

3. UN Documents

The CWC is a product of the international community's multilateral disarmament negotiating forum in Geneva. Now known as the Conference on Disarmament (formerly the Ten-Nation Committee on Disarmament (1960), the Eighteen-Nation Disarmament Committee (1962-68), the Conference of the Committee on Disarmament (1969-78) and the Committee on Disarmament (1979-1984)), the CD is not a formal UN organ but it has a special relationship with the UN. Under this relationship, the CD adopts its own agenda and rules of procedure, but acts on recommendations from the UN General Assembly and it reports annually to the General Assembly. Besides the CD, chemical weapons issues have also been taken up periodically by the main organs of the UN based at UN Headquarters in New York, namely the General Assembly and the Security Council and also by the Secretary-General.

3.1 UN-OPCW cooperation agreement

In 2000, the OPCW concluded a Relationship Agreement with the United Nations which was later approved by the Conference of the States Parties on the 17 May 2001 and entered into force that year. A copy of this document is included in this section of the *Resource Guide*. At the Seventieth Session of the Executive Council in 2012, it was reported that this agreement had been augmented with a 'Supplementary Arrangement Concerning the Implementation of Article II(2)(c) of the Relationship Agreement between the United Nations and the Organisation for the Prohibition of Chemical Weapons'. This document is not publicly available and is therefore not included here.

3.2 UN General Assembly resolutions on the CWC / OPCW

Discussions in the UN General Assembly on chemical weapons stretch back to its first resolution in 1946. Every year since 1992, the General Assembly has adopted resolutions on the CWC. These resolutions typically stress the vital importance of full and effective implementation of, and compliance with, all CWC provisions; stress the importance of the OPCW in verifying compliance with CWC provisions as well as in promoting the timely and efficient accomplishment of all its objectives; and urge all States Parties to meet in full and on time their obligations under the Convention and to support the OPCW in its implementation activities. Included in this section of the *Resource Guide* are the latest resolutions on cooperation between the UN and the OPCW (A/RES/67/8) and on the implementation of the CWC (A/RES/67/54). Owing to production delays at the UN, an official copy of A/RES/67/8 is not yet available; therefore a copy of the draft resolution (A/67/L.7), which the authors understand was unamended before adoption by consensus on 19 November 2012, has been reproduced in its place here.

3.3 UN Security Council

At its first summit meeting, held in January 1992, the Security Council agreed a Presidential Statement in which it stated that proliferation of weapons of mass destruction (WMD) was a 'threat to international peace and security'. This section of the *Resource Guide* includes a copy of the 1992 Presidential Statement, S/23500 as well as Security Council resolution 620 (1988) which condemned the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq.

This section of the *Resource Guide* also includes a copy of Security Council resolution 1540 on the non-proliferation of weapons of mass destruction. The resolution, which was adopted under Chapter VII of the UN Charter, affirms that the proliferation and illicit trafficking of nuclear, biological and chemical weapons are threats to international peace and security and it requires all UN Member States to enact and enforce laws to prohibit and prevent

the manufacture, acquisition, possession, development, transport, transfer or use of nuclear, chemical or biological weapons and their means of delivery by non-state actors. States must also take and enforce national measures to prevent the proliferation of these weapons, including means to account for and secure weapons and their means of delivery, physical protection measures, effective border controls and export controls. The resolution also obliges Member States to refrain from supporting attempts by non-state actors to acquire WMD capabilities. All States were required to provide a report on their implementation of the resolution to a committee (the '1540 Committee'), which is assisted in its work by a group of experts.

This committee had a two year mandate under resolution 1540, which was extended for a further two years by Security Council resolution 1673 in April 2006, and again through resolution 1810 in 2008 and resolution 1977 in 2011. This most recent resolution extends the mandate to 2021. A copy of the pages of the national implementation matrix used by the 1540 Committee relating to chemical weapons issues is included.

3.4 UN Secretary-General, including the Investigative Mechanism

The UN Secretary-General (UNSG) has been involved with a number of initiatives and activities that are relevant to the current regime to control chemical weapons. In March 2005, the UNSG published 'In Larger Freedom: Towards Development, Security and Human Rights for All' (A/59/2005) which was intended to contribute to the 2005 World Summit and which built upon some recommendations of the 'High-Level Panel on Threats, Challenges and Change which produced the Report, A More Secure World: Our Shared Responsibility' (A/59/565). In the report, the UNSG calls for consolidation of the CWC, recommitment to the scheduled destruction of chemical weapons and CWC universality. It also proposes that the UN Security Council regularly invites the OPCW Director-General to brief it on the status of verification processes. Space constraints preclude reproducing these documents here, but extracts were published in the 2008 edition of the *Resource Guide*. The full report is available at <http://www.un.org/largerfreedom/>. All public UN documents are also available on the multilingual UN documents server at <http://documents.un.org>.

The UN Secretary-General has a long-standing authority to investigate activities that may constitute a violation of the 1925 Geneva Protocol 'or other relevant rules of customary international law'. The first action to support such an authority was the adoption by the General Assembly of resolution 35/144 C in 1980 which included a decision to carry out an impartial investigation of allegations of the use of chemical weapons in South East Asia. These allegations were controversial and a number of States voted against the resolution. The 'Group of Experts to Investigate Reports on the Alleged Use of Chemical Weapons' produced two reports in 1981 and 1982. The UNSG's mechanism emerged in a form recognizable today from General Assembly resolution 37/98 D in 1982, but which was also subject to some of the earlier controversies and was also not adopted by consensus. Under this resolution, which is included in this section of the *Resource Guide*, the General Assembly requested the UNSG to investigate, with the assistance of qualified experts, allegations of violations of the Geneva Protocol. The resolution instructed the UNSG to compile lists of qualified experts who could be sent at short notice on investigations and to devise procedures for timely and efficient investigations. The UNSG duly appointed a group of consultant experts that submitted its final report, including procedures for investigations, in 1984. Earlier in the same year, the UNSG also conducted the first investigation into allegations of the use of chemical weapons during the Iran-Iraq War, although not under the authority of resolution 37/98 D. The experience of the numerous investigations that followed led to a reappraisal of the mechanism and in 1987 the General Assembly adopted

by consensus resolution 42/37 C which called on the UNSG to update the technical guidelines and procedures for conducting investigations. The UNSG accordingly appointed another group of consultant experts which submitted its final report in 1989. The General Assembly endorsed the group's report in resolution 45/57 C adopted in 1990, which is included in this section of the *Resource Guide*. During the group's existence, the Security Council also passed resolution 620 in 1988 which endorsed the mechanism by encouraging the UNSG to investigate allegations 'promptly'. A further two investigations were carried out in 1992, these being the most recent to have been conducted. The table below provides details on the investigations carried out:

Date	Locations visited	Report reference
1981-1982	Thailand	A/36/613, 20 November 1981
1981-1982	Pakistan, Thailand	A/37/259, 1 December 1982
March 1984	Iran	S/16433, 26 March 1984 [also issued as A/39/210]
April 1985	European hospitals	S/17127, 24 April 1985
March 1986	Iran	S/17911, 12 March 1986
May 1987	Iran & Iraq	S/18852, 8 May 1987
April 1988	Iran & Iraq	S/19823, 25 April 1988
July 1988	Iran	S/20060, 20 July 1988 [released 1 August 1988]
July 1988	Iraq	S/20063, 25 July 1988 [released 1 August 1988]
August 1988	Iran	S/20134, 19 August 1988
March 1992	Mozambique	S/24065, 12 June 1992
July 1992	Azerbaijan	S/24344, 24 July 1992

During the 1990s, the mechanism was somewhat neglected as international attention was focused on the entry into force of the CWC and on the efforts to negotiate a protocol to the BWC. With the protocol negotiations coming to a halt in 2001, more attention has been paid to the mechanism, particularly in the reports released by the then UNSG. Since the entry into force of the CWC, that treaty has become the main focus of activity for chemical weapons investigations and recent attention has therefore focused on the use of the mechanism to investigate BW allegations. The CWC contains detailed procedures for investigating the alleged use of CW and the OPCW maintains a list of qualified experts who can provide additional skills not found among OPCW inspectors. The UNSG's mechanism could still be used for CW investigations in States not party to the CWC, but in such cases the CWC provides that the OPCW should cooperate closely with the UNSG and could put its resources at his disposal. Under General Assembly resolution 60/288 adopted in 2006, States encouraged the UNSG to update the roster of experts and laboratories, as well as the technical guidelines and procedures. A working group, with OPCW participation, met in New York and Sweden, and submitted a proposal for updating the technical annexes to the UNSG in December 2007.