



**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.¹ The First Review Conference **reaffirmed** in this context the decision of the Council

¹ 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.

Inspections

- 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.
- 7.53 The First Review Conference **recalled** that, after conversion of former chemical 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.

Transfer regulations

- 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.

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