article X of the Convention, submissions of declarations of protective programmes, analysis of Article X weaknesses and problem areas, and an overview of assistance and protection activities in the region. African States Parties will make presentations in order to share experiences and lessons learned.

DECISIONS

COUNCIL DECISION 2012/166/CFSP

of 23 March 2012

in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 26(2),

Whereas:

- On 12 December 2003, the European Council adopted (1) the EU Strategy against Proliferation of Weapons of Mass Destruction (hereinafter the 'EU Strategy'), Chapter III of which contains a list of measures to combat such proliferation.
- The EU Strategy underlines the crucial role of the (2)Chemical Weapons Convention (hereinafter the 'CWC') and of the OPCW in creating a world free of chemical weapons. As part of the EU Strategy, the Union has committed itself to working towards universal adherence to key disarmament and non-proliferation treaties and agreements, including the CWC. The objectives of the EU Strategy are complementary to the objectives pursued by the OPCW, in the context of the latter's responsibility for the implementation of the CWC.
- On 22 November 2004, the Council adopted Joint Action 2004/797/CFSP on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (1), followed on its expiry by Joint Action 2005/913/CFSP (2), which in turn was followed by Joint Joint Action 2007/185/CFSP (³). Action 2007/185/CFSP followed by Decision was 2009/569/CFSP (4), which expired on 3 December 2011.
- (4) The continuation of such intensive and targeted assistance from the Union to the OPCW is necessary in the context of the active implementation of Chapter III of

the EU Strategy. There is a need for further activities promoting the full implementation of the CWC as well as activities enhancing the preparedness of States Parties to the CWC (hereinafter 'States Parties') to prevent and respond to attacks involving toxic chemicals, international cooperation in the field of chemical activities, and the ability of the OPCW to adapt to developments in the field of science and technology. Measures related to the universalisation of the CWC should continue and be adapted to and targeted at the declining number of States not Parties to the CWC,

HAS ADOPTED THIS DECISION:

Article 1

- For the purpose of giving immediate and practical application to some elements of the EU Strategy, the Union shall support activities of the OPCW, with the following objectives:
- to enhance the capacities of States Parties in fulfilling their obligations under the CWC,
- to enhance the preparedness of States Parties to prevent and respond to attacks involving toxic chemicals,
- to enhance international cooperation in the field of chemical activities,
- to support the ability of the OPCW to adapt to developments in the field of science and technology,
- to promote universality by encouraging States not Parties to join the CWC.
- In this context, the Union-supported activities of the projects of the OPCW, which are in compliance with the measures of the EU Strategy, shall be the following:

⁽¹⁾ OJ L 349, 25.11.2004, p. 63.

⁽²⁾ OJ L 331, 17.12.2005, p. 34. (3) OJ L 85, 27.3.2007, p. 10. (4) OJ L 197, 29.7.2009, p. 96.

Project I: National Implementation, Verification and Universality

Activities:

- Bilateral technical assistance visits
- Training courses for customs officials on the technical aspects of the CWC's transfers' regime
- Grants to national authorities
- E-learning tool for national authorities/associated stakeholders
- Outreach to States not Party to the CWC
- Investigation of alleged use exercises

Project II: International Cooperation

Activities:

- Analytical skills development course
- Industry Outreach CWC and Chemical Process Safety Workshop

Project III: Visits by representatives of the Executive Council of the OPCW and observers to chemical weapons destruction facilities (CWDFs)

Activity:

Visits to CWDFs

Project IV: Science and Technology

Activities:

- Scientific Advisory Board (SAB) working group meetings
- Co-funding of an OPCW-International Union of Pure and Applied Chemistry (IUPAC) International Science and Technology Workshop

Project V: Preparedness of States Parties to prevent and respond to attacks involving chemicals

Activities:

- Regional Workshops Article X of the CWC and issues of regional cooperation in the area of assistance and emergency response
- Table Top Exercises (TTEs) and exercise module
- OPCW as a platform for enhancing security at chemical plants

Project VI: Africa Programme

Activities:

- Bilateral technical assistance visits
- Training courses for customs officials on the technical aspects of the CWC's transfers' regime
- Industry Outreach CWC and Chemical Process Safety Workshop
- Analytical skills development course
- Regional workshop Article X of the CWC and issues of regional cooperation in the area of assistance and emergency response
- Regional long-term capacity building project in the assistance and protection field

A detailed description of the Union supported activities of the OPCW referred to above is set out in the Annex.

Article 2

- 1. The High Representative of the Union for Foreign Affairs and Security Policy (HR) shall be responsible for the implementation of this Decision.
- 2. Technical implementation of the projects referred to in Article 1(2) shall be carried out by the Technical Secretariat of the OPCW (hereinafter the 'Technical Secretariat'). It shall perform this task under the responsibility and the control of the HR. For this purpose, the HR shall enter into the necessary arrangements with the Technical Secretariat.

Article 3

- 1. The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be EUR 2 140 000.
- 2. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
- 3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For this purpose, it shall conclude a financing agreement with the Technical Secretariat. The agreement shall stipulate that the Technical Secretariat is to ensure visibility of the Union contribution, commensurate with its size.
- 4. The Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after 23 March 2012. It shall inform the Council of any difficulties in that process and of the date of conclusion of the agreement.

Article 4

The HR shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by the Technical Secretariat. The HR reports shall form the basis for the evaluation carried out by the Council. The Commission shall provide information on the financial aspects of the projects referred to in Article 1(2).

Article 5

- 1. This Decision shall enter into force on the day of its adoption.
- 2. This Decision shall expire 24 months after the date of the conclusion of the financing agreement referred to in Article 3(3). However, it shall expire six months after its entry into force if that financing agreement has not been concluded by that time.

Done at Brussels, 23 March 2012.

For the Council
The President
C. ASHTON

ANNEX

Union support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction

Project I: National Implementation, Verification and Universality

Objective:

To enhance the capacity of States Parties in fulfilling their obligations under the CWC and to encourage States not Party to the CWC to better understand the benefits of joining the CWC and in getting more involved in OPCW activities.

Purposes:

- Purpose 1 States Parties make progress towards:
 - fulfilling national implementation requirements under Article VII of the CWC,
 - complying with their declarations and inspection declarations requirements under Article VI of the CWC,
 - running more efficiently their national authorities,
 - facilitating the basic training of national authorities,
 - being prepared for investigations of alleged use under Articles IX and X of the CWC.
- Purpose 2 States not Party to the CWC get more involved in OPCW activities and increase their understanding of the CWC and its benefits.

Results:

- Result 1

- National authorities have enhanced their capacity to draft national implementing legislation and are in a position to submit legislation for adoption.
- Customs officials have enhanced their capacity to identify chemicals relevant to the CWC and to submit accurate transfers of scheduled chemicals data to national authorities.
- National authorities have enhanced their capacity to communicate with and deliver documentation and declarations to OPCW.
- National authorities personnel have enhanced their capacity to understand and implement the basic principles of the CWC and make more cost effective use of face-to-face training opportunities.
- States Parties have a better knowledge of investigations of alleged use and challenge inspections, as fundamental tools at their disposal to provide assistance and/or to clarify possible non-compliance with the CWC.
- States Parties receive assurances on the readiness of the Technical Secretariat to conduct investigations of alleged use and challenge inspections.

— Result 2

 States not Party to the CWC are more involved in OPCW activities and have obtained a better understanding of the benefits of joining the CWC.

Activities:

Bilateral technical assistance visits: Support to States Parties will be provided through technical assistance visits that will be designed on a case-by-case basis and conducted to provide focused assistance to meet the requirements of the requests made by the States Parties. The nature of this support will include sensitisation and outreach efforts through national awareness workshops, specialised training courses, assistance for drafting national implementing legislation and related measures, and Article VI of the CWC industry-related topics. Depending on their objective, these visits will entail coordinated work involving, as appropriate, the Technical Secretariat's Implementation Support Branch, the Office of the Legal Adviser, the Declarations Branch and the Industry Verification Branch.

Training of customs officials on the technical aspects of the CWC's transfers' regime: Support to customs officials has been provided under Joint Action 2005/913/CFSP, Joint Action 2007/185/CFSP and Decision 2009/569/CFSP. On the basis of experience gained, outreach to customs officials through training courses will be undertaken with a view to improving the collection and transmission of data on imports and exports of scheduled chemicals to national authorities. Regional and sub-regional training courses undertaken will offer practical hands-on demonstrations and exercises. One regional course will be held in the Latin American and Caribbean region and one sub-regional course will be held in the Asian region. The courses will be carried out by the Technical Secretariat's Implementation Support Branch with the technical expertise from the Declarations Branch.

Grants to national authorities: National authorities in developing States Parties are often hindered in their ability to fully implement the obligations under the CWC by a lack of basic equipment (desktop computers, printers, software, copiers etc). By providing basic office equipment to national authorities, they have the opportunity to develop a higher degree of efficiency and professionalism in their efforts to implement the CWC. The availability of such equipment will also be used as an incentive to national authorities to engage more actively in their efforts to implement the CWC, particularly if the making available of such equipment is made contingent upon achieving certain predefined targets.

Such targets will be defined on a case-by-case basis and in consultation with the States Parties concerned.

E-learning tool for national authorities/associated stakeholders: In order to maximise face to face training opportunities, the basic and generic elements of OPCW national authority training will be made available to States Parties in an electronic format, and translated in all OPCW official languages (Arabic, Chinese, English, French, Spanish, and Russian). Accordingly, five e-learning modules, based on existing materials within the Technical Secretariat, will be developed using the services of a commercial provider. The presentations currently being used that would be converted to e-learning tools are the following:

- an overview of the CWC.
- an introduction to the OPCW.
- the CWC article by article,
- the CWC schedules 1, 2 and 3,
- the effective running of a national authority.

Outreach to States not Party to the CWC: Representatives of States not Party to the CWC who are in a position to influence national actions relating to accession/ratification and those directly involved in issues of relevance to the CWC will be sponsored to attend different programmes organised by the International Cooperation and Assistance Division (ICA). These programmes will include regional workshops for national authorities of States Parties and regional workshops for customs authorities. Where necessary, staff members from the External Relations Division of the Technical Secretariat will also be sponsored to attend these meetings in order to undertake necessary contacts and interaction with the sponsored participants from the States not Party to the CWC. In addition, and as may be necessary, tailor-made visits and arrangements involving States not Party to the CWC are also envisaged within this scheme of support to States not Party to the CWC.

Investigation of alleged use exercises: Since entry into force of the CWC, the Technical Secretariat, often in cooperation with States Parties, has conducted a number of exercises related to Articles IX and X of the CWC, including both investigations of alleged use (IAU) and challenge inspections (CI). Although many lessons learned in relation to CI exercises apply to IAU, and vice-versa, a comprehensive review has never been undertaken. In such a comprehensive review, previous lessons learned and evaluation reports from IAU and CI exercises (both table-top and field) will be analysed, and a workshop will be held to bring together experts involved in such exercises in order to share best practice, and to inform future exercises, especially in relation to investigations of alleged use.

Project II: International Cooperation

Objectives:

- To enhance the economic and technological development through international cooperation in the field of chemistry for activities whose purposes are not prohibited under the CWC.
- To promote the OPCW mission and CWC objectives through stronger engagement of States Parties in international cooperation initiatives for the peaceful use of chemistry.

Purposes:

 Purpose 1 — To enhance capacity of the publicly funded laboratories in States Parties with developing economies or economies in transition to implement the CWC in the field of peaceful uses of chemistry. Purpose 2 — To assist States Parties with developing economies or economies in transition in enhancing chemical safety management approaches in chemical industry enterprises of small and medium size.

Results:

- Result 1 Enhanced level of technical competence in publicly funded laboratories in States Parties with developing economies or economies in transition to analyse chemicals related to national implementation of the CWC and in the peaceful application of chemistry using modern analytical methods especially gas chromatography (GC) and gas chromatography/mass spectrometry (GC-MS).
- Result 2 Upgraded levels of competence and understanding by the personnel of small and medium enterprises, representatives of industry associations and the national authorities/ governmental institutions of States Parties whose economies are developing or in transition regarding process safety management practices.

Activities:

Analytical skills development course: The course will take place over two weeks, during which participants will receive theoretical training and hands-on experience in GC and GC-MS. Topics covered will include: hardware; system validation and optimisation; troubleshooting; preparation of environmental samples; and GC/GC-MS analyses of such samples for chemicals related to the CWC. Participants will also receive intensive hands-on training in the preparation of different sample matrices to be analysed by GC with element-selective detectors and by GC-MS in electron impact and chemicalionisation modes. Finally, participants will be introduced to a range of extraction, clean-up, and derivatisation procedures. The course will be implemented with the support of Verifin, renowned institution selected through a transparent tender process, with which OPCW has entered into a five-year agreement.

Industry Outreach — CWC and Chemical Process Safety Workshop: This workshop will be conducted over two-and-a-half days. It will cover, inter alia, safety and security issues in chemical industry; chemical management strategies; chemical-process safety management; industry best practices; and an introduction to Responsible Care®.

An overview of the CWC and of international cooperation programmes will also be presented at the opening session. One regional seminar will be held in the Latin American and Caribbean region and if needed, translation into Spanish will be provided.

Project III: Visits by representatives of the Executive Council of the OPCW and observers to CWDFs

Objective:

To advance and ensure the elimination of chemical weapons stockpiles and production facilities subject to the verification measures provided for in the CWC.

Purposes:

- Purpose 1 States Parties are able to monitor progress made towards achieving complete destruction of chemical
 weapons stockpiles and can identify and address problems to achieve destruction at an early stage.
- Purpose 2 States Parties are more confident that tangible and concrete steps are undertaken for the complete
 destruction of chemical weapons stockpiles by possessors.

Results:

- Result 1 States Parties have enhanced understanding of the problems and technical difficulties related to the destruction of chemical weapons.
- Result 2 States Parties have enhanced confidence that tangible and concrete steps are undertaken for the complete
 destruction of chemical weapons stockpiles.

Activity:

Visits to CWDFs: To date, five visits have taken place — three in the United States of America at the CWDFs located at Anniston, Alabama (October 2007); Pueblo, Colorado, and Umatilla, Oregon (May/June 2009), and Tooele and Pueblo (February-March 2011) and two visits in the Russian Federation at Shchuchye, in the Kurgansk region (September 2008) and Pochep, Bryanskaya Oblast (September 2010). The visits conducted so far have proved to be valuable as a means of addressing questions or concerns about a possessor State Party's programme for fulfilling its obligations on the destruction of its chemical weapons within the approved extended deadline. If the final extended destruction deadline will not be met, it is expected that, following a new Conference of States Parties' decision, the States Parties concerned will further continue to host such visits to their operational CWDFs and to facilities currently under construction till the destruction has been completed.

Project IV: Science and Technology

Objective:

To enable the Director-General of the OPCW to provide advice and make recommendations to the Conference of States Parties, the Executive Council of the OPCW or the States Parties on areas of science and technology relevant to the CWC.

Purposes:

- Purpose of the Meetings of the SAB temporary working groups: To enable the Director-General to render special
 advice to the OPCW policymaking organs and to the States Parties in the areas of science and technology relevant to
 the CWC.
- Purpose of the OPCW/IUPAC International Science and Technology Workshop: To assist the SAB in the preparation
 of the drafting of its report to the Third Review Conference.

Results:

- Result 1 Advice and recommendations on areas of science and technology relevant to the CWC produced by the SAB and received by States Parties.
- Result 2 States Parties updated and better informed on areas of science and technology relevant to the CWC.
- Result 3 States Parties assisted in assessing the potential impact of advances of science and technology on the implementation of the CWC.

Activities:

SAB working group meetings: Two meetings of the temporary working group on the convergence of chemistry and biology and two meetings of a temporary working group on education and outreach will be held in 2012-13. The objective of the temporary working group on the convergence of chemistry and biology is to further explore the convergence of chemistry and biology, and its potential implications for the CWC, as recommended by the SAB at its Sixteenth Session. The temporary working group will assess these implications and will make recommendations to the SAB. The assessment and recommendations of the temporary working group will be used by the SAB in its report to the Third Review Conference. The objective of the meetings of the temporary working group on education and outreach, that is to be established, will focus on how to reach out to the scientific community and how to develop and enhance the relationship between the OPCW and the scientific community.

Co-funding of OPCW-IUPAC International Science and Technology Workshop: The objective of the workshop is to review trends and advances in chemistry, chemical engineering, the life sciences and related disciplines with a view to assessing how they affect the implementation of the CWC. The report to be produced by the workshop will assist the SAB in the preparation of its own report containing its assessment of the impact of developments in science and technology on the operation of the CWC.

This report will be provided, as a contribution of the Director-General, to the Third Review Conference of the CWC to be held in 2013. The OPCW-IUPAC International Science and Technology Workshop will provide valuable input for the preparation of the report of the SAB in view of the Third Review Conference.

Project V: Preparedness of States Parties to prevent and respond to attacks involving chemicals

Objective:

Contribute to developing the capacity of States Parties in the prevention of, preparedness for and response to a terrorist attack using chemical weapons and to improve their response to requests for assistance in the event of the use or threat of use of chemicals.

Purposes:

— Purposes of the regional workshops:

Purpose 1 — Enhance States Parties' awareness of the importance of submitting timely and full declarations on national programmes related to protective purposes.

Purpose 2 — Increase States Parties' contribution to the preparedness of OPCW to respond to requests for assistance.

Purpose 3 — Encourage States Parties in the regions or sub-regions to foster the creation of regional networks to improve their coordinated response to a chemical weapons emergency.

- Purposes of TTEs and exercise module:
 - Purpose 1 Exercise and evaluate the national prevention of, preparedness for and response to a terrorist attack using chemical weapons and to increase awareness of further steps to be taken to enhance the level of preparedness.
 - Purpose 2 Exercise and evaluate the coordination of the international community in the prevention and response to a terrorist attack using chemical weapons. Identify potential gaps in the support provided by OPCW and other international organisations to States Parties for their preparedness for terrorist attacks using chemical weapons.
- Purposes of OPCW as a platform for enhancing security at chemical plants:
 - Purpose 1 Supporting governments and chemical industry associations of beneficiary States Parties in raising awareness on chemical security and improving it by adopting best practices.
 - Purpose 2 Increasing chemical security in the beneficiary States Parties engaged in the process by fostering cooperation among all stakeholders including national authorities, the chemical industry, chemical industry associations, the science community and NGOs.
 - Purpose 3 Keeping States Parties fully abreast of new developments in the sphere of chemical security and chemical safety best practices.

Results:

- Results of regional workshops:
 - Result 1 States Parties are aware of the importance of submitting timely and full declarations on national programmes related to protective purposes.
 - Result 2 States Parties are better positioned to make offers of assistance to the OPCW in response to a request of assistance.
 - Result 3 Increased awareness of States Parties, whose economies are developing or in transition, regarding the need to promote cooperation in relation to chemical weapons emergencies in case of an attack.
- Results of TTE and exercises modules:
 - Result 1 Development of a module for the preparation and conduct of TTEs that is flexible and can be adapted to the varying circumstances in different States Parties.
 - Result 2 Enhancing preparedness for prevention of and response to terrorist attacks using chemical weapons identified by the State Party hosting the TTE.
 - Result 3 Improving preparedness for prevention of and response to terrorist attacks using chemical weapons drawn by other States Parties participating in the TTE.
 - Result 4 Increasing participating organisations' understanding of areas where improved coordination can reduce gaps and where new activities can be initiated.
- Results of OPCW as a platform for enhancing security at chemical plants:
 - Result 1 Increased awareness of beneficiaries of requirements and best practices in chemical security.
 - Result 2 Dissemination of best practices in chemical security among beneficiary States Parties, their industry associations and other stakeholders.
 - Result 3 Concept paper for possible follow-up measures involving national authorities, scientists, laboratory managers, and chemical industry on best practices in chemical security with support of training materials.
 - Result 4 Publications on chemical security for national authorities, chemical industry/laboratory managers, and on best practices in chemical security and chemical safety.

Activities:

Regional Workshops — Article X of the CWC and issues of regional cooperation in the area of assistance and emergency response: The Regional Workshops are intended to foster discussion and analysis of several assistance and protection-related issues with special focus on areas such as rights and obligations of States Parties under Article X of the CWC, submissions of declarations of protective programmes, the importance of States Parties' offers of assistance, analysis of CWC's Article X weaknesses and difficulties, and an overview of assistance and protection activities in the region. States Parties will make presentations in order to share experiences and lessons learnt. Two short-term regional workshops will be held in the Asian and the Latin American and Caribbean regions and will be organised by the Assistance and Protection Branch.

TTE and exercise module: This activity aims at developing the capabilities of the States Parties in prevention of, preparedness for and response to a terrorist attack using chemical weapons. An attack at chemical plant, installation or transport with a release of toxic chemicals will be the basic scenario of the exercises. The specifics of the scenario to be used during the TTE will be adapted to the circumstances and needs of the State Party hosting the TTE. This will include an inventory of national responsibilities and review of existing procedures and a walk-through talk-through exercise of the selected exercise facility/installation at the national level prior to the conduct of the TTE with regional and international participation. The exercise will examine cross government decision-making, information exchange and provision of assistance between relevant national and international organisations. Two TTEs will be conducted in two different regions. A detailed module for the preparation and conduct of TTEs on attacks with toxic chemicals involving national, regional international entities will also be developed. The activity will be organised and coordinated by the Office of Special Projects.

OPCW as a platform for enhancing security at chemical plants: In the first phase of the activity, an analysis will be developed on the possible roles and functions of the OPCW and its synergies with the interested parties in the field of chemical security. An event to discuss and disseminate best practices in chemical safety and security will take place.

The event is intended to foster the discussion and analysis of practical issues and experiences related to the enhancement of security at chemical facilities. The experience of other international partners in promoting chemical security, and more broadly speaking to help States to enhance their capacity with regard to prevention and preparedness for threats related to weapons of mass destruction and related materials, will be made available to the beneficiaries. The event will also identify opportunities and requirements for follow-up measures to further the process of enhancing chemical security, and for developing the OPCW as a platform for exchanges on this matter.

A result of the project will be a series of practical proposals for how the OPCW can be further developed as a platform for cooperation and coordination in the area of chemical security. The activity will be organised and coordinated by the Office of Special Projects.

Project VI: Africa Programme

Objective:

To enhance the capacity of African States Parties in fulfilling their obligations under the CWC.

Purposes:

Purpose 1 — African States Parties make progress towards:

- fulfilling national implementation requirements under Article VII of the CWC,
- complying with their declarations and inspection declarations requirements under Article VI of the CWC.

Purpose 2

- Enhancing the capacity of publicly funded laboratories in African States Parties whose economies are developing or in transition to implement the CWC in the field of peaceful uses of chemistry.
- Enhancing chemical safety management approaches in chemical industry enterprises of small and medium size in African States Parties whose economies are developing or in transition.

Purpose 3

- Enhance African States Parties' awareness of the importance of submitting timely and full declarations on national programmes related to protective purposes.
- Increase African States Parties' contribution to the preparedness of OPCW to respond to requests for assistance.
- Encourage African States Parties to foster the creation of regional networks in the African regions or sub-regions to improve their coordinated response to a chemical weapons emergency.

 Encourage African States Parties to establish coordination and cooperation between the sub-regions in the chemical emergency response.

Results:

- Result 1

National authorities in African States Parties have enhanced their capacity to draft national implementing legislation and are in a position to submit legislation for adoption.

 Customs officials in African States Parties have enhanced their capacity to identify chemicals relevant to the CWC and to submit accurate transfers of scheduled chemicals data to national authorities.

- Result 2

- Publicly funded laboratories in African States Parties have enhanced level of technical competence to analyse chemicals related to national implementation of the CWC and in the peaceful application of chemistry using modern analytical methods especially GC and GC-MS.
- Personnel of small and medium enterprises, representatives of industry associations and the national authorities/ governmental institutions of African States Parties have upgraded levels of competence and understanding regarding process safety management practices.

— Result 3

- African States Parties are aware of the importance of submitting timely and full declarations on national programmes related to protective purposes.
- African States Parties are better positioned to make offers of assistance to the OPCW in response to a request of assistance.
- Increased awareness of African States Parties, whose economies are developing or in transition, regarding the need to promote cooperation in relation to chemical weapons emergencies in case of an attack.
- A team of instructors from African States Parties that can support the chemical emergency response plan by training their first responders.

Activities:

Bilateral technical assistance visits: Support to African States Parties will be provided through technical assistance visits that will be designed on a case-by-case basis and conducted to provide focused assistance to meet the requirements of the requests made by the African States Parties.

The nature of this support will include sensitisation and outreach efforts through national awareness workshops, specialised training courses, assistance for drafting national implementing legislation and related measures, and CWC's Article VI industry-related topics. Depending on their objective, these visits will entail coordinated work involving, as appropriate, the Technical Secretariat's Implementation Support Branch, the Office of the Legal Adviser, the Declarations Branch and the Industry Verification Branch.

Training of customs officials on the technical aspects of the CWC's transfers' regime: Support to customs officials has been provided under Joint Action 2005/913/CFSP, Joint Action 2007/185/CFSP and Decision 2009/569/CFSP. On the basis of experience gained, outreach to customs officials through training courses will be undertaken with a view to improving the collection and transmission of data on imports and exports of scheduled chemicals to national authorities. The sub-regional training courses undertaken in African States Parties will offer practical hands-on demonstrations and exercises. These courses will be carried out by the Implementation Support Branch with the technical expertise from the Declarations Branch.

Industry Outreach — CWC and Chemical Process Safety Workshop: This workshop will be conducted over two-and-a-half days. It will cover, inter alia, safety and security issues in chemical industry; chemical management strategies; chemical-process safety management; industry best practices; and an introduction to Responsible Care®. An overview of the CWC and of international cooperation programmes will also be presented at the opening session. Translation into French will be provided.

Analytical skills development course: The course takes place over two weeks, during which participants from African States Parties will receive theoretical training and hands-on experience in GC and GC-MS. Topics covered include: hardware; system validation and optimisation; troubleshooting; preparation of environmental samples; and GC/GC-MS analyses of such samples for chemicals related to the CWC. Participants will also receive intensive hands-on training in the preparation of different sample matrices to be analysed by GC with element-selective detectors and by GC-MS in electron impact and chemical-ionisation modes.

Finally, participants will be introduced to a range of extraction, clean-up, and derivatisation procedures.

The course will be implemented with the support of Verifin, renowned institutions selected through a transparent tender process, with which OPCW has entered into a five-year agreement. The course will be conducted in English.

Regional Workshop — Article X of the CWC and issues of regional cooperation in the area of assistance and emergency response: The regional workshop for African States Parties is intended to foster discussion and analysis of several assistance and protection-related issues with special focus on areas such as rights and obligation of States Parties under Article X of the CWC, submissions of declarations of protective programmes, the importance of the States Parties offers of assistance, analysis of CWC's Article X weaknesses and difficulties, and an overview of assistance and protection activities in the region. States Parties will make presentations in order to share experiences and lessons learnt. The activity will be organised by the Assistance and Protection Branch.

Regional long-term capacity building project in assistance and protection field: The main objective of this activity will be to develop a national/regional emergency response system against chemical weapons, train instructors of first responders and specialists involved in this field and help them to establish their national/regional response team.

This response team will be a part of a regional network that can respond to an emergency scenario. One long-term capacity building project for African State Parties in the Southern or Central African sub-regions will be implemented (for Central Africa in French; for Southern Africa in English).

COUNCIL DECISION 2012/712/CFSP

of 19 November 2012

relating to the 2013 Review Conference of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 29 and Article 31(1) thereof,

Whereas:

- On 29 April 1997, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC) entered into force. The CWC aims at eliminating an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons.
- The European Union considers the CWC to be a key (2) component of the non-proliferation and disarmament framework and a unique disarmament and non-proliferation instrument the integrity and strict application of which must be fully guaranteed. All EU Member States are States Parties to the CWC.
- The Union, moreover, considers that the CWC has (3) proven to be a very successful instrument in that near universal accession has been achieved and the possessor states have already destroyed a large part of their chemical weapons stockpiles. At the same time, and while destruction remains a priority for the Organisation for the Prohibition of Chemical Weapons (OPCW) established pursuant to the CWC, new challenges and threats present themselves to which the OPCW must adapt itself to preserve and protect the integrity of the CWC.
- The Union also believes that close engagement of the (4) OPCW with civil society on a regular basis, including in the run-up and during the Review Conference, is beneficial for the work of the OPCW.
- On 17 November 2003, the Council of the European Union adopted Common Position 2003/805/CFSP on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery (1). Under that Common Position the CWC is included as one of those multilateral agreements.
- On 12 December 2003, the European Council adopted the EU Strategy against proliferation of Weapons of Mass Destruction, which reaffirms the commitment of the

Union to the multilateral treaty system and underlines, inter alia, the crucial role of the CWC and the OPCW in creating a world free of chemical weapons.

- On 28 April 2004, the United Nations Security Council (7) unanimously adopted Resolution 1540 (2004) reaffirming the proliferation of weapons of mass destruction and their means of delivery as a threat to international peace and security. Subsequently, the Security Council adopted Resolutions 1673 (2006), 1810 (2008) and 1977 (2011) which reiterated the objectives of Resolution 1540 (2004) and expressed the interest of the Security Council in intensifying its efforts to promote full implementation of that Resolution. Implementation of the CWC and implementation of Resolution 1540 (2004) and subsequent related Resolutions are mutually reinforcing.
- On 22 November 2004, the Council of the European Union adopted the first Joint Action 2004/797/CFSP on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (2). That Joint Action was followed by Council Joint Action 2005/913/CFSP (3), adopted on 12 December 2005, Council Joint Action 2007/185/CFSP (4), adopted on 19 March 2007, Council Decision 2009/569/CFSP (5), adopted on 27 July 2009 and Council Decision 2012/166/CFSP (6), adopted on 23 March 2012.
- On 8 September 2006, the UN General Assembly adopted the Global Counter-Terrorism Strategy in which the States Members of the UN resolved, inter alia, to implement all UN Security Council resolutions related to international terrorism and to cooperate fully with the counter-terrorism subsidiary bodies of the Security Council in the fulfilment of their tasks. The Strategy also encouraged the OPCW to continue its efforts, within its mandate, in helping States to build capacity to prevent terrorists from accessing chemical materials, to ensure security at related facilities, and to respond effectively in the event of an attack using such materials.
- On 2 December 2011, the UN General Assembly adopted, by consensus, a Resolution on the Implementation of the CWC.

⁽²⁾ OJ L 349, 25.11.2004, p. 63.

⁽³⁾ OJ L 331, 17.12.2005, p. 34.

⁽⁴⁾ OJ L 85, 27.3.2007, p. 10. (5) OJ L 197, 29.7.2009, p. 96. (6) OJ L 87, 24.3.2012, p. 49.

⁽¹⁾ OJ L 302, 20.11.2003, p. 34.

(11) In view of the forthcoming Third Review Conference of the CWC during 2013 ('Third Review Conference'), it is appropriate to define the approach of the Union which will guide its Member States at that conference,

HAS ADOPTED THIS DECISION:

Article 1

- 1. The objective of the European Union shall be to strengthen the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction (CWC) by building on the progress achieved so far in destroying declared stockpiles of chemical weapons and the prevention of their re-emergence, through, inter alia, enhancement of the CWC's verification regime, improvement of national implementation as well as efforts towards achieving universality.
- 2. The Union shall aim to strengthen the CWC also by adapting the implementation of the CWC in light of the changing security environment and developments in science and technology and by emphasising that the Third Review Conference should provide political support and broad guidance for the work to be undertaken in the inter-sessional period on the future priorities of the OPCW.
- 3. To attain the objective laid down in this Article, the Union shall put forward concrete proposals to the Third Review Conference.

Article 2

For the purposes of the objective laid down in Article 1, the Union shall:

- (a) contribute to a full review of the operation of the CWC at the Third Review Conference, taking into account in particular scientific and technological developments, as well as to building a solid foundation for addressing challenges that the CWC will be faced with in the future;
- (b) help build consensus for a successful outcome of the Third Review Conference and promote, inter alia, the following essential issues:
 - (i) reaffirmation of the comprehensive nature of the prohibition of chemical weapons as laid down in the General Purpose Criterion by:
 - reconfirming that the CWC's prohibitions apply to any toxic chemical, except where such chemical is intended for any purpose not prohibited by paragraph 9 of Article II and as long as the types and quantities are consistent with such a purpose, and thus take into account the developments in science and technology since the Second Review Conference in 2008,
 - underlining the obligation of States Parties to reflect the General Purpose Criterion in their national implementation legislation and administrative enforcement practice;
 - (ii) emphasising the full and timely implementation by the States Parties of all declaration obligations under

- Article III, especially those relating to chemical weapons, and including also those relating to riot control agents;
- (iii) development and implementation by the CWC Technical Secretariat ('Technical Secretariat') of targeted, tailor-made approaches on achieving the universality of the CWC, in close coordination and cooperation with States Parties, also in view of the fact that at least one State not Party to the CWC, Syria, admitted, in July 2012, possession of chemical weapons;
- (iv) reaffirmation of the obligation of chemical weapons possessor states to destroy their chemical weapons and recognition of the achievements so far in eliminating chemical weapons through:
 - welcoming the efforts undertaken and the progress made by possessor states to destroy their declared stockpiles and highlighting the fact that we are well under way towards a world free of chemical weapons,
 - recognising the successful addressing of the issue of the final extended deadline for the destruction of chemical weapons by the possessor states,
 - calling upon chemical weapons possessor states to complete destruction of their chemical weapons stockpiles in the shortest time possible in accordance with the CWC and its Verification Annex as well as the decision of the Sixteenth Session of the Conference of the States Parties on the issue of the final extended deadline for destruction of the remaining stockpiles,
 - reiterating the importance of systematic verification of destruction by the Technical Secretariat as prescribed by the CWC and its Verification Annex,
 - emphasising that whilst expertise and capacity to deal with chemical weapons as well as with old chemical weapons and abandoned chemical weapons should be retained, the OPCW must also continue its adaptation to the new security environment;
- (v) strengthening of the verification regime with regard to activities not prohibited under the CWC, with a view to strengthening prevention of re-emergence of chemical weapons by:
 - highlighting the obligation of all States Parties to submit adequate and timely declarations under Article VI,
 - conducting a sufficient number of inspections under Article VI with appropriate geographical coverage and frequency, in accordance with the agreed guidelines,

- increasing the relevance of inspections under Article VI to the object and purpose of the CWC and ensuring effective site selection, including through the evaluation of the results of the interim Other Chemical Production Facilities site selection methodology,
- improving the information basis for industry verification by, inter alia, encouraging the Technical Secretariat to use information already available, including information voluntarily submitted by States Parties and information from previous inspection reports as well as appropriate publicly available information,
- emphasising that the Schedules of Chemicals ('Schedules') of the CWC were designed primarily for the application of different verification measures.
- working on maintaining the relevance of the Schedules in light of developments in science and technology by, inter alia, examining the merits of reviewing the Schedules at regular intervals between Review Conferences,
- further promoting engagement and interaction with the chemical industry and supporting the Technical Secretariat's efforts in that direction,
- considering additional quality and efficiency measures for the inspection process, such as appropriate increases in the flexibility and the streamlining of the conduct of inspections,
- ensuring a Technical Secretariat capability for effective sampling and analysis during industry inspections;
- (vi) continuous improvement of national implementation measures and recalling that full compliance with Article VII is a vital factor for the present and future efficiency of the CWC regime, including through:
 - adopting a targeted and tailor-made approach in encouraging and assisting States Parties which are yet to adequately implement the CWC,
 - offering assistance to States Parties in need, as exemplified by the Joint Actions and Decisions adopted by the Council of the European Union in support of OPCW activities,
 - strengthening national export and import controls which are required to prevent the acquisition of chemical weapons, and improving the OPCW's capability to assist with the establishment of national mechanisms for control of international transfers.
 - implementing appropriate measures to enhance chemical safety and security,

- exploring potential synergies between the OPCW and other relevant international organisations as regards implementation support and capacity building;
- (vii) implementation of the provisions of the CWC on consultations, cooperation and fact-finding, in particular the challenge inspection mechanism which remains a viable and usable tool of the OPCW's verification regime, stressing the legal right of States Parties to request a challenge inspection without prior consultation and encouraging the use of the mechanism as required for clarifying and resolving any questions concerning possible non-compliance with the CWC; in this respect, underlining the importance of the Technical Secretariat maintaining and further developing the technical capabilities, expertise and necessary preparedness to conduct challenge inspections as well as the obligation of States Parties to continuously be ready and able to receive challenge inspections;
- (viii) continued strong support of OPCW activities related to assistance and protection, in particular retaining the OPCW's capabilities and expertise and enhancing the capacity of the Technical Secretariat and the States Parties to prevent, respond to and mitigate misuse or attacks involving toxic chemicals, notably by:
 - encouraging all States Parties to submit adequate and timely declarations under Article X as required by the CWC and encouraging States Parties to increase offers of assistance,
 - emphasising the importance of the Technical Secretariat retaining its capabilities and expertise as well as maintaining and further developing the necessary preparedness to conduct investigations of alleged use,
 - underlining the importance of continued OPCW support for national protective programmes and of enhancing the ability of the OPCW to mediate offers of expertise and assistance,
 - encouraging the OPCW to assist States in building capacity for preventing and mitigating terrorist attacks using chemical weapons, inter alia, through advice on enhancing chemical safety and security,
 - emphasising the importance of increased cooperation with regional and subregional organisations, including by taking part in international efforts to establish regional centres of excellence for assistance and protection, and considering combining this with efforts under Articles VII and XI, in accordance with the decision on Article XI taken by the Sixteenth Session of the Conference of the States Parties,

- considering ways of enhancing the OPCW's ability to deal with conflict and post-conflict situations involving chemical weapons,
- requesting the Technical Secretariat to enhance its cooperation with other relevant international organisations on emergency response to the use or threat of use of chemical weapons, including in conflict and post-conflict situations, especially with respect to cooperation with the UN in relation to investigation of possible use of chemical weapons;
- (ix) fostering international cooperation in accordance with the CWC by:
 - welcoming concrete and practical proposals which take account of existing initiatives, as exemplified by the Joint Actions and Decisions adopted by the Council of the European Union, in particular proposals concerning issues such as chemical safety and security and the management of chemicals, in accordance with the decision on Article XI taken by the Sixteenth Session of the Conference of the States Parties,
 - encouraging the Technical Secretariat to assist States Parties in implementing their national obligations through tailored and sustainable technical assistance, in order to facilitate enhanced international cooperation in the field of chemistry,
 - encouraging the Technical Secretariat to work in collaboration with other organisations and to evaluate its programmes to ensure that they have the desired impact and that resources are maximised:
- (x) enhancement of the OPCW's contribution to global anti-terrorism efforts by:
 - continuing and intensifying work in the OPCW Open-Ended Working Group on Terrorism,
 - emphasising compliance with obligations under UN Security Council Resolution 1540 (2004) as well as the other relevant UN Resolutions, in particular to call for practical cooperation between the OPCW and relevant organisations with the aim of eliminating the risk of chemical weapons being acquired or used for terrorist

purposes, including possible terrorist access to materials, equipment and knowledge that could be used in the development and production of chemical weapons,

— underlining the need to work towards strengthening global chemical safety and security and the national control of international transfers, including assisting States Parties with the implementation of practical and targeted measures which at the same time could contribute to enhancing cooperation with regard to peaceful uses of chemistry and assistance and protection.

Article 3

Action taken by the Union for the purposes of Article 2 shall comprise:

- (a) where appropriate, demarches:
 - (i) with a view to promoting universal accession to the CWC;
 - (ii) to promote effective national implementation of the CWC by States Parties;
 - (iii) to urge States Parties to support and participate in an effective and complete review of the CWC and thereby reiterate their commitment to this fundamental international norm against chemical weapons;
 - (iv) to promote the proposals in Article 2 which are aimed at further strengthening the CWC;
- (b) statements and working papers in the run-up to, and during, the Third Review Conference for consideration by States Parties.

Article 4

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 19 November 2012.

For the Council
The President
C. ASHTON

Original: English



16th Summit of Heads of State or Government of the Non-Aligned Movement

Tehran, Islamic Republic of Iran

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- 197. The Heads of State or Government *emphasized* that the IAEA is the sole intergovernmental organization within the UN system with the mandate and expertise to deal with the technical subjects of nuclear safety and nuclear security.
- 198. The Heads of State or Government *stressed* that the issues related to proliferation, should be resolved through political and diplomatic means, and that measures and initiatives taken in this regard should be within the framework of international law, relevant conventions and the UN Charter, and should contribute to the promotion of international peace, security and stability.
- 199. The Heads of State or Government of the NAM States Parties to the Biological and Toxin Weapons Convention (BTWC) reaffirmed that the possibility of any use of bacteriological (biological) agents and toxins as weapons should be completely excluded, and the conviction that such use would be repugnant to the conscience of humankind. They recognized the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention. They reiterated their call to promote international cooperation for peaceful purposes, including scientific-technical exchange. They underlined the importance to maintain close coordination among the NAM States Parties to the Convention and highlighted that the Convention on Biological and Toxin Weapons forms a whole and that, although it is possible to consider certain aspects separately, it is critical to deal with all of the issues interrelated to this Convention in a balanced and comprehensive manner.
- 200. The Heads of State or Government of the NAM States Parties to the BTWC welcomed the active participation by NAM States Parties in the Seventh BTWC Review Conference held in Switzerland from 5-22 December 2011, to advance their positions on this Convention, particularly their key role in the adoption of the important decisions related to the implementation of Article X of the BTWC, especially by emphasizing the need for enhancing international cooperation, assistance and exchanges in toxins, biological agents equipment and technology for peaceful purposes, bearing in mind the Action Plan on the implementation of Article X submitted by the NAM States Parties at the Sixth Review Conference, and the additional NAM States Parties' proposal on a mechanism for the full, implementation of Article X of the Convention presented more recently. They further encouraged the BTWC States Parties to implement the Article X, as set forth in paragraphs 50-61 of the Final Document of the seventh BTWC Review Conference. They also welcomed the outcome of the Seventh Review Conference and in particular its decision to include cooperation and assistance as one of the Standing Agenda Items, with a particular focus on strengthening cooperation and assistance under Article X, as well as the Conference's decision to establish a database system to facilitate requests for and offers of exchange of assistance and cooperation among States Parties, and the establishment of a Sponsorship Programme, funded by voluntary contributions from States Parties, in order to support and increase the participation of developing States Parties in the meetings of the intersessional programme in the framework of the BTWC.
- 201. The Heads of State or Government of the States Parties to the Chemical Weapons Convention (CWC) *invited* all States that have not yet signed or ratified the Convention to do so as soon as possible with a view to its universality. They *reaffirmed* that the effective contribution of the Convention to international and regional peace and security can be enhanced through its full implementation, and in this context also encouraged all States Parties that have not yet done so to engage with the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons on the steps that need to be undertaken for the national implementation of the Chemical Weapons Convention. The Heads of State or Government *reaffirmed* the importance of international cooperation in the field of chemical activities for purposes not prohibited under the Chemical Weapons Convention. They *reiterated* their call on the developed countries to promote international cooperation for the benefit of States Parties through the transfer of technology, material and equipment for peaceful purposes in the chemical field and the removal of all and any discriminatory restrictions that are contrary to the letter and spirit of the Convention. They recalled that the full, balanced,

effective and non-discriminatory implementation of all provisions of the Convention in particular economic and technical development through international cooperation, is fundamental to the achievement of its object and purpose. The Heads of State or Government *expressed* their serious concern on the indications by certain possessor states parties that they will not meet their obligations regarding the deadlines for the total elimination of chemical weapons and that 36.28% of chemical weapons still remained to be destroyed as of 31st January 2012. While taking note of the decision on the Final Extended Deadline of 29 April, 2012 that was adopted by the 16th Session of the Conference of States Parties, they urged all possessor State Parties to take every necessary measure with a view to ensuring their compliance with the final extended destruction deadline in order to uphold the credibility and integrity of the Convention.

- 202. The Heads of State or Government of the States Parties to the CWC *reaffirmed* that the implementation of the Article X of the CWC on assistance and protection against chemical weapons make a significant contribution to countering the threats of use of chemical weapons. They *stressed* the importance of achieving and maintaining a high level of readiness of the OPCW to provide timely and needed assistance and protection against use or threat of use of chemical weapons, including assistance to the victims of chemical weapons.
- 203. The Heads of State or Government of the States Parties to the CWC *welcomed* the decision on Components of an agreed framework for the full implementation of Article XI adopted at the 16th Conference of the States Parties of the CWC and considered it as a positive step towards achieving the goal of the full, effective and non-discriminatory implementation of Article XI.
- 204. The Heads of State or Government of the States Parties to the CWC, while paying due respect to the chemical weapons victims and their families, *declare* their firm conviction that international support to provide special care and assistance to all victims suffering the effects of exposure to chemical weapons is an urgent humanitarian need and that the States Parties to the Convention as well as the OPCW should pay urgent attention to meeting these needs. In this context, they *welcomed* the decision adopted at the 16th Session of the Conference of States Parties to establish an International Support Network for Victims of Chemical Weapons and a voluntary Trust Fund for this purpose.
- 205. The Heads of State or Government once again *condemned* the Israeli military aggression against the Gaza Strip in 2009 and the occupying power's indiscriminate shelling and bombing of Palestinian civilian areas, and expressed their grave concern over the reported use in civilian areas of harmful and potentially fatal incendiary weapons, such as white phosphorous. In this regard, they reiterated their call for a thorough investigation of this serious matter by relevant bodies under the appropriate international conventions and agreements.
- 206. The Heads of State or Government *regretted* unsubstantiated allegations of noncompliance with relevant instruments on weapons of mass destruction and *called on* States Parties to such instruments that make such allegations to follow procedures set out in those instruments and to provide necessary substantiation for their allegations. They called upon all States Parties to the respective international instruments to implement fully and in a transparent manner all their obligations under these instruments.
- 207. The Heads of State or Government *expressed* their satisfaction with the consensus among States on measures to prevent terrorists from acquiring weapons of mass destruction. They *welcomed* the adoption by consensus of the General Assembly Resolution 66/50 entitled "Measures to prevent terrorists from acquiring weapons of mass destruction" and underlined the need for this threat to humanity to be addressed within the UN framework and through international co-operation. While *stressing* that the most effective way of preventing terrorists from acquiring weapons of mass destruction is through the total elimination of such weapons, they *emphasized* that progress was urgently needed in the area of disarmament and non-proliferation in

order to help maintain international peace and security and to contribute to global efforts against terrorism. They *called upon* all Member States to support international efforts to prevent terrorists from acquiring weapons of mass destruction and their means of delivery. They also *urged* all Member States to take and strengthen national measures, as appropriate, to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture.

- 208. While *noting* the adoption of resolution 1540 (2004), resolution 1673 (2006), resolution 1810 (2008) and resolution 1977 (2011) by the Security Council, the Heads of State or Government underlined the need to ensure that any action by the Security Council does not undermine the UN Charter and existing multilateral treaties on weapons of mass destruction and of international Organisations established in this regard, as well as the role of the General Assembly. They further cautioned against the continuing practice of the Security Council to utilize its authority to define the legislative requirements for Member States in implementing Security Council decisions. In this regard, the Heads of State or Government *stressed* the importance of the issue of non-state actors acquiring weapons of mass destruction to be addressed in an inclusive manner by the General Assembly, *taking into account* the views of all Member States.
- 209. Mindful of the threat posed to humankind by the existing weapons of mass destruction, particularly Nuclear Weapons and underlining the need for the total elimination of such weapons, the Heads of State or Government *reaffirmed* the need to prevent the emergence of new types of weapons of mass destruction and therefore *supported* the necessity of monitoring the situation and triggering international action as required.
- 210. The Heads of State or Government *reaffirmed* the sovereign right of States to acquire, manufacture, export, import and retain conventional arms and their parts and components for their self-defence and security needs. They *expressed* their concern about unilateral coercive measures and *emphasized* that no undue restriction should be placed on the transfer of such arms.
- 211. The Heads of State or Government *recognized* the significant imbalance in the production, possession and trade in conventional weapons between the industrialized and the Non-Aligned Countries, and called for a significant reduction in the production, possession and trade of conventional weapons by the industrialized states with a view to enhancing international and regional peace and security.
- 212. The Heads of State or Government remained deeply concerned over the illicit transfer, manufacture and circulation of small arms and light weapons (SALW) and their excessive accumulation and uncontrolled spread in many regions of the world. They recognized the need to establish and maintain controls over private ownership of small arms. They called on all States, in particular major producing States, to ensure that the supply of small arms and light weapons is limited only to Governments or to entities duly authorized by Governments and to implement legal restrictions and prohibitions preventing the illicit trade of small arms and light weapons. They encouraged all initiatives by States to mobilize resources and expertise as well as to provide assistance to strengthen the full implementation of the UN Program of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects.
- 213. The Heads of State or Government *emphasized* the importance of a prompt and full implementation of the Programme of Action, and in this regard, *stressed* that international assistance and cooperation is an essential aspect in the full implementation of the Programme of Action. They *expressed* disappointment at the inability of the UN Conference to Review the Progress made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All its Aspects, held in New York, from 26 June to 7 July 2006, to agree on a final Document. The Heads of State or Government *noted* the fourth Biennial Meeting of States held in New York, from 14 to 18 June 2010 which considered the national,

6. Documents from Other Arrangements

Although the CWC and the BWC are at the heart of the international regime governing the prohibition of chemical and biological weapons, other arrangements complement and strengthen the norm against the hostile use of chemistry. These arrangements, which range from informal groupings to more formally-constituted groups of States, tend to entail collective agreement to take or renounce certain actions to prevent CBW proliferation. These arrangements are initiated by groups of like-minded States, rather than by widespread international consensus among States, as multilateral treaties are.

6.1 Australia Group

The Australia Group, which began work in 1984/85, seeks to harmonize supply-side controls on dual use technology, including equipment, chemical agents and biological pathogens, applicable to chemical and biological warfare, by promoting common standards for the formation and implementation of national export-control policies. The Australia Group was one of the earliest plurilateral initiatives on non-proliferation, arising as a direct result of the discovery that the chemical weapons that Iraq used in its war with Iran were manufactured using imported 'dual use' commodities and know-how.

Its membership and range of activities have expanded over the years, most notably in the early 1990s, when it extended its scope to include export controls on materials and technologies relevant to biological weapons. Regarding potential proliferation of chemical weapons, the Group now maintains lists of CW precursors, in addition to a list of dual-use chemical manufacturing facilities and equipment and related technology equipment. Updated versions of the two lists are included in this section of the *Resource Guide*. The Australia Group lists form the basis of the CBW-related sections of the European Union's dual-use goods regime, and they have been adopted as the basis for national export controls by many non-participating countries. The Australia Group now has 40 participating countries, plus the European Commission. All Australia Group participants are States Parties to both the BWC and CWC.

6.2 Group of Eight Nations / Global Partnership

The Group of Eight Nations (G8) comprises eight major industrialised nations (Canada, France, Germany, Italy, Japan, Russia, the UK and the US) whose leaders meet annually to discuss issues of mutual concern. At its 2002 summit meeting in Kananaskis, Canada, the G8 launched the Global Partnership against the Spread of Weapons and Materials of Mass Destruction. The Global Partnership originally served to attract and provide a framework for international financing of the destruction of chemical weapons, the dismantling of decommissioned nuclear submarines, the disposition of fissile materials and the employment of former weapons scientists, initially in Russia. The Global Partnership has since broadened its objectives, membership and geographical scope. At the 2011 Summit in Deauville, France, participating states agreed to extend the partnership beyond 2012 with a focus on areas such as nuclear and radiological security, biological safety and security, scientist engagement, implementation of 1540 and limiting WMD knowledge proliferation. At recent summit meetings, the G8 leaders have included references to the CWC in their communiqués; most recently in 2012, expressing their determination 'to strengthen the global non-proliferation regime, including by promoting the implementation and universalization of all relevant multilateral treaties and arrangements that help to prevent and combat proliferation'. The full text of the G8 Declaration on Nonproliferation and Disarmament for 2012 is included in the Resource Guide.

Export Control List: Chemical Weapons Precursors

		Contombor 2000
Precursor Chemical	CAS No.	September 2009 CWC-Schedule
Thiodiglycol	(111-48-8)	2B
Phosphorus oxychloride	(111-46-8)	3B
Dimethyl methylphosphonate	(756-79-6)	2B
Methylphosphonyl difluoride (DF)	(676-99-3)	1B
Methylphosphonyl dichloride (DC)	(676-97-1)	2B
Dimethyl phosphite (DMP)	(868-85-9)	3B
Phosphorus trichloride	(7719-12-2)	3B
Trimethyl phosphite (TMP)	(121-45-9)	3B
Thionyl chloride	(7719-09-7)	3B
3-Hydroxy-1-methylpiperidine	(3554-74-3)	Not Listed
N,N-Diisopropyl-(beta)-aminoethyl chloride	(96-79-7)	2B
N,N-Diisopropyl-(beta)-aminoethane thiol	(5842-07-9)	2B
3-Quinuclidinol	(1619-34-7)	2B
Potassium fluoride	(7789-23-3)	Not Listed
2-Chloroethanol	(107-07-3)	Not Listed
Dimethylamine	(124-40-3)	Not Listed
Diethyl ethylphosphonate	(78-38-6)	2B
Diethyl N,N-dimethylphosphoramidate	(2404-03-7)	2B
Diethyl phosphite	(762-04-9)	3B
Dimethylamine hydrochloride	(506-59-2)	Not Listed
Ethylphosphinyl dichloride	(1498-40-4)	2B
Ethylphosphonyl dichloride	(1066-50-8)	2B
Ethylphosphonyl difluoride	(753-98-0)	1B
Hydrogen fluoride	(7664-39-3)	Not Listed
Methyl benzilate	(76-89-1)	Not Listed
Methylphosphinyl dichloride	(676-83-5)	2B
N,N-Diisopropyl-(beta)-amino-ethanol	(96-80-0)	2B
Pinacolyl alcohol	(464-07-3)	2B
O-Ethyl 2-diisopropylaminoethyl	(57856-11-8)	1B
methylphosphonite (QL)		
Triethyl phosphite	(122-52-1)	3B
Arsenic trichloride	(7784-34-1)	2B
Benzilic acid	(76-93-7)	2B
Diethyl methylphosphonite	(15715-41-0)	2B
Dimethyl ethylphosphonate	(6163-75-3)	2B
Ethylphosphinyl difluoride	(430-78-4)	2B
Methylphosphinyl difluoride	(753-59-3)	2B
3-Quinuclidone	(3731-38-2)	Not Listed
Phosphorus pentachloride	(10026-13-8)	3B
Pinacolone	(75-97-8)	Not Listed
Potassium cyanide	(151-50-8)	Not Listed
Potassium bifluoride	(7789-29-9)	Not Listed
Ammonium bifluoride	(1341-49-7)	Not Listed
Sodium bifluoride	(1333-83-1)	Not Listed
Sodium fluoride	(7681-49-4)	Not Listed
Sodium cyanide	(143-33-9)	Not Listed
Triethanolamine	(102-71-6)	3B
Phosphorus pentasulphide	(1314-80-3)	Not Listed
Diisopropylamine Diethylamineethanel	(108-18-9)	Not Listed
Diethylaminoethanol Sodium sulphide	(100-37-8) (1313-82-2)	Not Listed Not Listed
Sulphur monochloride	(10025-67-9)	3B
Sulphur dichloride	(10025-67-9)	3B
Triethanolamine hydrochloride	(637-39-8)	Not Listed
N,N-Diisopropyl-2-aminoethyl chloride	(4261-68-1)	2B
hydrochloride	(1201 00 1)	
Methylphosphonic acid	(993-13-5)	2B
Diethyl methylphosphonate	(683-08-9)	2B
N,N-Dimethylaminophosphoryl dichloride	(677-43-0)	2B
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Triisopropyl phosphite	(116-17-6)	Not Listed
Ethyldiethanolamine	(139-87-7)	3B
O,O-Diethyl phosphorothioate	(2465-65-8)	Not Listed
O,O-Diethyl phosphorodithioate	(298-06-6)	Not Listed
Sodium hexafluorosilicate	(16893-85-9)	Not Listed
Methylphosphonothioic dichloride	(676-98-2)	2B

Technical note - Chemicals are listed by name, Chemical Abstract Service (CAS) number and CWC Schedule (where applicable). Chemicals of the same structural formula (e.g., hydrates) are controlled regardless of name or CAS number. CAS numbers are shown to assist in identifying whether a particular chemical or mixture is controlled, irrespective of nomenclature. However, CAS numbers cannot be used as unique identifiers in all situations because some forms of the listed chemical have different CAS numbers, and mixtures containing a listed chemical may also have different CAS numbers.

CONTROL LIST OF DUAL-USE CHEMICAL MANUFACTURING FACILITIES AND EQUIPMENT AND RELATED TECHNOLOGY AND SOFTWARE

I. MANUFACTURING FACILITIES AND EQUIPMENT

June 2011

- **Note 1.** The objective of these controls should not be defeated by the transfer of any non-controlled item containing one or more controlled components where the controlled component or components are the principal element of the item and can feasibly be removed or used for other purposes.
- **N.B.** In judging whether the controlled component or components are to be considered the principal element, governments should weigh the factors of quantity, value, and technological know-how involved and other special circumstances which might establish the controlled component or components as the principal element of the item being procured.
- **Note 2.** The objective of these controls should not be defeated by the transfer of a whole plant, on any scale, which has been designed to produce any CW agent or AG-controlled precursor chemical.
- **Note 3.** The materials used for gaskets, packing, seals, screws, washers or other materials performing a sealing function do not determine the status of control of the items listed below, provided that such components are designed to be interchangeable.

1. Reaction Vessels, Reactors or Agitators

Reaction vessels or reactors, with or without agitators, with total internal (geometric) volume greater than $0.1~\text{m}^3$ (100~l) and less than $20~\text{m}^3$ (20000~l), where all surfaces that come in direct contact with the chemical(s) being processed or contained are made from the following materials:

- a. nickel or alloys with more than 40% nickel by weight;
- b. alloys with more than 25% nickel and 20% chromium by weight;
- c. fluoropolymers (polymeric or elastomeric materials with more than 35% fluorine by weight);
- d. glass or glass-lined (including vitrified or enamelled coating);
- e. tantalum or tantalum alloys;
- f. titanium or titanium alloys;
- g. zirconium or zirconium alloys; or
- h. niobium (columbium) or niobium alloys.

Agitators for use in the above-mentioned reaction vessels or reactors; and impellers, blades or shafts designed for such agitators, where all surfaces of the agitator or component that come in direct contact with the chemical(s) being processed or contained are made from the following materials:

- a. nickel or alloys with more than 40% nickel by weight;
- b. alloys with more than 25% nickel and 20% chromium by weight;
- c. fluoropolymers (polymeric or elastomeric materials with more than 35% fluorine by weight);
- d. glass or glass-lined (including vitrified or enamelled coating);
- e. tantalum or tantalum alloys;
- f. titanium or titanium alloys;
- g. zirconium or zirconium alloys; or
- h. niobium (columbium) or niobium alloys.

2. Storage Tanks, Containers or Receivers

Storage tanks, containers or receivers with a total internal (geometric) volume

greater than $0.1~\text{m}^3$ (100 l) where all surfaces that come in direct contact with the chemical(s) being processed or contained are made from the following materials:

- a. nickel or alloys with more than 40% nickel by weight;
- b. alloys with more than 25% nickel and 20% chromium by weight;
- c. fluoropolymers (polymeric or elastomeric materials with more than 35% fluorine by weight);
- d. glass or glass-lined (including vitrified or enamelled coating);
- e. tantalum or tantalum alloys;
- f. titanium or titanium alloys;
- g. zirconium or zirconium alloys; or
- h. niobium (columbium) or niobium alloys.

3. <u>Heat Exchangers or Condensers</u>

Heat exchangers or condensers with a heat transfer surface area of greater than $0.15~\text{m}^2$, and less than $20~\text{m}^2$; and tubes, plates, coils or blocks (cores) designed for such heat exchangers or condensers, where all surfaces that come in direct contact with the chemical(s) being processed are made from the following materials:

- a. nickel or alloys with more than 40% nickel by weight;
- b. alloys with more than 25% nickel and 20% chromium by weight;
- c. fluoropolymers (polymeric or elastomeric materials with more than 35% fluorine by weight);
- d. glass or glass-lined (including vitrified or enamelled coating);
- e. graphite or carbon-graphite;
- f. tantalum or tantalum alloys;
- g. titanium or titanium alloys;
- h. zirconium or zirconium alloys;
- i. silicon carbide;
- j. titanium carbide; or
- k. niobium (columbium) or niobium alloys.

Technical note: carbon-graphite is a composition consisting of amorphous carbon and graphite, in which the graphite content is eight percent or more by weight.

4. <u>Distillation or Absorption Columns</u>

Distillation or absorption columns of internal diameter greater than 0.1 m; and liquid distributors, vapour distributors or liquid collectors designed for such distillation or absorption columns, where all surfaces that come in direct contact with the chemical(s) being processed are made from the following materials:

- a. nickel or alloys with more than 40% nickel by weight;
- b. alloys with more than 25% nickel and 20% chromium by weight;
- c. fluoropolymers (polymeric or elastomeric materials with more than 35% fluorine by weight);
- d. glass or glass-lined (including vitrified or enamelled coating);
- e. graphite or carbon-graphite;
- f. tantalum or tantalum alloys;
- g. titanium or titanium alloys;
- h. zirconium or zirconium alloys; or
- i. niobium (columbium) or niobium alloys.

Technical note: carbon-graphite is a composition consisting of amorphous carbon

and graphite, in which the graphite content is eight percent or more by weight.

5. Filling Equipment

Remotely operated filling equipment in which all surfaces that come in direct contact with the chemical(s) being processed are made from the following materials:

- a. nickel or alloys with more than 40% nickel by weight; or
- b. alloys with more than 25% nickel and 20% chromium by weight.

6. Valves

Valves with nominal sizes greater than 1.0 cm (3/8") and casings (valve bodies) or preformed casing liners designed for such valves, in which all surfaces that come in direct contact with the chemical(s) being produced, processed, or contained are made from the following materials:

- a. nickel or alloys with more than 40% nickel by weight;
- b. alloys with more than 25% nickel and 20% chromium by weight;
- c. fluoropolymers (polymeric or elastomeric materials with more than 35% fluorine by weight);
- d. glass or glass-lined (including vitrified or enamelled coating);
- e. tantalum or tantalum alloys;
- f. titanium or titanium alloys;
- g. zirconium or zirconium alloys;
- h. niobium (columbium) or niobium alloys; or
- i. ceramic materials as follows:
 - 1. silicon carbide with a purity of 80% or more by weight;
 - 2. aluminum oxide (alumina) with a purity of 99.9% or more by weight;
 - 3. zirconium oxide (zirconia).

Technical note: The 'nominal size' is defined as the smaller of the inlet and outlet port diameters.

7. Multi-Walled Piping

Multi-walled piping incorporating a leak detection port, in which all surfaces that come in direct contact with the chemical(s) being processed or contained are made from the following materials:

- a. nickel or alloys with more than 40% nickel by weight;
- b. alloys with more than 25% nickel and 20% chromium by weight;
- c. fluoropolymers (polymeric or elastomeric materials with more than 35% fluorine by weight);
- d. glass or glass-lined (including vitrified or enamelled coating);
- e. graphite or carbon-graphite;
- f. tantalum or tantalum alloys;
- g. titanium or titanium alloys;
- h. zirconium or zirconium alloys; or
- i. niobium (columbium) or niobium alloys.

Technical note: carbon-graphite is a composition consisting of amorphous carbon and graphite, in which the graphite-content is eight percent or more by weight.

8. Pumps

Multiple-seal and seal-less pumps with manufacturer's specified maximum flow-rate greater than 0.6 m3/h, or vacuum pumps with manufacturer's specified maximum flow-rate greater than 5 m 3 /h (under standard temperature (273 K (00

- C)) and pressure (101.3 kPa) conditions), and casings (pump bodies), preformed casing liners, impellers, rotors or jet pump nozzles designed for such pumps, in which all surfaces that come into direct contact with the chemical(s) being processed are made from any of the following materials:
- a. nickel or alloys with more than 40% nickel by weight;
- b. alloys with more than 25% nickel and 20% chromium by weight;
- c. fluoropolymers (polymeric or elastomeric materials with more than 35% fluorine by weight);
- d. glass or glass-lined (including vitrified or enamelled coating);
- e. graphite or carbon-graphite;
- f. tantalum or tantalum alloys;
- g. titanium or titanium alloys;
- h. zirconium or zirconium alloys;
- i. ceramics;
- j. ferrosilicon (high silicon iron alloys); or
- k. niobium (columbium) or niobium alloys.

Technical note: carbon-graphite is a composition consisting of amorphous carbon and graphite, in which the graphite content is eight percent or more by weight.

9. Incinerators

Incinerators designed to destroy CW agents, AG-controlled precursors or chemical munitions, having specially designed waste supply systems, special handling facilities, and an average combustion chamber temperature greater than 10000 C, in which all surfaces in the waste supply system that come into direct contact with the waste products are made from or lined with the following materials:

- a. nickel or alloys with more than 40% nickel by weight;
- b. alloys with more than 25% nickel and 20% chromium by weight; or
- c. ceramics.

Technical note: For the listed materials in the above entries, the term 'alloy' when not accompanied by a specific elemental concentration is understood as identifying those alloys where the identified metal is present in a higher percentage by weight than any other element.

Statement of Understanding

These controls do not apply to equipment which is specially designed for use in civil applications (for example food processing, pulp and paper processing, or water purification, etc) and is, by the nature of its design, inappropriate for use in storing, processing, producing or conducting and controlling the flow of chemical warfare agents or any of the AG-controlled precursor chemicals.

II. TOXIC GAS MONITORING SYSTEMS AND THEIR DEDICATED DETECTING COMPONENTS

Toxic gas monitoring systems and their dedicated detecting components as follows: detectors; sensor devices; replaceable sensor cartridges; and dedicated software therefore

- a. designed for continuous operation and usable for the detection of chemical warfare agents or AG-controlled precursors at concentrations of less than $0.3 \, \text{mg/m}^3$; or
- b. designed for the detection of cholinesterase-inhibiting activity

III. RELATED TECHNOLOGY

'Technology', including licenses, directly associated with -

- OCW agents:
- o AG-controlled precursors; or
- AG-controlled dual-use equipment items,

to the extent permitted by national legislation.

This includes:

- transfer of technology (technical data) by any means, including electronic media, fax or telephone
- o transfer of technology in the form of technical assistance.

Controls on 'technology' do not apply to information 'in the public domain' or to 'basic scientific research' or the minimum necessary information for patent application.

The approval for export of any AG-controlled item of dual-use equipment also authorises the export to the same end-user of the minimum 'technology' required for the installation, operation, maintenance or repair of that item.

IV. SOFTWARE

Controls on 'software' transfer only apply where specifically indicated in sections I and II above, and do not apply to 'software' which is either:

- 1. Generally available to the public by being:
 - a. Sold from stock at retail selling points without restriction, by means of:
 - i. Over-the-counter transactions;
 - ii. Mail order transactions;
 - iii. Electronic transactions; or
 - iv. Telephone call transactions; and
 - b. Designed for installation by the user without further substantial support by the supplier; or
- 2. 'In the public domain'.

Definition of Terms

'Basic scientific research'

Experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena or observable facts, not primarily directed towards a specific practical aim or objective.

'Development'

'Development' is related to all phases before 'production' such as:

- $\circ \ design$
- o design research
- design analysis
- o design concepts
- assembly of prototypes
- o pilot production schemes
- o design data
- $\circ\,$ process or transforming design data into a product
- configuration design
- o integration design
- layouts

'Export'

An actual shipment or transmission of AG-controlled items out of the country. This includes transmission of technology by electronic media, fax or telephone.

'in the public domain'

not remove technology from being in the public domain).
'Microprogramme'
A sequence of elementary instructions maintained in a special storage, the execution of which is initiated by the introduction of its reference instruction register.
'Production'
Production means all production phases such as:
 construction production engineering manufacture integration assembly (mounting) inspection testing quality assurance
'Programme'
A sequence of instructions to carry out a process in, or convertible into, a form executable by an electronic computer.
'Software'
A collection of one or more 'programmes' or 'microprogrammes' fixed in any tangible medium of expression.
'Technology'
Specific information necessary for the 'development', 'production' or 'use' of a product. The information takes the form of 'technical data' or 'technical assistance'.
'Technical assistance'
May take forms, such as: instruction, skills, training, working knowledge, consulting services. Technical assistance includes oral forms of assistance. Technical assistance may involve transfer of 'technical data'.
'Technical data'
May take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memories.
'Use'
Operation, installation (including on-site installation), maintenance (checking), repair, overhaul or refurbishing.

'In the public domain', as it applies herein, means technology that has been made available without restrictions upon its further dissemination. (Copyright restrictions do



Group of Eight

Declaration on Nonproliferation and Disarmament for 2012

This Declaration is issued in conjunction with the Camp David Summit.

- 1. Preventing the **proliferation** of weapons of mass destruction (WMDs) and their means of delivery is one of our top priorities, because such proliferation represents a major threat to international peace and security. The international community underlined these concerns in UN Security Council Resolutions (UNSCRs) 1540, 1673, 1810, 1887, and 1977. We are determined to strengthen the global non-proliferation regime, including by promoting the implementation and universalization of all relevant multilateral treaties and arrangements that help to prevent and combat proliferation. These treaties include the Nuclear Nonproliferation Treaty (NPT), the Biological and Toxin Weapons Convention (BTWC), and the Chemical Weapons Convention (CWC), which form indispensable elements of the international security architecture. We are convinced that the Proliferation Security Initiative (PSI) and the Global Initiative to Combat Nuclear Terrorism (GICNT) will continue to provide valuable platforms for cooperation in this regard.
- 2. We reaffirm our unconditional support for all three pillars of the NPT disarmament, nonproliferation, and the peaceful uses of nuclear energy. The NPT remains the cornerstone of the nuclear non-proliferation regime and the essential foundation for the pursuit of disarmament and the peaceful uses of nuclear energy. We note that all NPT Parties have a responsibility in preserving and strengthening the international non-proliferation regime and are committed to take appropriate steps to implement its provisions.
- 3. We welcome the successful conclusion of the first **Preparatory Committee** (**PrepCom**) meeting of the 2015 NPT review cycle and express our appreciation to Ambassador Peter Woolcott of Australia for his exemplary

- chairmanship and Chairman's Factual Summary. We look forward to continuing our cooperation on NPT matters, including at the 2013 PrepCom.
- 4. We are determined to meet the commitments we made in the Action Plan, agreed to by consensus, of the Final Document of the 2010 NPT Review Conference and call upon all States Parties to implement the provisions of this document. In this regard, we call attention to the meeting of P5 States that took place in Paris on June 30-July 1, 2011 on the follow-up to the NPT Review Conference. We welcome the steps taken by the States represented there to begin follow-up consultations on joint definitions for key nuclear terms and to hold an expert-level meeting on verification, which took place in London on April 4, 2012. We welcome their decisions to convene the next meeting in Washington, June 27-29, 2012.
- 5. While respecting the right of withdrawal contained in Article X of the NPT, we at the same time recognise that modalities and measures to address a withdrawal from that Treaty are needed. In that regard we stress that the United Nations Security Council must immediately address any State's notification of withdrawal from the NPT and that any State Party remains responsible under international law for violations of the NPT committed prior to its withdrawal. This important issue should remain on the agenda of the NPT review cycle for further discussion of modalities under which NPT States Parties could respond collectively and individually to a notification of withdrawal, including through arrangements regarding continued safeguarding or the disposition of equipment and materials acquired or developed under safeguards during NPT membership.
- 6. The States concerned also reaffirm their commitment to consult and cooperate to bring about the entry into force of the relevant legally binding protocols of **nuclear-weapon-free zone treaties**. In that context we welcome the successful conclusion of consultations between the P5 and the parties to the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone and look forward to the early P5 signature of the Protocol. We also welcome the commitment of the P5 States to continue consultations with the States Parties to the Treaty on a Nuclear-Weapon-Free-Zone in Central Asia.

- 7. Recalling the decision at the 2010 NPT Review Conference to hold a Conference in 2012 on the establishment in the Middle East of a zone free of nuclear weapons, as well as other weapons of mass destruction and their means of delivery, we strongly support Ambassador Jaakko Laajava's work as facilitator of the Conference. We call upon all States concerned to make all efforts necessary to the preparation of that Conference. We express hope for a successful Conference to be attended by all the States of the Middle East.
- 8. We reiterate our strong concern about severe **proliferation challenges** and our commitment to working to resolve them through diplomatic means. Addressing compliance with the NPT is an essential part of efforts to achieve full implementation of the Treaty, including its universality and nuclear disarmament.
- 9. The **IAEA**, and in particular its safeguards system, remains an essential institution for the effective implementation of the nuclear nonproliferation regime. The IAEA must continue to have the necessary resources and legal authorities to be capable of fully exercising its verification mission, and, in accordance with its statutory mandate, to report cases of non-compliance to the United Nations Security Council.
- 10. We welcome the recent meeting of EU High Representative Catherine Ashton, together with the Political Directors of China, France, Germany, the Russian Federation, the United States and the United Kingdom, with the Iranian nuclear negotiator, Dr. Saed Jalili in Istanbul on April 14, 2012. As HR Ashton stated, the discussions on the **Iranian nuclear issue** were constructive and useful. We expect that subsequent meetings, including the next one to be held in Baghdad on May 23, will lead to concrete steps towards a comprehensive negotiated solution which restores international confidence in the exclusively peaceful nature of the Iranian nuclear programme. We support the agreement that the NPT forms a key basis for what must be serious engagement to ensure that Iran meets all its obligations under the NPT while fully respecting Iran's right to the peaceful use of nuclear energy as defined by the NPT. Iran's persistent failure

to comply with its obligations under the UN Security Council resolutions and to meet the requirements of the IAEA Board of Governors resolutions is the cause of urgent concern. We reaffirm that, based on the principles of a step-by-step approach and reciprocity, our overall objective is a comprehensive, negotiated solution to the nuclear issue leading to Iran's full compliance with UN Security Council resolutions and to the lifting of all sanctions once international confidence in the peaceful nature of Iran's nuclear programme is restored. It is essential for Iran, in its separate dialogue with the IAEA, to resolve fully and without delay all outstanding issues, including those related to possible military dimensions of its nuclear program.

- 11. We strongly condemn the April 13, 2012 launch by the Democratic People's Republic of Korea (DPRK). As the UNSC made clear in its April 16 Presidential Statement (PRST), this launch and any launch that uses ballistic missile technology, even if characterized as a satellite launch or space launch vehicle, is a serious violation of UNSCRs 1718 and 1874. The DPRK's continued development of its ballistic missile and nuclear weapons capability, including its uranium enrichment activities, violates its international obligations and poses a danger to peace and stability in the region and beyond. We urge the DPRK to abide by its international obligations, to meet its own commitments under the 2005 Joint Statement on the Six-Party Talks, and to provide the IAEA with access as may be required and deemed necessary by the IAEA. We urge the DPRK to refrain from further provocative actions, including any nuclear tests, abandon all its nuclear weapons and existing nuclear programs, and cease all related activities immediately. We remain united in our resolve to implement existing UN sanctions fully and we express our determination to take action accordingly in the event of a further DPRK launch using ballistic missile technology, nuclear test or other actions in violation of UNSCRs.
- 12. **Syria**'s full cooperation with the agency would allow clarification of all outstanding issues within the framework of the IAEA.

- 13. We express our concern at the continued **proliferation of means of delivery** capable of delivering weapons of mass destruction (WMD), which creates a threat to international peace and security, as recognized by UN Security Council Resolutions 1540, 1887, and 1977. We are committed to making the international community further aware of the missile proliferation threat. While considering cooperation in the field of missile technology, knowhow, and systems, States should pay particular attention to proliferation risks in this regard. We are concerned about the ongoing missile programmes in the Middle East, North-East Asia and South Asia including Iran and the DPRK. We recognise the need to step up our efforts to increase the effectiveness of multilateral arrangements, particularly the Missile Technology Control Regime (MTCR), whose twenty-fifth anniversary we are commemorating this year.
- 14. We also support the **Hague Code of Conduct Against Ballistic Missile Proliferation** (HCOC), whose tenth anniversary we are commemorating this year, and welcome the efforts made with regard to the universalization of the HCOC and express our willingness to make the Code more effective and to promote transparency on ballistic missiles.
- 15. We note that **outer space** activities play a significant role in the social, economic, scientific, and technological development of states, as well as in maintaining international peace and security. We strongly believe that all nations have the right to explore and use outer space for peaceful purposes, in accordance with international law, regardless of their level of economic, scientific, or technological development. We also reiterate our commitment to carry on activities in the exploration and use of outer space in accordance with applicable international law, including the Charter of the United Nations. We recognize that the world's growing dependence on outer space capabilities makes it necessary for the states and the international community as a whole to undertake constructive joint efforts with a view to advancing, through concerted, well thought-out and reasonable initiatives and steps, the consideration of factors and phenomena affecting outer space security in its entirety.

- 16. In this context particular attention should be given to promoting and fostering concepts and practices underlying the long term stable and sustainable **development of outer space activities** in all its aspects. In particular, we are concerned about the growth of orbital debris, which presents an increasing threat to space activities, including human space flight and satellite systems. We support efforts to mitigate orbital debris undertaken within the UN Committee on Peaceful Uses of Outer Space (COPUOS). We also declare our support for outer space-related transparency and confidence-building measures (TCBMs) and efforts to develop international guidelines for responsible behavior in outer space. We welcome the current efforts aimed at establishing a strong international consensus on an international Code of Conduct for Outer Space Activities. The draft Code proposed by the EU is a very useful contribution and constructive starting point for developing an international code. We also note with satisfaction the positive dynamics of the international discussions on space TCBMs and the stability of outer space activities, including the upcoming Group of Governmental Experts on TCBMs in Outer Space Activities. We are determined to enhance the level and quality of constructive interaction on these topics in discussions in the above mentioned fora.
- 17. We welcome the success of the Seventh Review Conference of the **Biological** and Toxin Weapons Convention (BTWC) and look forward to productive exchanges during the intersessional meetings on developments in national implementation, cooperation and assistance, science and technology, and confidence-building measures as agreed to at the Review Conference. We reaffirm our commitment to promote its universality and we are determined to work with all the State Parties to reinforce its regime.
- 18. We reaffirm our unconditional support for the CWC and the functions of the OPCW. Destruction of chemical weapons remains a key objective of the Convention. We welcome the recent decision by the OPCW Conference of the States Parties encouraging all possessor States to take every necessary measure to complete their destruction processes in a transparent fashion, and within the framework of the existing verification regime. We reiterate the need for an effective industry verification regime.

- 19. We fully support the key role played by the **United Nations Security Council** in addressing proliferation issues. We welcome the adoption by the Security Council of Resolution 1977, which renewed the mandate of the 1540 Committee and reaffirmed **Resolution 1540's** obligations which, among other things, aim to prevent non-State actors from acquiring WMDs, their means of delivery and related materials and required all member States to establish domestic controls to prevent the proliferation of weapons of mass destruction, their means of delivery and related materials. We invite all States to work toward full implementation of UNSCR 1540 and we reiterate our support to the 1540 Committee in the discharge of its mandate.
- 20. We remain determined to promote robust counter-proliferation tools. We acknowledge the adoption by the Financial Action Task Force (FATF) in February 2012 of new standards on financing of proliferation, and will give our full support to their effective implementation. We will promote broadening participation in the Proliferation Security Initiative (PSI) and continuing its focus on operational and legal issues. We will encourage States to identify as a specific offence in their national law the proliferation of WMD, their means of delivery and related materials. We will continue to strengthen our own export control policies to prevent the export of dual-use goods and technology when not in accordance with export control arrangements. We urge all States to take appropriate national measures in accordance with their national authorities and legislation and consistent with international law to prevent proliferation financing and shipments, to strengthen export controls, to secure WMD-related sensitive materials, and to control access to intangible transfers of technology and to information that could be used for weapons of mass destruction and their delivery means.
- 21. We welcome the consensus reached by the **Nuclear Suppliers Group (NSG)** on the control of the transfer of goods and technologies linked to the most sensitive aspects of the nuclear fuel cycle (enrichment and reprocessing).
- 22. We recall our commitment to seeking **a safer world** for all, and to creating the conditions for a world without nuclear weapons, in accordance with the goals of the NPT, in a way that promotes international stability, based on the principle of

equal and undiminished security for all, and underlining the vital importance of non-proliferation for achieving this goal.

- 23. In that context, we commend the entry into force on February 5, 2011, of the New START Treaty between the United States and the Russian Federation, as a reflection of the Parties' commitment to the goals of the Non-Proliferation Treaty and the Plan of Action of the 2010 Review Conference, and we welcome that the New START Treaty's implementation is moving forward in a positive way. We note that when the Treaty is fully implemented, the strategic nuclear forces of the United States and Russia will reach their lowest level since the 1950s. We also recall and welcome the disarmament-related efforts already made by France and the UK. Efforts by some nuclear weapon states in nuclear arms reductions disarmament, confidence-building and transparency, including increased transparency measures of some nuclear-weapon States, represent major steps in line with the Action Plan adopted by the NPT Review Conference in May 2010.
- 24. The entry into force of the Comprehensive Nuclear Test Ban Treaty (CTBT) would codify in international law the permanence of a nuclear explosive test ban, which, for the time being, depends on unilateral moratoria on nuclear weapon test explosions or other nuclear explosions. We welcome voluntary adherence to such moratoria, but note this does not have the same legally binding effect as the entry into force of the Treaty. The CTBT's entry into force would significantly strengthen the international non-proliferation regime and our disarmament efforts. We welcome recent ratifications of the Treaty, including that of Indonesia, an Annex 2 state, and call on all states that have not done so – particularly those states whose ratification is required for the entry into force of the Treaty – to sign and ratify the Treaty without further delay. We reaffirm our commitment to the Treaty's basic obligations and call on all states to refrain from acts which would defeat the object and purpose of the treaty pending its entry into force. We reiterate our support for the work achieved by the Preparatory Commission of the Comprehensive Nuclear Test Ban Treaty Organization (CTBTO), in building up all elements of the verification regime, particularly its International Monitoring System (IMS) and on-site inspections.

- 25. We note our profound regret and growing frustration in the international community over the persistent failure of the **Conference on Disarmament** to initiate negotiations building on the CD/1864 programme of work on a fissile material cut-off treaty (FMCT) banning the production of fissile material for nuclear weapons or other nuclear explosive devices, including verification provisions. We express our support for the moratorium on the production of such materials announced by the G8 nuclear-weapons States, and we call on the other States concerned to follow suit.
- 26. In anticipation of the **Arms Trade Treaty** (ATT) Conference to be held at the UN in July, we recognize the value of this UN process as part of international efforts on the matter and for its contribution to the prevention of illicit trafficking of conventional weapons. We welcome those negotiations and urge all states to agree to high standards for the international transfer of conventional arms.
- 27. We support the central role of the **IAEA** in upholding and strengthening the international nonproliferation regime and express our willingness to promote the IAEA Comprehensive Safeguards Agreement together with the Additional Protocol as a universally accepted international verification standard, which should be a consideration in decisions on the supply of nuclear fuel, equipment, or technology. We call on all States which have not yet done so to sign and ratify the Additional Protocol and apply its provisions as soon as possible.
- 28. Reaffirming the inalienable right of all States Parties to the NPT to use **nuclear energy for peaceful purposes**, in compliance with their international obligations, we reiterate our willingness to cooperate with States that meet their nuclear non-proliferation obligations and wish to develop a civil nuclear programme, in order to help them fulfil the essential requirements needed to ensure fair and responsible access to the benefits of the peaceful uses of nuclear energy. These requirements include safety, security, non-proliferation, and respect for the environment. Development and application of innovative technology in relevant frameworks has a growing role to play in supplying global demand for energy and also in building up robust and transparent atomic

energy infrastructure resistant to nuclear accidents. We underscore the responsibility of governments for timely and sufficient measures on accident prevention and management to minimize the consequences of accidents, should they occur. Efficiency and substance of notifications in case of nuclear accidents should be further improved as well.

- 29. We acknowledge the useful contribution that **multilateral approaches to the nuclear fuel cycle** provide in the field of nuclear energy, in particular the
 creation of the Uranium Enrichment Centre in Russia, and encourage the
 International Atomic Energy Agency's efforts to continue to address this issue.
 In this regard, we welcome the creation in accordance with the Russia-IAEA
 agreement of the Low Enriched Uranium (LEU) reserve in Angarsk, Russia;
 support the IAEA's decision to establish a bank of LEU for the IAEA member
 states and welcome Kazakhstan's readiness to provide a site; further welcome
 the establishment of the American Assured Fuel Supply, comprised of
 downblended uranium from weapons programs. We support the adoption of a
 Model Agreement between supplier and recipient States for the Nuclear Fuel
 Assurance initiative, while respecting the normal functioning of the existing
 market rules.
- 30. We welcome the results of the **Seoul Nuclear Security Summit** in March 2012 where 58 world leaders worked to reduce the threat of nuclear terrorism by securing vulnerable nuclear and other radioactive material around the globe. Seoul Summit participants agreed to a detailed Communiqué that outlines concrete steps on important nuclear security goals in the following areas: Global Nuclear Security Architecture, Role of the IAEA, Nuclear Materials, Radioactive Sources, Nuclear Security and Safety, Transportation Security, Combating Illicit Trafficking, Nuclear Forensics, Nuclear Security Culture, Information Security, and International Cooperation. Many countries agreed to other multilateral joint commitments intended to advance the goal of nuclear security. We also encourage nations to join existing relevant international initiatives that support Summit goals.

- 31. We call on all States to implement the IAEA's most current recommendations on **physical protection of nuclear material and nuclear facilities** (INFCIRC/225/Rev.5.).
- 32. The G8 commends the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction as it remains committed to completing priority projects in Russia and takes forward work on the mandate agreed at the Deauville Summit, including in the priority areas of nuclear and radiological security, biological security, scientist engagement, and the implementation of United Nations Security Council Resolution 1540. Recognizing the significant international threats posed by the potential use of biological weapons or the deliberate misuse of biological agents, the Global Partnership supports efforts to develop comprehensive approaches to promote global biological security as an essential element for building secure and stable nations. Building on the commitments made at the 2010 and 2012 Nuclear Security Summits, the Global Partnership continues to assist nations with nuclear and radiological security, including through centers of excellence, promoting international cooperation and a strong nuclear security culture, and advancing information and transportation security. The Global Partnership also continues to pursue the expansion of its membership, as agreed by Leaders in 2011, and congratulates Kazakhstan on its new membership. The Global Partnership welcomes the ongoing participation of relevant international organizations in the global efforts to improve coordination of WMD counter-proliferation initiatives.