

## **1. CWC Documents**

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

### **1.1 CWC Review Conferences**

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

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

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

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

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

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

### **1.2 Action Plans**

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

### **1.3 Scientific Advisory Board**

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

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

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

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

#### **1.4 Advisory Panel on Future OPCW Priorities**

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

#### **1.5 Other CWC Documents**

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



**POLITICAL DECLARATION OF THE FIRST SPECIAL SESSION OF THE  
CONFERENCE OF THE STATES PARTIES TO REVIEW THE OPERATION OF  
THE CHEMICAL WEAPONS CONVENTION (FIRST REVIEW CONFERENCE)**

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

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



universality of the Convention, and urge all States not Party to join the Convention without delay.

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

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

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

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

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**OPCW**

**Conference of the States Parties**

First Review Conference  
28 April – 9 May 2003

RC-1/5  
9 May 2003  
Original: ENGLISH

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

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

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



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

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

AGENDA ITEM ONE – Opening of the First Review Conference

AGENDA ITEM TWO – Adoption of the agenda

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

AGENDA ITEM FOUR – Statement by the Director-General

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

AGENDA ITEM SIX – General debate

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

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

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

AGENDA ITEM EIGHT – Reports of subsidiary bodies

AGENDA ITEM NINE – Any other business

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

AGENDA ITEM ELEVEN – Closure

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

3.1 The First Review Conference **adopted** the recommendations of the General Committee reported to it in accordance with Rule 43 of the Rules of Procedure of the Conference.

3.2 The First Review Conference **adopted** the recommendation of the General Committee that it be closed on 9 May 2003.

**4. AGENDA ITEM FOUR – Statement by the Director-General**

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

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

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

**6. AGENDA ITEM SIX – General debate**

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

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

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

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

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

- 7.6 The First Review Conference **reiterated** the importance of the obligation of the States Parties to declare their chemical weapons. The First Review Conference **reiterated, furthermore,** the importance of subjecting chemical weapons stockpiles to international verification by the OPCW, and of completing their destruction in accordance with the provisions of the Convention, including its time limits. The same applies to the destruction or conversion of chemical weapons production facilities. The First Review Conference **welcomed** the efforts made by the States Parties in respect to the timely destruction of their chemical weapons capabilities, as well as the efforts of the Technical Secretariat (hereinafter “the Secretariat”) to further enhance the efficiency and cost-effectiveness of the verification measures applied to the chemical weapons stockpiles and chemical weapons production facilities and their elimination and conversion. The First Review Conference **encouraged** States Parties to provide assistance to others, upon request, in the destruction of chemical weapons.
- 7.7 The First Review Conference **noted with satisfaction** that the OPCW has established an effective verification system with a view to achieving the non-proliferation and confidence-building aims of the Convention. The further development of this regime should take account of relevant developments in science and technology, in accordance with the provisions of the Convention.
- 7.8 The First Review Conference, furthermore, **recognised** that the implementation of the Convention’s provisions on assistance and protection against chemical weapons makes a significant contribution to countering the threats still associated with the possible use of chemical weapons. These measures to provide assistance should be implemented in cooperation with the State Party requesting assistance, and with other States Parties and relevant regional and international organisations.
- 7.9 The First Review Conference **reaffirmed** the importance that the Convention attaches to the fostering of international cooperation in the field of the peaceful chemical activities of the States Parties, and the objective of implementing the Convention in a manner that avoids hampering their economic and technological development and international cooperation in the field of chemical activities for purposes not prohibited by the Convention. The First Review Conference **reaffirmed** the right of the States Parties, subject to the provisions of the Convention and without prejudice to the principles and applicable rules of international law, to use chemicals for purposes not prohibited by the Convention, and their determination to undertake to facilitate the fullest possible exchange of chemicals, equipment, and scientific and technical information relating to the development and application of chemistry for purposes not prohibited by the Convention.
- 7.10 The First Review Conference **noted with concern** that, along with the continued threat of possible use of chemical weapons by States, the international community faces a growing danger of the use of chemical weapons by terrorists. The First Review Conference **took cognisance** of the request of the UN Security Council that international organisations evaluate ways in which they can enhance the effectiveness of their action against terrorism, in particular those organisations whose activities relate to the control of the use of or of access to chemical and other deadly materials.<sup>1</sup> The First Review Conference **reaffirmed** in this context the decision of the Council

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<sup>1</sup> 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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**REPORT OF THE SECOND SPECIAL SESSION OF THE CONFERENCE OF THE STATES PARTIES TO REVIEW THE OPERATION OF THE CHEMICAL WEAPONS CONVENTION (SECOND REVIEW CONFERENCE)  
7 – 18 April 2008**

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

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



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

## **2. AGENDA ITEM TWO – Election of the Chairperson**

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

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

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

## **4. AGENDA ITEM FOUR – Adoption of the agenda**

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

AGENDA ITEM ONE – Opening of the Second Review Conference

AGENDA ITEM TWO – Election of the Chairperson

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

AGENDA ITEM FOUR – Adoption of the agenda

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

AGENDA ITEM SIX – Statement by the Director-General

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

AGENDA ITEM EIGHT – General debate

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

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

AGENDA ITEM TEN – Reports of subsidiary bodies

AGENDA ITEM ELEVEN – Any other business

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

AGENDA ITEM THIRTEEN – Closure

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

5.1 The Second Review Conference **considered** and **adopted** the recommendations of the General Committee reported to it in accordance with Rule 43 of the Rules of Procedure of the Conference.

5.2 The Second Review Conference **adopted** the recommendation of the General Committee that it be closed on 18 April 2008.

**Appointment of the Credentials Committee**

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

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

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

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

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

**8. AGENDA ITEM EIGHT – General debate**

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

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

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

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

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

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

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

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

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

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

Convention are not able to take advantage of the benefits that it offers to States Parties.

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

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

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

- 9.21 The Second Review Conference also reaffirmed the continued relevance of the definitions contained in Article II of the Convention, which ensure the comprehensive nature of the prohibition of chemical weapons under the Convention.
- 9.22 The Second Review Conference considered the impact of developments in science and technology on the Convention's prohibitions. The definitions contained in Article II, in particular, of the terms "chemical weapons", "chemical weapons production facility", were found to adequately cover these developments and to provide for the application of the Convention's prohibitions to any toxic chemical, except where such a chemical is intended for purposes not prohibited by the Convention, and as long as the types and quantities involved are consistent with such purposes.
- 9.23 The Second Review Conference stressed the importance of the timely, complete, and accurate submission of the initial declarations required of each State Party under Article III. It noted that, by the end of 2007, all but 13 States Parties had submitted their initial declarations under Article III of the Convention. The Second Review Conference called upon those States Parties that had yet to submit their Article III declarations to do so as a matter of urgency. It requested the Secretariat to keep the Council informed of progress, and encouraged the Secretariat and the States Parties to provide assistance to present and future States Parties, if requested, in the preparation and submission of timely declarations and amendments.
- 9.24 The Second Review Conference reiterated the call of the First Review Conference upon the Council to reach agreement on the declaration criteria for former chemical weapons development facilities, required to be declared under the provisions of Article III, subparagraph 1(d), with a view towards promoting confidence among States Parties.

Agenda item 9(c)(ii): destruction of chemical weapons and destruction or conversion of chemical weapons production facilities

- 9.25 The Second Review Conference reaffirmed that each State Party has undertaken to destroy chemical weapons it owns or possesses or which are located in any place under its jurisdiction or control and to destroy or convert any CWPFs in accordance with the provisions of the Convention.
- 9.26 The Second Review Conference reaffirmed that complete destruction of chemical weapons, and conversion or complete destruction of CWPFs, is essential for the realisation of the object and purpose of the Convention. The Second Review Conference also reaffirmed the importance of the obligation of the possessor States Parties to complete the destruction of their chemical weapons stockpiles within the final extended deadlines as established by the Conference at its Eleventh Session.
- 9.27 The Second Review Conference welcomed the statements of possessor States Parties reiterating their commitment to meeting the final, extended deadlines established under the Convention by the Eleventh Session of the Conference. The Second Review Conference noted the significant progress made so far by possessor States Parties in the destruction of chemical weapons, as well as the recent completion by Albania of the destruction of its entire stockpile and commended the progress made

by those States Parties which are close to achieving complete destruction of their stockpiles

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

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

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

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

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

- 9.46 The Second Review Conference welcomed the progress made in introducing the Verification Information System, including the option of submitting declarations in electronic form. The Second Review Conference encouraged States Parties' National Authorities to avail themselves of this possibility. It requested the Secretariat to provide them, on request, with appropriate training and assistance. The Second Review Conference reiterated the need to ensure that confidential data is effectively protected at all times, in accordance with the requirements of the Convention.
- 9.47 The implementation by all States Parties of the standing arrangements required by the Convention for the conduct of inspections is important. Noting that some OPCW inspections still encountered difficulties in these areas, the Second Review Conference urged all States Parties to implement these measures without delay and in a manner fully consistent with the requirements of the Convention.
- 9.48 The Second Review Conference noted the progress made by the Secretariat in optimising verification procedures with the aim of increasing cost-effectiveness as well as the steps made by States Parties in this regard. It welcomed the constructive role that States Parties have played in this effort, and encouraged them to continue to cooperate with the Secretariat in identifying and implementing optimisation measures. It requested the Council to continue to monitor the optimisation process to ensure that the stringent verification requirements of the Convention are strictly preserved. It requested the Secretariat to continue to look for further improvements, particularly as additional chemical weapons destruction facilities come into operation in the years ahead, and also in light of the accumulated experience of the range of industrial inspections.
- 9.49 The Second Review Conference noted the experience gained as a result of the Secretariat's recent trial of sampling and analysis for verification purposes during Schedule 2 site inspections. The Second Review Conference welcomed the recent Note by the Director-General on this experience (S/688/2008, dated 10 April 2008), encouraged States Parties to review this carefully, and encouraged the Council to discuss this matter further, as appropriate.
- 9.50 The Second Review Conference requested the Council to resume, as a matter of priority, the consultations on the unresolved issues pertaining to the verification regime of the OPCW with the view of developing appropriate recommendations.
- 9.51 The Second Review Conference reaffirmed the importance of factual reporting by the Secretariat to the Council and the States Parties on verification results, in the interests of transparency and continued assurance of States Parties' compliance. It encouraged the Secretariat to continue its efforts to improve verification reporting and urged States Parties to avail themselves of this information, as well as availing themselves of their right to receive and examine declaration data from other States Parties, in accordance with the relevant provisions of the Convention.

Agenda item 9(c)(iv): activities not prohibited under the Chemical Weapons Convention

- 9.52 The Second Review Conference reaffirmed the right of the States Parties, subject to the provisions of the Convention, to develop, produce, otherwise acquire, retain,

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

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

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

timelines in the Convention. It encouraged the Secretariat to continue to provide support to States Parties in connection with the preparation and submission of declarations. It stressed the importance of the Secretariat's continuing to report to the Council in accordance with the decision of the Council (EC-51/DEC.1, dated 27 November 2007), with the aim of allowing the Secretariat to efficiently and effectively carry out its verification activities.

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

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

necessary legislative and administrative measures, and to share experiences about the implementation of these provisions.

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

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

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

further 45 States Parties have informed the OPCW that they are currently developing draft legislation.

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

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

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

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

keeping any request for a challenge inspection by States Parties within the scope of the Convention. States Parties shall refrain from requests that are unfounded or abusive in order not to undermine the integrity of the Convention.

- 9.88 The Second Review Conference noted that a number of issues related to challenge inspections still remained to be resolved and that their resolution is important for challenge inspections. It requested the Council to continue its deliberations in order to resolve them expeditiously.
- 9.89 The Second Review Conference noted the preparations that the Secretariat had undertaken since entry into force in order to respond swiftly and effectively to any request for a challenge inspection or investigation of alleged use. It recalled with appreciation the support provided by States Parties for challenge inspection exercises.
- 9.90 The Second Review Conference requested the Secretariat to continue to maintain a high standard of readiness to conduct a challenge inspection or investigation of alleged use in accordance with the provisions of the Convention, *inter alia*, through the use of tabletop exercises and mock inspections, as well as keeping the Council informed about its readiness and reporting any problems that may arise in relation to maintaining the necessary level of readiness to conduct a challenge inspection. The Second Review Conference requested the Secretariat to maintain competence in the light of scientific and technological developments.

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

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

of current programmes undertaken under Article X and to assess to what extent and how efficiently they meet the current and future needs of States Parties.

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

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

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

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

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

9.113 The Second Review Conference reaffirmed the provision of Article XI that the States Parties shall, *inter alia*:

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

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

9.115 The Second Review Conference stressed the importance of the international cooperation programmes of the OPCW. While noting the substantial strengthening of Article XI-related programmes and the growth in the budget of the International Cooperation and Assistance Division since the First Review Conference, it also noted the increase in the membership of the OPCW and the increase in demand of international cooperation and assistance programmes for capacity building. In this regard, the Second Review Conference also called for the adequate funding for the OPCW's international cooperation and assistance programmes, through the regular budget and voluntary funding.

9.116 The Second Review Conference stressed the importance of a focussed and well-evaluated programme of international cooperation and assistance to the promotion of the object and purpose of the Convention as a whole, including its contribution to universality. In this context, the Second Review Conference:

- (a) underlined its commitment to promote international cooperation for purposes not prohibited in the field of chemical activities, and its desire to promote free trade in chemicals as well as international cooperation, and the fullest possible exchange of scientific and technical information in the field of chemical activities;
- (b) stressed again the importance of cooperation projects among States Parties in areas related to the purposes not prohibited. The OPCW should continue to facilitate the provision, upon request, of expert advice on the peaceful uses of chemistry to and among States Parties;

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

9.117 The Second Review Conference also recalled the decision of the Conference at its Twelfth Session (C-12/DEC.10, dated 9 November 2007) to request the States Parties and the Secretariat to continue actively to implement its previous decision at its Tenth Session (C-10/DEC.14, dated 11 November 2005) on the full implementation of Article XI, which identified steps towards the full implementation of Article XI to foster international cooperation for peaceful purposes in the field of chemical activities and requests and to request the Council to continue its intensive consultations at regular intervals to develop concrete measures within an agreed framework to ensure the full implementation of Article XI, and to report back to the Conference at its Thirteenth Session for consideration.

9.118 The Second Review Conference called upon States Parties, especially developed countries, to increase, their scientific and technological cooperation, with developing countries, in the peaceful uses of chemistry on a non-discriminatory basis.

Agenda item 9(c)(ix): Articles XII to XV and final clauses

9.119 The Second Review Conference reaffirmed the continued relevance of the provisions of Articles XII to XV.

Agenda item 9(c)(x): the protection of confidential information

9.120 The Second Review Conference reiterated the importance of the protection of OPCW confidential information, in accordance with the provisions of the Convention in view of the fact that the verification provisions of the Convention require States Parties to disclose potentially sensitive information to the Secretariat. Confidence in the OPCW's ability to protect confidential information is thus essential. The Second Review Conference noted that the verification provisions of the Convention require States Parties to disclose potentially sensitive information to the Secretariat through declarations and inspections.

9.121 The Second Review Conference emphasised the important role of the Director-General in ensuring the protection of confidential information, as well as the responsibility of each staff member of the Secretariat to comply with all rules and regulations pertaining to the protection of confidential information. Proper conduct on the part of staff is essential to the effective implementation of a robust confidentiality regime, and the Second Review Conference underlined the need for encouraging staff awareness of relevant procedures, as well as adequate and sustained training within existing resources.

9.122 The Second Review Conference stressed the importance of the procedures to be applied in cases of alleged breaches of confidentiality. It reaffirmed the important role of the Confidentiality Commission in settling any dispute related to breaches or alleged breaches of confidentiality involving both a State Party and the OPCW, while noting with satisfaction that the Commission has had no such disputes brought before it since entry into force.

9.123 The Second Review Conference recalled that the First Review Conference had urged States Parties expeditiously to provide details of their handling of the information provided to them by the OPCW. The Second Review Conference noted a significant

increase in the number of States Parties providing the details required since the First Review Conference but again urged all States Parties to provide this information expeditiously.

- 9.124 The First Review Conference encouraged the Secretariat and the States Parties to review their respective practices in assigning levels of classification to such information, and if possible, and in accordance with the States Party's confidentiality procedures, to adjust the classification level they assign to such information, in order to increase work efficiency and ensure the smooth functioning of the system to protect confidentiality. The Second Review Conference welcomed the improvements made in implementing the confidentiality regime since the First Review Conference, including the completion of the Confidentiality Supplement in 2006, which is to be issued with the next version of the Declarations Handbook, and the adoption of the latest version of the ISO information security management standard (ISO 27001).
- 9.125 The Second Review Conference noted that no agreement had yet been reached on the issue of developing and implementing guidelines regarding the long-term handling of confidential information. It recommended that the Secretariat make a report to the Council proposing solutions before the next Conference.

Agenda item 9(d): the general functioning of the Organisation for the Prohibition of Chemical Weapons

- 9.126 The Second Review Conference noted with satisfaction that the OPCW has matured in the 11 years since the Convention's entry into force and has developed into a well-established multilateral organisation for achieving the object and purpose of the Convention. The Second Review Conference reaffirmed that the work of the policy-making organs is important for the OPCW's effective functioning, which contributes directly to the aims of the Convention. The Second Review Conference welcomed the way in which the policy-making organs have developed a sustainable pattern of work since the First Review Conference and stressed again the need for all States Parties to participate fully in their activities.
- 9.127 The Second Review Conference reaffirmed that decision making by consensus by the policy-making organs plays an important role in achieving common goals and in ensuring strong support for and preserving the integrity of decisions. It noted the need for focussed agendas for both the formal meetings and intersessional consultations of the Council in order for it to take decisions effectively. The Second Review Conference reaffirmed the importance of the Chairperson and Vice-Chairpersons of the Council being engaged with the work of the facilitation groups. While noting improvements since the First Review Conference, the Second Review Conference also reaffirmed the importance of continued efforts by the Secretariat to provide documents in a timely fashion.
- 9.128 The Second Review Conference noted the Director-General's initiative regarding the OPCW Programme to Strengthen Cooperation with Africa with a view to assisting States Parties with their implementation of the Convention. It called upon the Secretariat to implement the Programme as soon as possible as well as to provide feedback on a regular basis on the activities and progress made in this regard.

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

from acquiring and/or using chemical weapons. The Second Review Conference also took note of the work of the OPCW Open-Ended Working Group on Terrorism.

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

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

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

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

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

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

**General Committee**

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

**Credentials Committee**

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

**11. AGENDA ITEM ELEVEN – Any other business**

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

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

**13. AGENDA ITEM THIRTEEN – Closure**

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

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**OPCW**

**Conference of the States Parties**

Eighth Session  
20 – 24 October 2003

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

## **DECISION**

### **PLAN OF ACTION REGARDING THE IMPLEMENTATION OF ARTICLE VII OBLIGATIONS**

**The Conference of the States Parties,**

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

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

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

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

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

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

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



**Hereby:**

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

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

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

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

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

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

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

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

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

**DECISION**

**ACTION PLAN FOR THE UNIVERSALITY OF THE CHEMICAL WEAPONS CONVENTION**

**The Executive Council,**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Hereby:**

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

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

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

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

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

(e) international cooperation activities which might include States in the process of ratifying or acceding to the Convention;

(f) measures to increase awareness of the Convention, and of the work of the OPCW, including publications in official languages, as well as measures to reach the appropriate audience in States not Party; and

(g) attendance at meetings of, or joint activities with, relevant international and regional organisations;

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

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

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

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

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

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

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### DECISION

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

**The Conference of the States Parties,**

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

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

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

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

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

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



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

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

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

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

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

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

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

**Hereby:**

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

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

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

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**OPCW**

**Conference of the States Parties**

Fourteenth Session  
30 November – 4 December 2009

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

## **DECISION**

### **ON NATIONAL IMPLEMENTATION MEASURES OF ARTICLE VII OBLIGATIONS**

**The Conference of the States Parties,**

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

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

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

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

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

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

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



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

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

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

**Hereby:**

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

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

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

Annex

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

National Authority:	2 <sup>nd</sup> report
Article VII(5) submission:	In both reports (identical)
Legislation covers all key areas:	In both reports (identical: only once all key legislative areas of both reports are fully covered the box will be checked)
Text of adopted measures provided:	In both reports
Measures to control transfers of Scheduled Chemicals	2 <sup>nd</sup> report
Submission of Initial Declarations:	2 <sup>nd</sup> report
Submission in 2010 of ADPA for 2009:	2 <sup>nd</sup> report
Article VI Project:	2 <sup>nd</sup> report
Year(s) of Article X(4) Submissions:	2 <sup>nd</sup> report
Confirmation regarding Article XI(2e) Review:	In both reports (identical)
Article I Prohibitions:	1 <sup>st</sup> report
Article I Penalties:	1 <sup>st</sup> report
Extraterritorial Application:	1 <sup>st</sup> report
Definition of Chemical Weapons:	1 <sup>st</sup> report
Schedule 1 Penalties:	Partially in 1 <sup>st</sup> report (sanctions for prohibitions), partially in 2 <sup>nd</sup> report (sanctions for ensuring compliance with regime for industry and transfers)
Schedule 2 Penalties:	Partially in 1 <sup>st</sup> (sanctions for transfer prohibitions), partially in 2 <sup>nd</sup> report (sanctions for ensuring compliance with regime for industry and transfers)
Schedule 3 Penalties:	Partially in 1 <sup>st</sup> (sanctions for transfer prohibitions), partially in 2 <sup>nd</sup> report (sanctions for ensuring compliance with regime for industry and transfers)
Schedule 3 EUC:	1 <sup>st</sup> report (part of the prohibition-regime)
Penalty for Failure to Declare:	2 <sup>nd</sup> report

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

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**OPCW**

**Executive Council**

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Seventieth Session  
25 - 28 September 2012

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C-17/DG.8  
28 August 2012  
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**NOTE BY THE DIRECTOR-GENERAL**

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



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

### **Designation or establishment of National Authorities**

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

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

**Article VII(5) submissions: general overview**

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

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

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

<sup>1</sup>

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

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

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

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

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

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

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

<sup>2</sup>

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

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

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

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

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

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

<sup>3</sup>

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

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

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

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

#### **Article VII(5) submissions: regional overview**

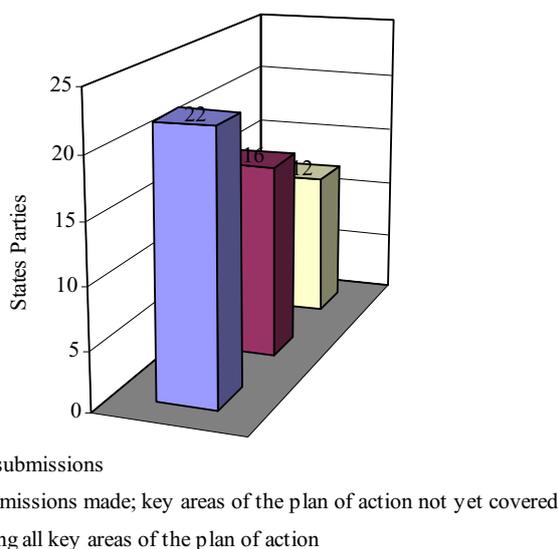
##### States Parties in Africa (50)

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

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

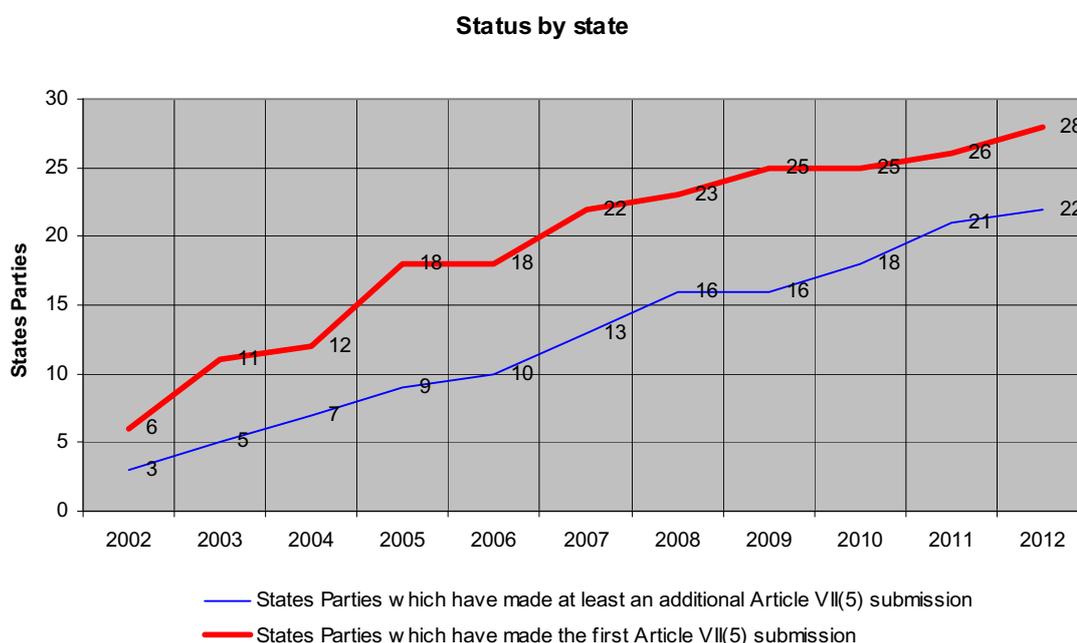
14. Two States Parties, namely the Central African Republic and the Democratic Republic of the Congo, made their first Article VII(5) submissions (see Table 2) by providing the Secretariat with information regarding their respective implementing measures.
15. Chart 1 shows the status of Article VII(5)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

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



16. In addition to the data provided in Chart 1, it is interesting to note that, since the adoption of the plan of action in 2003, the trend of Article VII(5) submissions (first and additional submissions) has been upward. It is clear from the chart that, between 2003 and 2009, there has been a constant increase in the number of submissions. Regarding first submissions (see the thick line on Chart 2 below) in 2002, only six African States Parties (12%) had made their first Article VII(5) submissions; at the cut-off date of the present report, 28 States Parties (56%) had made a first submission. In other words, since the inception of the plan of action in 2003, the number of States Parties that have made a first submission has more than quadrupled. It is also important to note that, while this positive trend had almost stabilised between 2010 and 2011, during the reporting period it started rising again. This analysis of the trend of first submissions applies *mutatis mutandis* to the trend of additional Article VII(5) submissions.

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

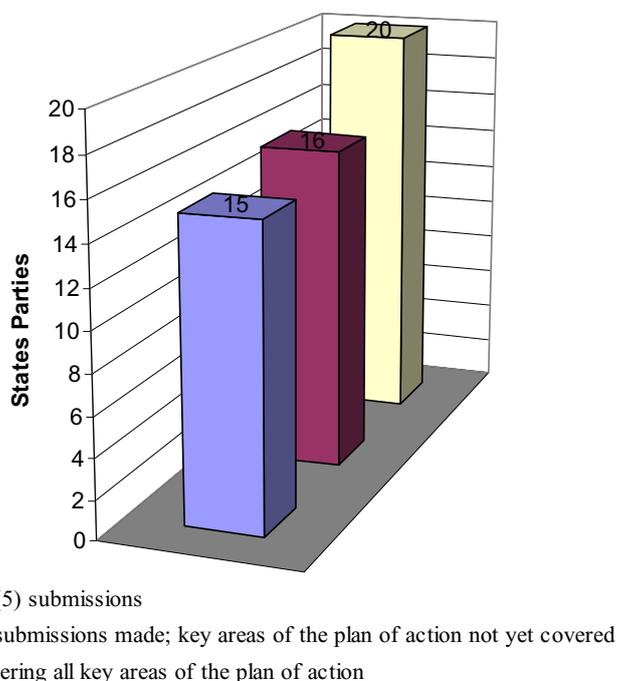


States Parties in Asia (51)

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

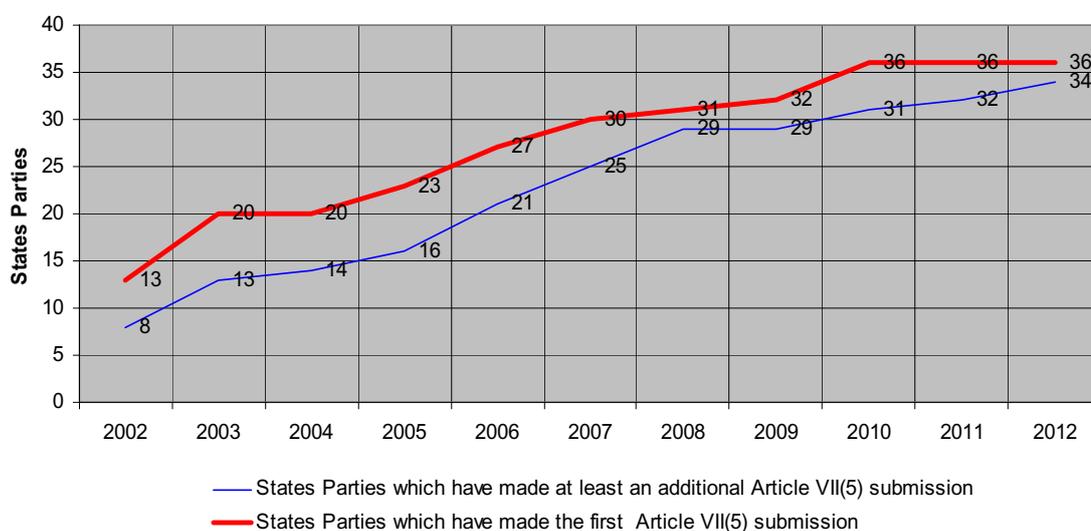
key areas of the plan of action, while the remaining 20 States Parties (39%) have enacted legislation and/or administrative measures covering all key areas of the plan of action.

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



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

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

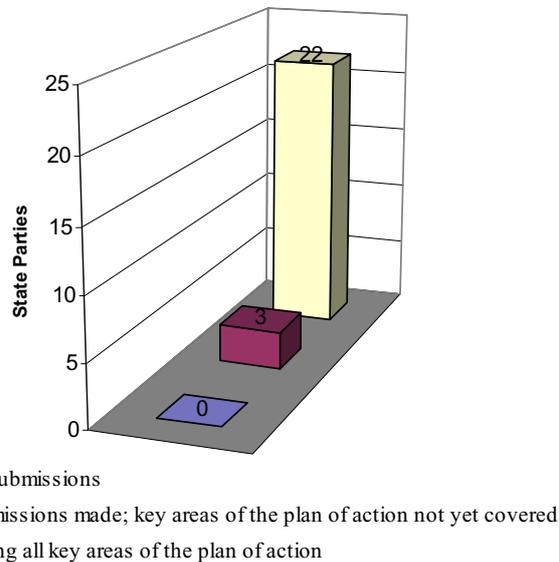


States Parties in Eastern Europe (25)

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

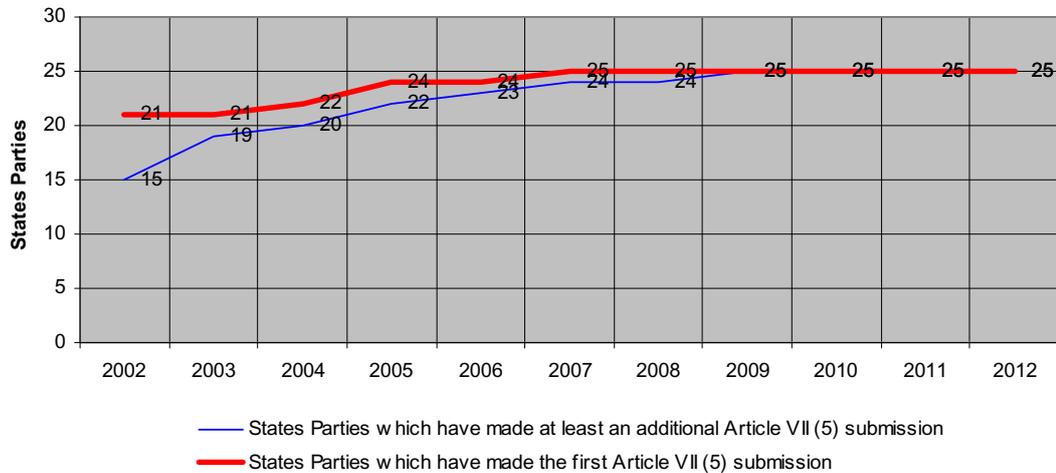
<sup>4</sup> This number is different from last year’s report; please see note 1 on page 3.

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



26. Chart 6 illustrates the trend of Article VII(5) submissions before and after the adoption of the plan of action. The Secretariat notes that, until 2002 (before the inception of the plan of action), an already remarkable number of States Parties in Eastern Europe (21, representing 84% of the total), had made a first Article VII(5) submission, while, in the same period, 15 States Parties had made at least one additional submission. At the cut-off date of the report, the number of submissions was higher now than in 2002: 25 States Parties have submitted first and additional submissions—representing all States Parties in Eastern Europe. In terms of percentage increase, additional submissions have risen by 40%: from 15 States Parties (60%) in 2002 to 25 (100%) at the cut-off date of this report. In relation to first submissions, the Secretariat acknowledges a 100% performance rate. However, due to the high number of States Parties that in 2002 had already made the first submission (21 out of 25), the increment amounts to 16%, ranging from 21 (84%) to 25 (100%). The Secretariat wishes to highlight the fact that, according to the current reporting criteria, the trend of Article VII(5) submissions has stabilised, with all States Parties in the region having provided at least an additional Article VII(5) submission.

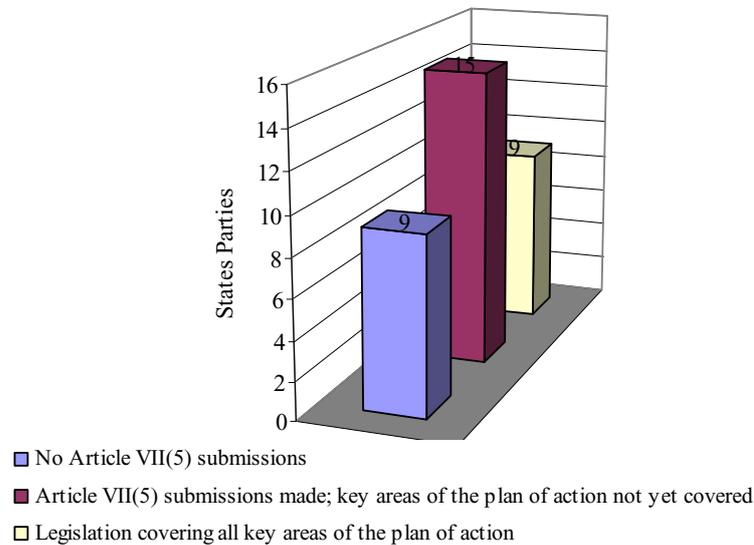
**CHART 6: TREND OF ARTICLE VII(5) SUBMISSIONS BY STATES PARTIES IN EASTERN EUROPE**



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

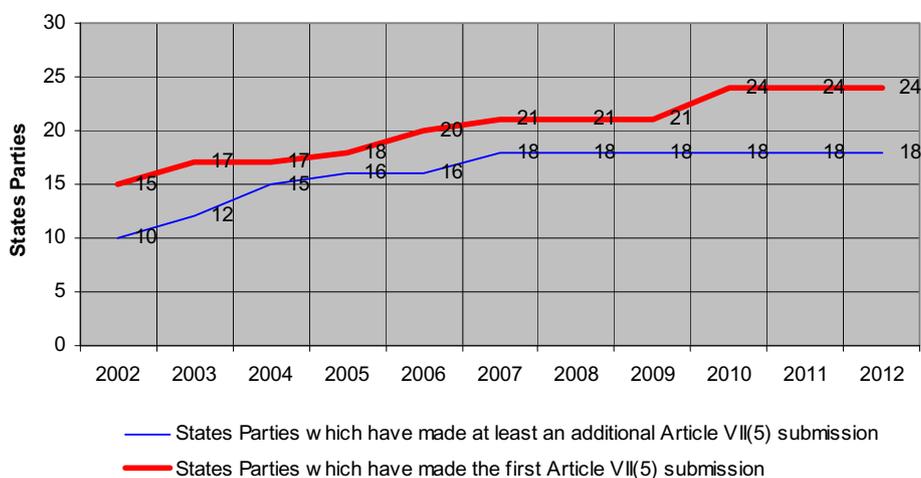
27. At the beginning of the reporting period, 24 out of the 33 GRULAC States Parties (73%) had yet to notify the Secretariat of the adoption of legislation and/or administrative measures to fully implement the Convention.
28. According to the information provided to the Secretariat at the cut-off date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

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



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

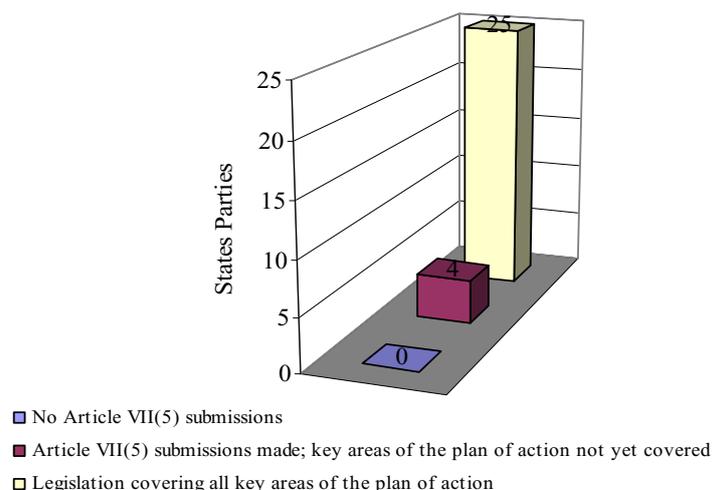
**CHART 8: TREND OF ARTICLE VII(5) SUBMISSIONS BY STATES PARTIES IN GRULAC**



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

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

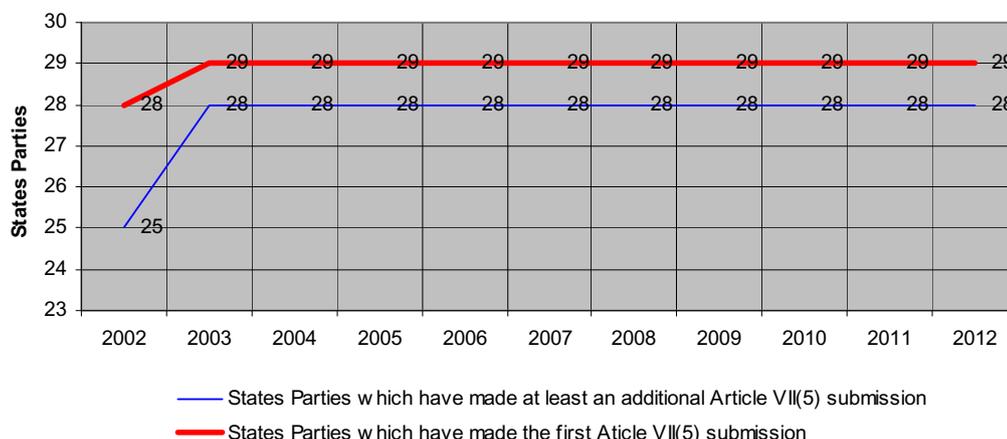
**CHART 9: STATUS OF ARTICLE VII(5) SUBMISSIONS BY STATES PARTIES IN WEOG, AS AT 27 JULY 2012**



34. The trend of first and additional Article VII(5) submissions has been uniform in terms of fluctuation: 28 States Parties (97%) had made their first submission by 2002; the inception of the plan of action brought a 3% contribution to that figure, which increased to 29 States Parties (100%) in 2003. With small differences, this overview could also apply to the additional submissions: in 2002, 25 States Parties (86%) had already made at least one additional Article VII(5) submission; in 2003, this number reached 28 States Parties (97%) and then stabilised. In other words, apart from a different percentage increase between the two categories of submissions (3% for first against 11% for additional submissions), it is interesting to see that in 2003, all WEOG States Parties had made a first submissions and 28 out of 29 had made at least one additional Article VII(5) submission. The Secretariat notes that, according to the

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

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

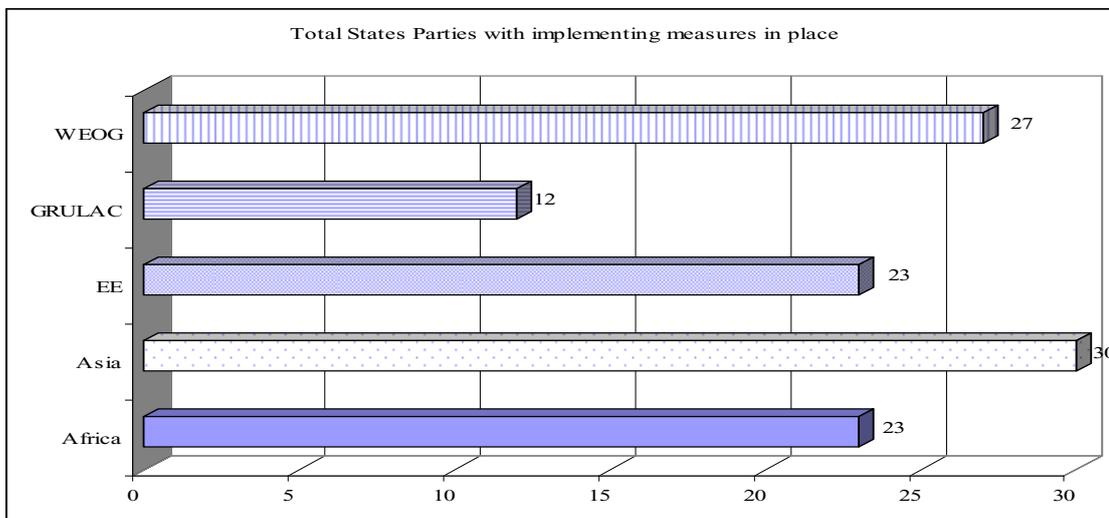


**General overview of steps taken by States Parties to enact legislation and/or adopt administrative measures to implement the Convention**

35. States Parties have continued to provide the Secretariat with information on their legislative and administrative processes. This includes States Parties that have implementing legislative and/or administrative measures covering all key areas and have made an Article VII(5) submission, States Parties that have some implemented legislation and have made an Article VII(5) submission, and States Parties that have yet to make an Article VII(5) submission.
36. As at the cut of date of this report, out of the 115 States Parties that have implementing measures in place, 88 have legislation that covers all key areas, four have implementing legislation reported as adopted but without an Article VII(5) submission, and 23<sup>5</sup> have adopted implementing measures without covering all key areas.
37. During the reporting period, six out of the 88 States Parties that have legislation covering all key areas have notified the Secretariat about the adoption of further measures to make certain provisions of their implementing legislation fully enforceable, namely Austria, France, Kazakhstan, Norway, Singapore and Ukraine.

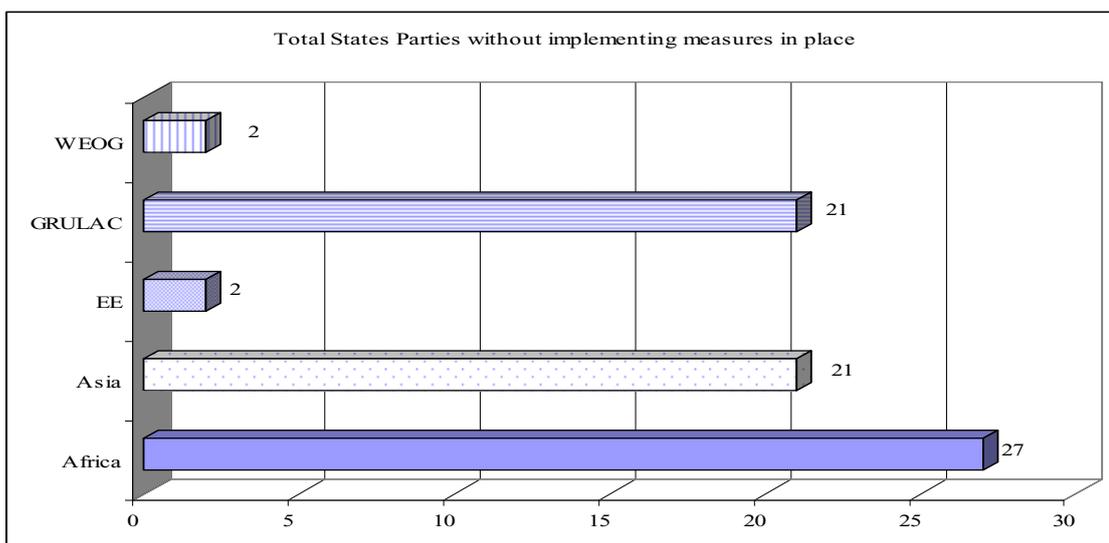
<sup>5</sup> Please note that the Central African Republic is among the 23 States Parties that have adopted legislation without covering all key areas. As the text of the legislation has not yet been submitted, the Secretariat has not been able to assess the coverage of the legislation. Please refer to Table 2 for more information.

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



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

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



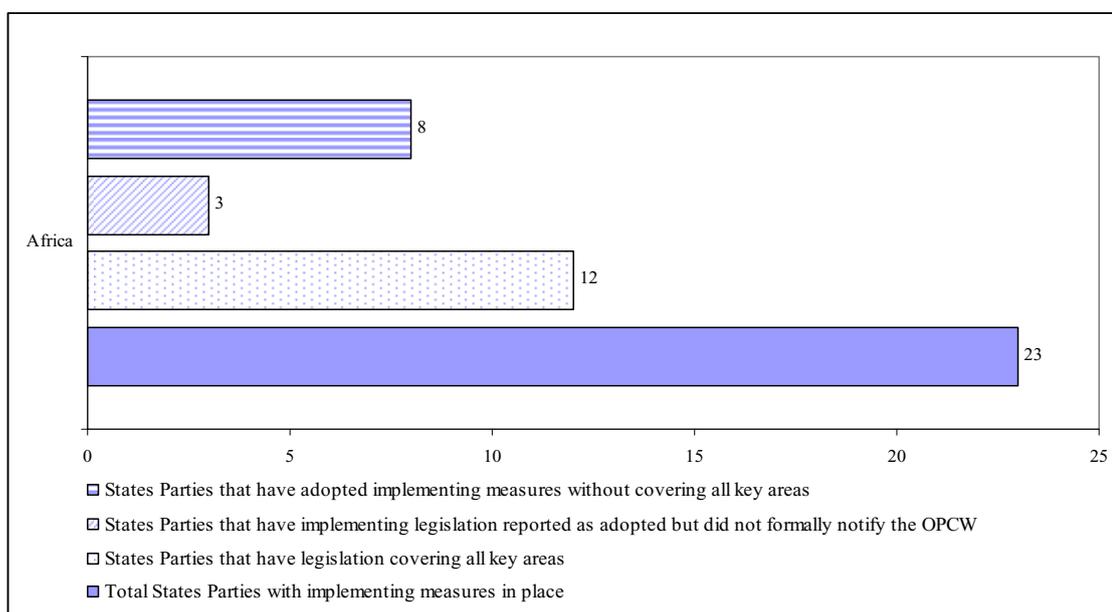
39. As at the cut-off date of the report, according to the information available to the Secretariat, of the 73 States Parties that have to adopt implementing measures, 13 States Parties have informed the Secretariat of having draft legislation before parliament, 41 have indicated that they have a draft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

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

### States Parties in Africa (50)

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

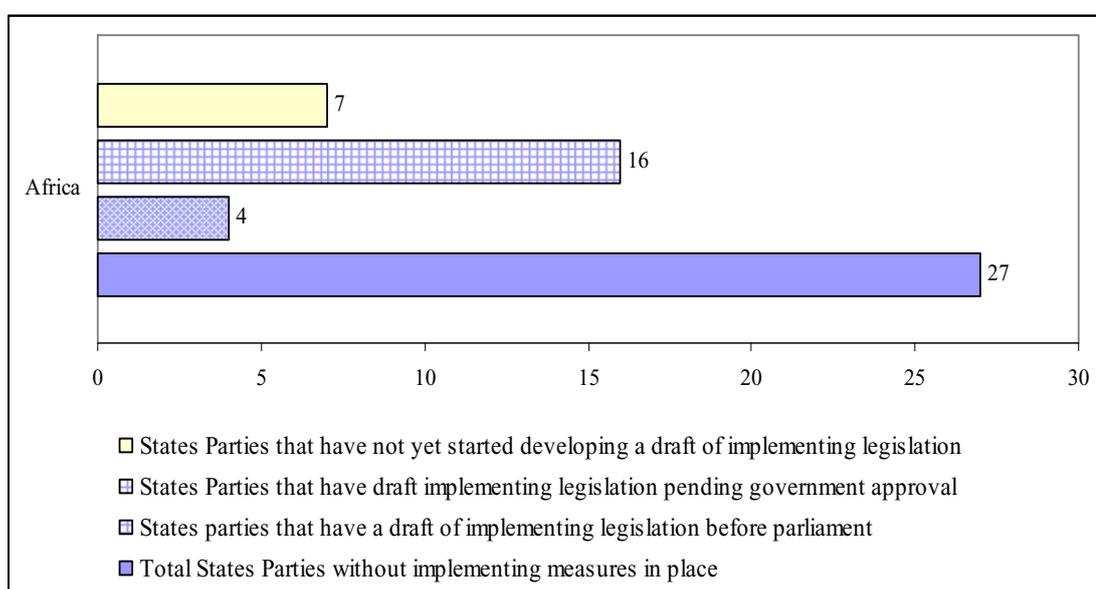
**CHART 13: PROGRESS OF STATES PARTIES IN AFRICA HAVING IMPLEMENTING MEASURES IN PLACE**



<sup>6</sup> Please note that the Central African Republic is among the 23 States Parties that have legislation without covering all key areas. As the text of the legislation has not been submitted yet, the Secretariat was not able to assess its coverage. Refer to Table 2 for more information.

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

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



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

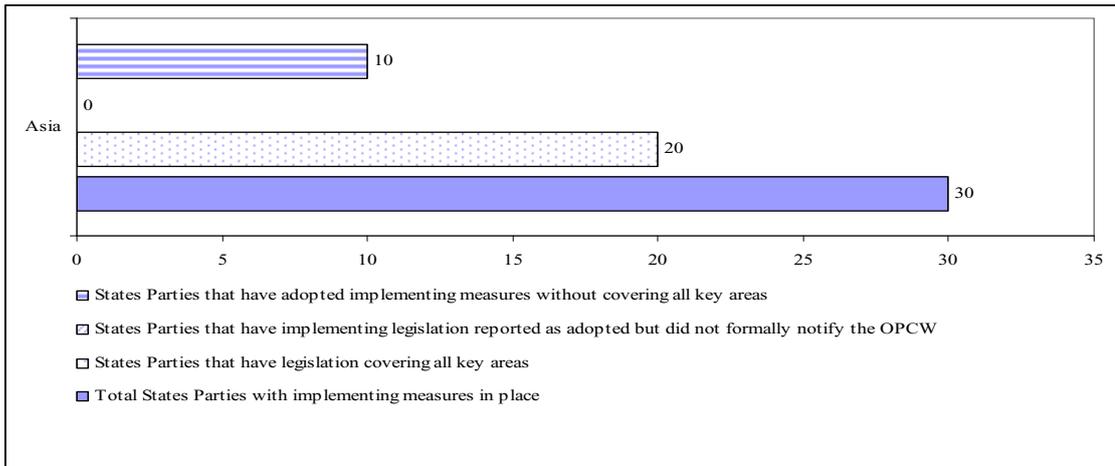
States Parties in Asia (51)

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

<sup>7</sup> On 16 September 2011, the National Transitional Council requested, via the Protocol and Liaison Service of the United Nations, that the form “Libya”, previously not in use at the United Nations, replace both the earlier official and short forms (respectively, “the Socialist People’s Libyan Arab Jamahiriya” and “the Libyan Arab Jamahiriya”).

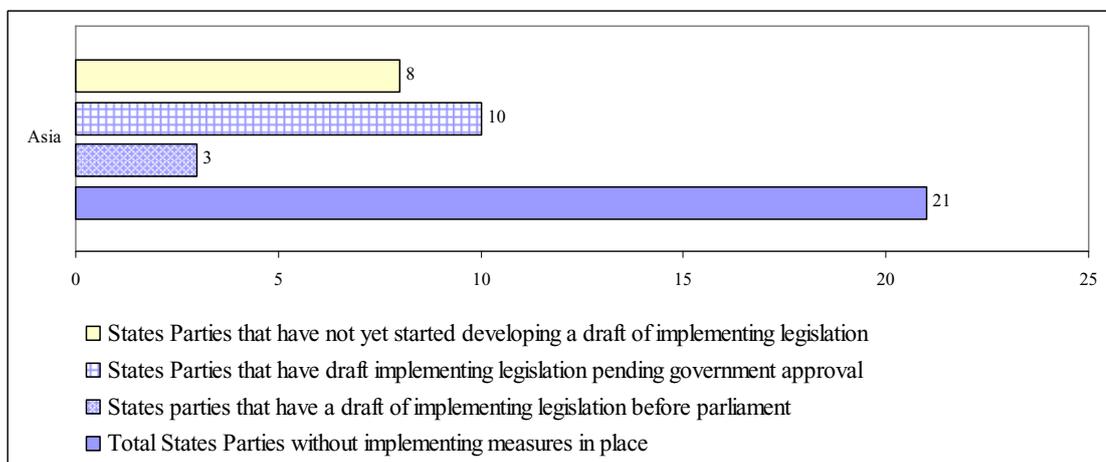
45. As at the cut-off date of this report, of the 30 States Parties that have implementing measures in place, 20 have legislation that covers all key areas, and 10 States Parties, namely, Mongolia, Jordan, Bahrain, Bangladesh, Cambodia, Iraq, Kiribati, Niue, Samoa and the United Arab Emirates, informed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

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



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

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

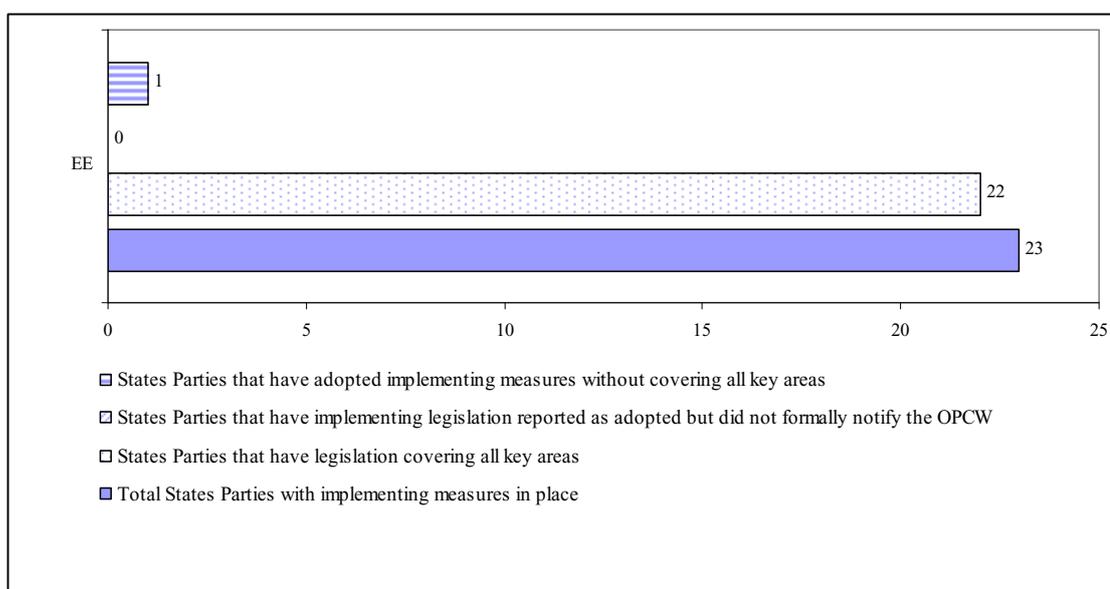


47. During the reporting period, three of the 51 States Parties in Asia have requested assistance from the Secretariat, either in the process of identifying areas in which complementary measures could be beneficial for the effective enforcement of the implementing legislation or in the process of drafting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

#### States Parties in Eastern Europe (25)

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

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

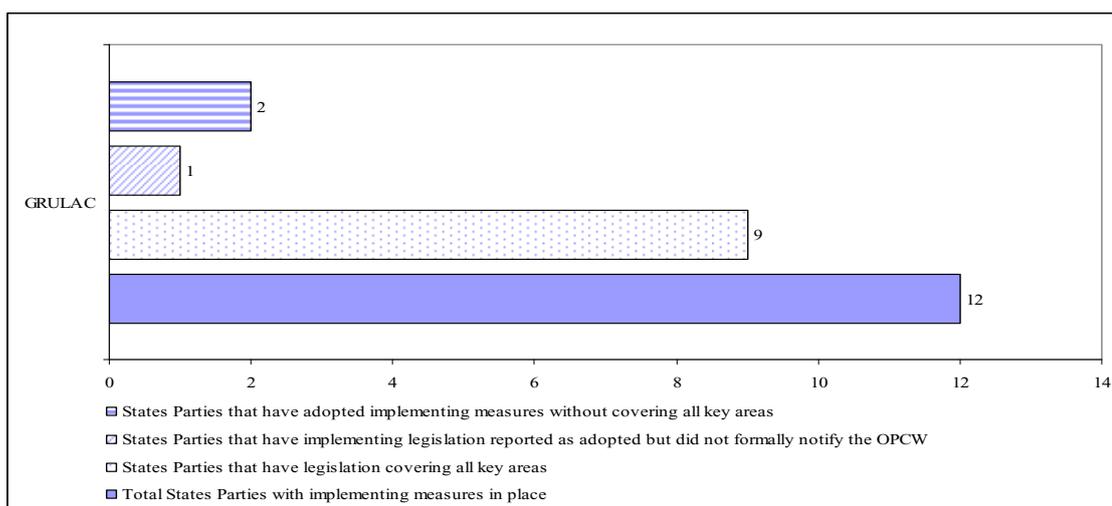


50. The two States Parties in Eastern Europe that do not have implementing measures in place are currently working on draft implementing measures. As at the cut-off date of this report, according to the information available to the Secretariat, those two States Parties, namely, Georgia and Kyrgyzstan,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

States Parties in GRULAC (33)

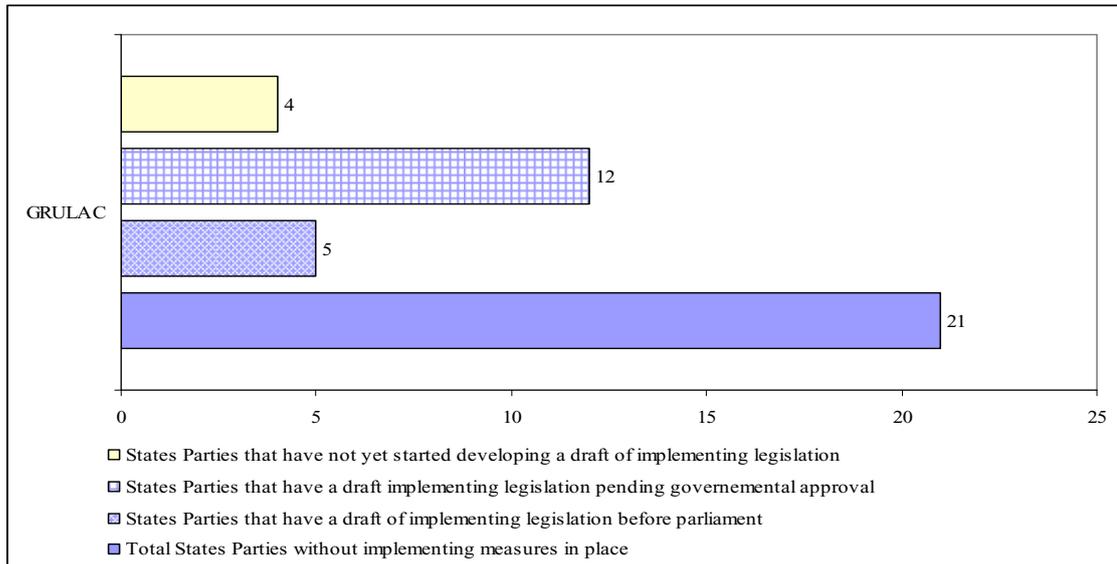
51. During the reporting period, according to the information available to the Secretariat, no additional State Party in GRULAC has notified the Secretariat of the adoption of implementing legislation. However, the majority of States Parties have informed the Secretariat that they are working either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

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



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

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



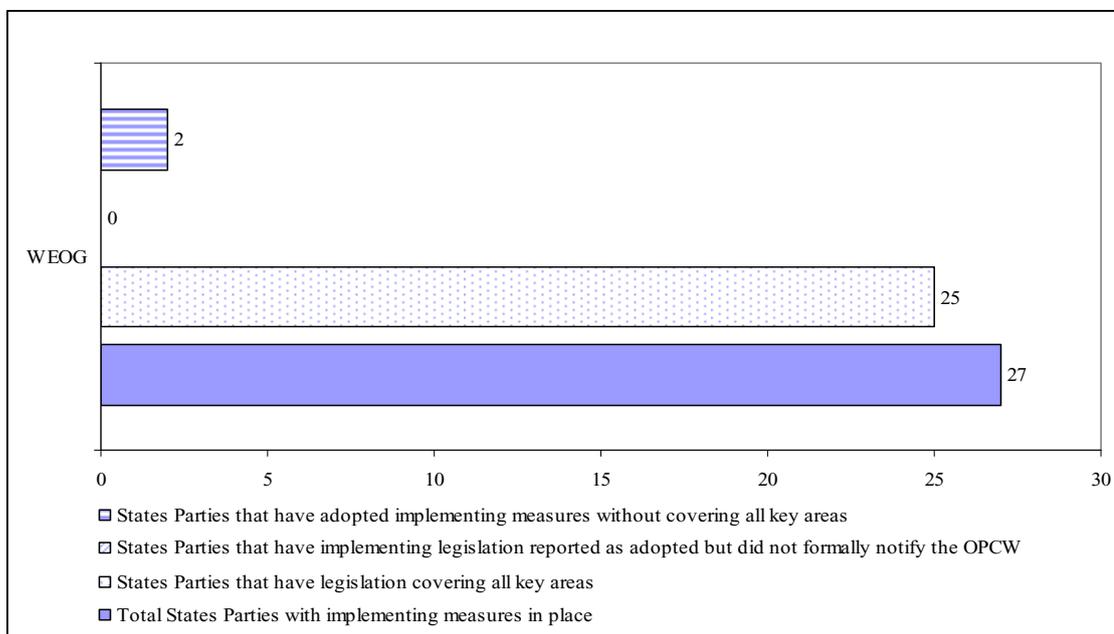
54. During the reporting period, three of the 33 States Parties in GRULAC requested assistance from the Secretariat either in the process of identifying areas in which complementary measures could be beneficial for the effective enforcement of the implementing legislation or in the process of drafting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

States Parties in WEOG (29)

55. During the reporting period, according to the information available to the Secretariat, no State Party in WEOG notified the Secretariat of the adoption of implementing legislation covering all key areas. However, only four States Parties need to work on further legislative and/or administrative measures to fully implement the Convention.

56. As at the cut-off date of this report, of the 27 States Parties that have implementing measures in place, 25 States Parties have legislation that covers all key areas, and two States Parties, namely, Belgium and Luxembourg, informed the Secretariat that they have implementing measures, but to cover all key areas of the plan of action, further legislative and/or administrative measures are needed.

**CHART 20: PROGRESS OF STATES PARTIES IN WEOG HAVING IMPLEMENTING MEASURES IN PLACE**



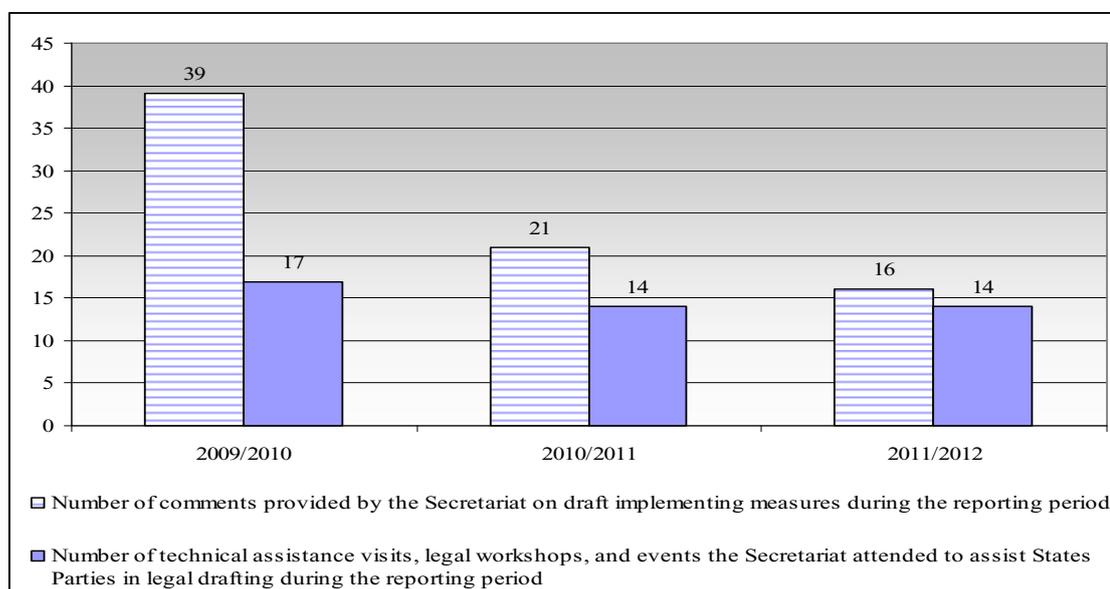
57. States Parties in WEOG that have not yet adopted implementing measures have continued to provide the Secretariat with information on their legislative and administrative drafting processes. As at the cut-off date of this report, according to the information available to the Secretariat, of the two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

**Legal assistance under the plan of action on Article VII**

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

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

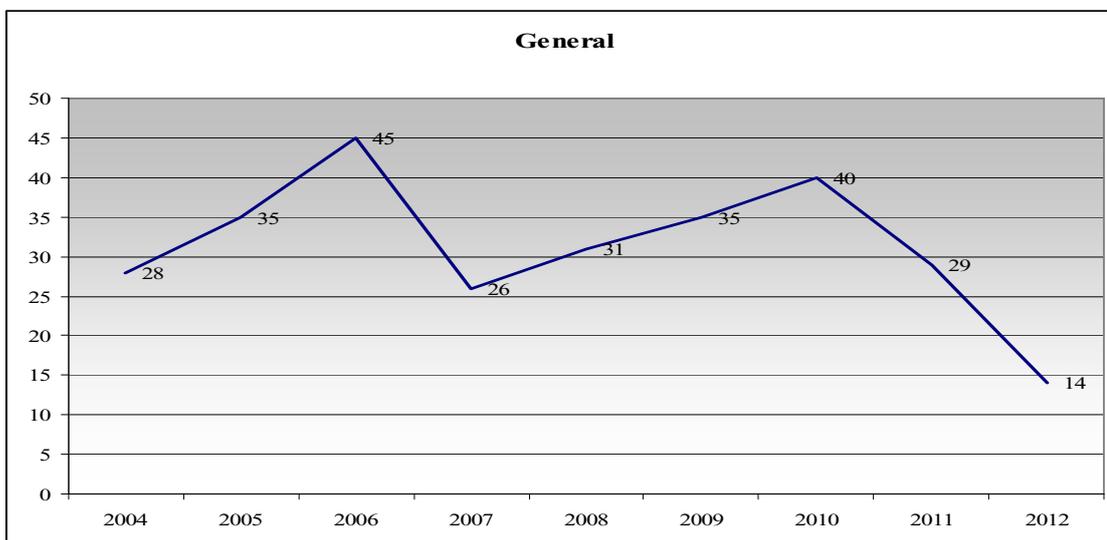
**CHART 21: TREND OF LEGAL ASSISTANCE PROVIDED BY THE SECRETARIAT DURING THE LAST THREE REPORTING PERIODS**



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

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

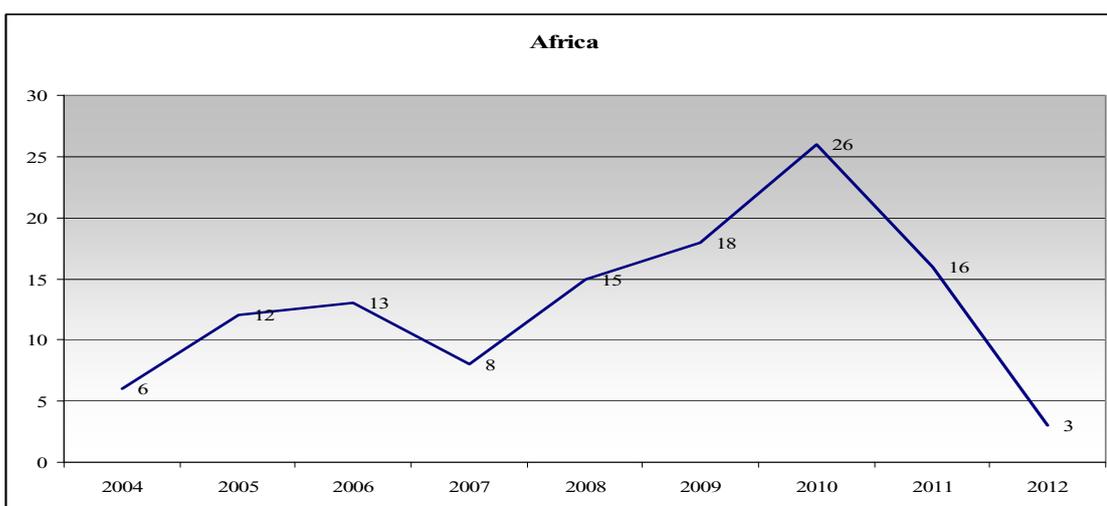
**CHART 22: GENERAL TREND OF REQUESTS FROM STATES PARTIES FOR COMMENTS, BY YEAR**



States Parties in Africa

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

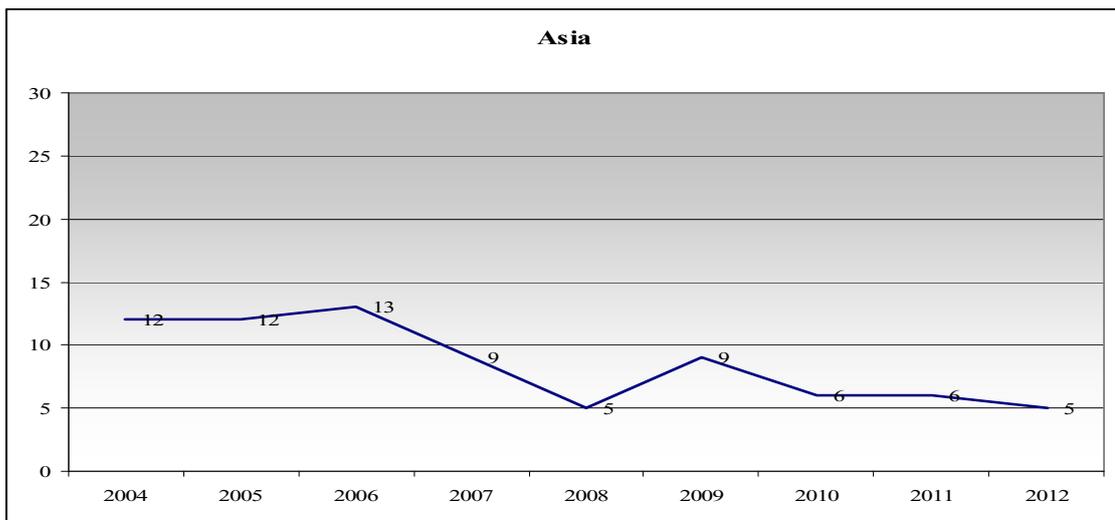
**CHART 23: TREND OF REQUESTS FROM STATES PARTIES IN AFRICA FOR COMMENTS, BY YEAR**



States Parties in Asia

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

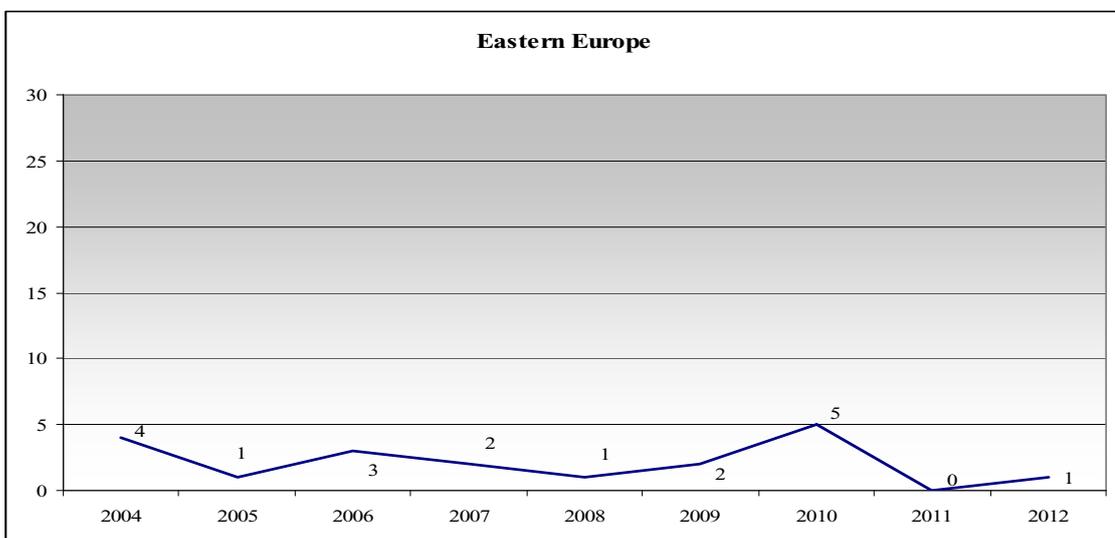
**CHART 24: TREND OF REQUESTS FROM STATES PARTIES IN ASIA FOR COMMENTS, BY YEAR**



States Parties in Eastern Europe

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

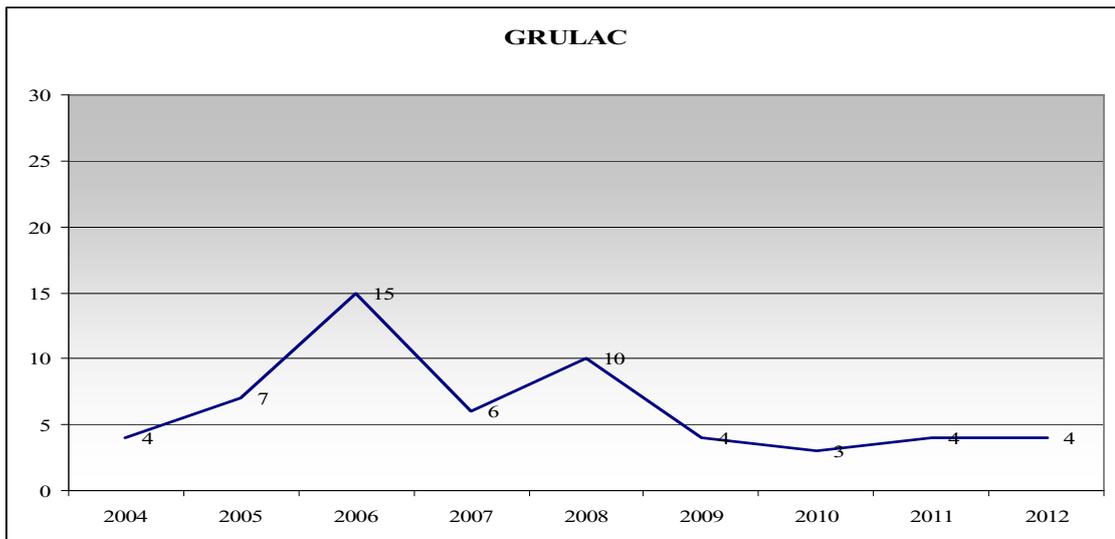
**CHART 25: TREND OF REQUESTS FROM STATES PARTIES IN EASTERN EUROPE FOR COMMENTS, BY YEAR**



States Parties in GRULAC

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

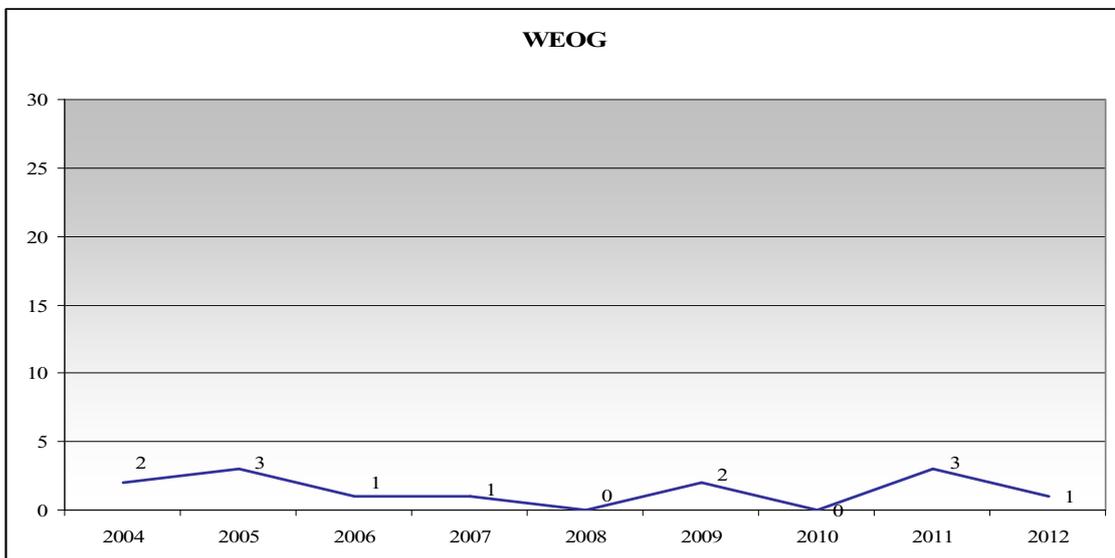
**CHART 26: TREND OF REQUESTS FROM STATES PARTIES IN GRULAC FOR COMMENTS, BY YEAR**



States Parties in WEOG

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

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



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

Annex 1:

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

Annex 2 (English only):

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

**NOTE BY THE DIRECTOR-GENERAL****ANNUAL REPORT ON THE IMPLEMENTATION OF THE ACTION PLAN  
FOR THE UNIVERSALITY OF THE CHEMICAL WEAPONS CONVENTION  
DURING THE PERIOD FROM 16 SEPTEMBER 2011 TO 15 AUGUST 2012**

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



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

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

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

### **Developments in Africa**

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

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<sup>1</sup> Egypt, which is a State in Africa that is not Party to the Convention, is addressed in the section on developments in the Mediterranean Basin and the Middle East (paragraphs 35 to 43 below).

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

#### **Developments in Asia**

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

**Developments in the Mediterranean Basin and the Middle East**

35. In the Mediterranean Basin and the Middle East Region, Egypt, Israel, and the Syrian Arab Republic remain as States not Party to the Convention.
36. Israel participated as an observer in the Sixteenth Session of the Conference.
37. In July 2012, the Director-General received H.E. Mr Haim Divon, Ambassador of Israel to the Netherlands and Ms Ilana Mittelman, Deputy Head of Mission.
38. In his statements at international forums, including statements to the United Nations, the Director-General has also continued to consistently urge the leaders of the three remaining States not Party in the Middle East to join the Convention.
39. The 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which concluded in New York in May 2010, decided to convene a conference in 2012 “on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction ...”. It also requested the OPCW and other relevant international organisations to prepare background documentation for this conference, which is expected to be convened in 2012, “regarding modalities for a zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, taking into account work previously undertaken and experience gained” (NPT/CONF.2010/50 (Vol.1)).
40. During a visit to Finland in December 2011, the Director-General met with H.E. Mr Jaakko Laajava, Under-Secretary of State of Finland, who has been appointed as facilitator for the planned conference regarding the establishment of a WMD<sup>2</sup>-free zone in the Middle East. Contacts between his team and the Secretariat have since been maintained, and the Secretariat is currently preparing a background document that had been requested by the facilitator in accordance with a decision taken by the NPT Review Conference in 2010.
41. The Secretariat supported activities that were held in the context of this Middle East initiative throughout the period under review. It participated in a seminar held in Amman, Jordan, in November 2011 to explore the feasibility of the creation of a WMD-free zone in the Middle East. The Secretariat also participated in a workshop entitled, “Disarmament Futures: Evolution of International Disarmament Treaties and Their Contribution to Middle Eastern Security”, which the European Union Institute for Security Studies (EUISS) organised in Paris, France, in April 2012.
42. These were valuable occasions for the Secretariat to interact with representatives of States not Party from the region of the Middle East and to present the work of the OPCW. The presentations made by the Secretariat highlighted the comprehensive nature of the prohibition on chemical weapons under the Convention, as well as the work that has been carried out over the last 15 years to realise its aims and objectives. The Secretariat also stressed the fundamental importance of attaining the universality

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<sup>2</sup> WMD = weapons of mass destruction

of the Convention in the Middle East as a necessary condition for making this region of the world free from WMD.

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

### **Conclusion**

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

Annex: States not Party as at 15 August 2012

**Annex**

**STATES NOT PARTY AS AT 15 AUGUST 2012**

**TABLE 1: SIGNATORY STATES THAT HAD NOT RATIFIED THE CONVENTION**

	<b>State</b>	<b>Date of Signature</b>
1.	Israel	13 January 1993
2.	Myanmar	14 January 1993

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

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

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**DECISION**

**TERMS OF OFFICE OF MEMBERS OF THE SCIENTIFIC ADVISORY BOARD**

**The Conference of the States Parties,**

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

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

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

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

**Hereby:**

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

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

**Decides** that this exceptional measure shall expire in December 2012.

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**REPORT OF THE SCIENTIFIC ADVISORY BOARD  
ON DEVELOPMENTS IN SCIENCE AND TECHNOLOGY FOR THE  
THIRD SPECIAL SESSION OF THE CONFERENCE OF THE STATES PARTIES  
TO REVIEW THE OPERATION OF THE CHEMICAL WEAPONS CONVENTION**

**Introduction**

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

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<sup>1</sup> RC-1/DG.2, dated 23 April 2003.

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



review advances in science and technology (S&T) with regard to their impact on the Convention;

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

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

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

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

<sup>4</sup> S/951/2011, dated 25 July 2011.

6. The convergence of chemistry and biology is leading to an increased overlap between the Convention and the Biological Weapons Convention (BWC), for example, in the areas of toxins and bioregulators, which risk falling between the two conventions. The SAB has initiated an exchange between experts on the Convention with experts from the BWC in its TWG on the convergence of chemistry and biology. The Board recommends that the interaction between experts on the two treaties, and between the Secretariat and the Implementation Support Unit of the BWC is strengthened. Discussions on the effects of convergence on these two conventions should be supported by technical reviews in other fora.
7. Nanotechnology is an equally important emerging technology that potentially might have an impact on the Convention. Nanotechnology is being applied in many areas that will benefit humankind (diagnostics, pharmaceuticals, textiles, water purification, catalysis, and many others) as well as in the development of improved countermeasures against chemical-warfare agents, for example in detection, diagnostics, physical protection, and decontamination. While the application of nanotechnology and the use of nanomaterials are expected to provide many benefits, there have been concerns for the potential toxicity of nanoparticulate material, about which relatively little is known. At present, concerns for enhanced acute toxicity of nanoparticulates are unconfirmed, but this aspect should remain under periodic review. Nanomaterials are being widely investigated for the “smart” delivery of drugs for therapeutic purposes, and this aspect could possibly be applied to the delivery of toxic chemicals.
8. The changing nature of drug design, combined with high throughput screening, is producing ever larger databases of new chemicals, some of which could have high toxicity. However, most of the screening for biological activity, including preliminary toxicity testing, is today based on *in vitro*<sup>5</sup> testing and not directly transferrable to human toxicity. Furthermore, a significant effort would be required to develop a new toxic chemical into a chemical weapon. The SAB is of the view that the larger databases of biologically active chemicals, as they may exist today in pharmaceutical companies and related institutions, do not represent a proportionally higher risk to the Convention in comparison to the smaller databases that existed prior to the Convention, when much of the testing was performed on experimental animals.
9. In its discussions on the Annex on Chemicals, the SAB was of the view that the definition of toxic chemicals in the Convention, the “general-purpose criterion”, encompasses all potential candidate chemicals. In relation to salts of scheduled chemicals the SAB reaffirms its earlier conclusion from 1998 that, from a technical perspective, there should be no differentiation between the treatment of the free base and the corresponding protonated salt. Regarding the allocation of chemicals presently on the schedules, the Board discussed the placing of saxitoxin and ricin in Schedule 1 based on the technical “Guidelines for the Schedules” and concluded that this is still appropriate. Regarding the existence and properties of an allegedly new class of nerve agents under the name “Novichoks”,<sup>6</sup> the Board had insufficient peer reviewed scientific information in order to perform a technical assessment.

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<sup>5</sup> “In vitro” refers to test tube experiments, whereas “in vivo” refers to testing with living organisms.

<sup>6</sup> Novichok = “newcomer”.

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

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<sup>7</sup> Two meetings organised by the International Committee of the Red Cross (ICRC) (in 2010 and 2012) and one organised jointly by VERIFIN and the Spiez Laboratory (in 2011).

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

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

cooperation between laboratories, which could be coordinated through the OPCW. The OPCW would enhance its capabilities, for example, during an IAU, while the laboratories of Member States would benefit from improving their individual capabilities.

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

#### **PART B: ISSUES RELATED TO THE TECHNICAL SECRETARIAT**

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

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

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

#### **ADVANCES IN SCIENCE AND TECHNOLOGY**

##### **Overview**

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

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

### **Convergence of chemistry and biology**

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

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<sup>8</sup> Jonathan B. Tucker, “The convergence of biology and chemistry: implications for arms control verification”, *Bulletin of the Atomic Scientists*, 66 (2010) 56-66.

30. The first three of these subject areas are encompassed by a relatively new term “synthetic biology”.<sup>9</sup> This is defined as:
- (a) the design and construction of new biological components and systems that do not already exist in the natural world; and
  - (b) the re-design of existing biological systems for specific purposes.
31. Synthetic biology aims to apply engineering principles to the design of biological systems. An analogy is the construction of electronic systems through the combination of standard components.
32. The main relevance of convergence to the Convention could be simply stated as the biological synthesis of toxic chemicals, and the chemical synthesis of replicating systems, biological parts, or chemicals of biological origin. In this area, there is considerable overlap with the BWC.
33. Biologically mediated production of bulk chemicals: The production of bulk chemicals using biologically mediated processes is increasing, driven by the increasing cost of petroleum-based feedstock and the shift towards greener chemistry. Ethanol has long been a prime example of this process, but a number of chemical companies have developed, or are developing, pilot plant or full-scale production facilities for other commodity chemicals. Some examples are lactic acid, acetone-butanol-ethanol, and 1,3-propanediol, which are now manufactured using biological processes on a scale greater than 45,000 tonnes per year. These processes start from a naturally occurring feedstock abundant in carbohydrates (sugars), which incorporate the basic carbon skeleton of the product. Some of these new routes are very efficient and are expected to compete economically with petroleum-based routes.
34. Biocatalysis in bulk and fine chemical production: Enzymes (nature’s catalysts) have been used to promote chemical reactions for many years, for example, during the commercial production of the artificial sweetener aspartame. With a growing capability to modify enzymes (an example of synthetic biology), their use is predicted to increase in high-volume manufacturing of commodity chemicals, and in low-volume production of specialty chemicals and pharmaceuticals.
35. Biologically mediated production of toxic chemicals: The SAB has provisionally concluded that for Schedule 1 nerve and blister agents, there is no apparent advantage in production through biological processes. The chemical synthesis of these chemicals is relatively simple, and the presence of elements such as sulfur and phosphorus limit the availability of suitable naturally occurring feedstock. The use of modified enzymes is a possibility. In order to assess the feasibility and practicability of synthesising precursor chemicals by biological processes, the SAB endorses the ongoing efforts of the TWG on the convergence of chemistry and biology to study the biotechnology and chemical industry to better understand the types of biological processes being used commercially, as well as the range of chemicals produced.

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9 [www.syntheticbiology.org](http://www.syntheticbiology.org)

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

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

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

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

#### **Accelerated discovery of chemicals**

47. In its 2008 report on advances in science and technology<sup>10</sup> in preparation for the Second Review Conference, the SAB referred to the rapidly changing nature of drug design and development (and other chemicals), particularly technology that allows the rapid synthesis and screening of many thousands of compounds. The tools for such techniques have become widely available. Combinatorial and other forms of parallel multi-compound synthesis, combined with simultaneous high-throughput screening for biological activity against in vitro test systems, has produced data on millions of chemical compounds. Combinatorial libraries containing thousands of “drug-like” chemicals are now commercially available for screening. Such techniques could be directed towards the discovery of new toxic chemicals, including incapacitants. It is, therefore, of interest to note that this “shotgun” or non-targeted approach to drug discovery is now falling out of favour because of a number of disadvantages, including a limited success in discovering new drugs.
48. More rational and focused approaches towards screening for new lead compounds are now being preferred, based on knowledge of the three-dimensional structure of the receptor or enzyme (“structure-based design”), or a computer-generated model based on molecules that bind to the presumed receptor (“ligand-based design”). The first approach has been facilitated by the increasing number of biological targets that have been identified through molecular genomics and proteomics, and the large number of proteins whose structure has been determined through the use of X-ray crystallography and nuclear magnetic resonance (NMR) techniques. Candidate molecules computed to have high affinity for the target are synthesised and tested for activity in suitable in vitro assays. A third approach that is now being widely applied is “virtual” (that is, *in silico*) high-throughput screening, in which libraries of virtual compounds are “docked” against a model of the three-dimensional receptor using advanced computational techniques. This approach has been facilitated by the ready availability of software, some of it freely available on the internet, by global sharing

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<sup>10</sup> Annex of RC-2/DG.1 and Corr.1.

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

49. There has been some concern that amongst the millions of compounds that have been screened in drug-discovery programmes there will be prototypes for new toxic chemicals. This may be the case, but nearly all of these data are generated using in vitro screening and may not reflect toxicity in vivo. Comparatively little testing is now undertaken in animals other than for lead compounds. This contrasts with the much smaller number (thousands) of compounds that were screened during the 1950s to the 1970s. For a large percentage of these compounds, toxicity testing was performed in small animal species. The SAB is of the view that the existence today of large in-house databases in pharmaceutical companies and related institutions poses no greater risk to the purposes of the Convention than the much smaller databases that existed before entry into force of the Convention. For example, all of the centrally acting chemicals known to have been seriously studied as potential incapacitants are products or extensions of “traditional” drug research programmes of the 1950s to the 1970s. All of the scheduled nerve agents, plus the newer ones referred to in paragraph 82, can be traced to prototypes from the pesticide industry from the 1930s to the 1970s. As noted in the 2003 SAB report on science and technology<sup>11</sup> in preparation for the First Review Conference, a major (and covert) offensive programme would be required in order to develop a new toxic compound into a chemical weapon.

### **Nanotechnology**

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

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11 Annex of RC-1/DG.2.

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

#### **Technologies for delivery of toxic chemicals and drugs**

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

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

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

### **Production technologies**

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

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

## **SCHEDULES OF CHEMICALS AND ADVICE ON THE ANNEX ON CHEMICALS**

### **Captive use of Schedule 1 chemicals**

62. In the chemical industry, captive use is the production and consumption of a chemical intermediate that is confined to the company’s own manufacturing needs. Depending on the process, the chemical may be isolated, or consumed in situ without leaving the reactor.
63. Declarations of captive use under the Convention are required to provide assurance that scheduled chemicals cannot be diverted for prohibited purposes. At its Ninth Session, the Conference approved for declaration purposes Schedule 2 or 3 chemicals produced and/or consumed as intermediates, by-products, or waste products.<sup>12</sup> At its Tenth Session, the Conference approved the same approach for Schedule 1 chemicals.<sup>13</sup>
64. Most examples of the captive use of Schedule 1 chemicals have concerned nitrogen mustards as intermediates. In 2010, one State Party identified an undeclared process in use at a pharmaceutical company, employing bis(2-chloroethyl)methylamine (HN2) as a captive intermediate in the production of the analgesic drug ketobemidone. The SAB was asked to consider if there might be other processes that still use nitrogen mustards as intermediates, or other commercially significant processes that produce other Schedule 1 chemicals as captive intermediates.
65. The study identified 87 patented (since 1940) processes that use HN1, HN2, or HN3 as intermediates. However, patents do not provide a true indication of captive use, and the processes described may not be utilised. In the case of ketobemidone, alternative production routes exist, although changing processes for pharmaceuticals can incur high costs when toxicity tests for impurities have to be repeated. More accurate indicators for pharmaceutical production are government licences (such as from the European Medical Association for Pharmaceuticals), which contain a full description of the process used and the impurity profile. It is therefore difficult to

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12 C-9/DEC.6, dated 30 November 2004.

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

obtain a full picture of captive use without a comprehensive search of the licence databases of States Parties.

66. Efforts should be made to ensure that the chemical industry (via the National Authorities) in each State Party is informed on the issues related to captive use of scheduled chemicals. National Authorities have been asked to report any other examples of captive use to the Secretariat.
67. Following a request by the Director-General to the Eighteenth Session of the SAB to provide advice on situations where a Schedule 1 chemical is an unavoidable by-product, the SAB continued its study, which began in 2010. The study focused on two questions: Are Schedule 1 chemicals possibly in use as intermediates in the chemical industry (captive use) and, is it feasible that Schedule 1 chemicals are present as unavoidable by-products or impurities in reaction mixtures? The study included previous work performed by the Board.<sup>14</sup>
68. Searches were performed in a database that contains reaction and patent information for industrial chemicals (Reaxys®<sup>15</sup>). The study confirmed earlier findings of potential uses of nitrogen mustards as intermediates in captive use and indicated also potential cases of use of sulfur mustards. In a second step, the study searched for patents and published reaction-starting materials that contain substructures of precursors of nitrogen and sulfur mustards combined with known chlorinating agents as part of the published information. This was a result of the fact that, if the industrial starting material contains a substructure of sulfur or nitrogen mustards, a chlorination reaction may have the potential to form related Schedule 1 chemicals. In a last step, the study focused on starting materials (ethanolamines) that contain known impurities that form nitrogen mustards through chlorination. The results of this literature study confirm earlier findings that Schedule 1 chemicals may be in use as intermediates in captive use. The study furthermore shows that it is technically feasible for sulfur and nitrogen mustards to occur in certain types of industry as impurities or by-products. The SAB is, however, not in a position to assess if this is actually the case in practice.
69. The Board considers it highly unlikely that Schedule 1 chemicals, formed as by-products as described above, could be extracted from the reaction mixture or that such a process would be utilised for the synthesis of Schedule 1 chemicals. Efforts, however, should be made to advise industry of the technical feasibility of the formation of Schedule 1 chemicals, because such chemicals may be detected during inspections.

#### **Salts of scheduled chemicals**

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

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<sup>14</sup> See S/528/2005, dated 1 November 2005; SAB-8/1, dated 10 February 2006 and Corr.1, dated 15 March 2006.

<sup>15</sup> See <https://www.reaxys.com/info/about-overview>.

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

71. In 1998 the majority of SAB members recommended that “there should be no differentiation between the treatment of a free base and the corresponding salt”.<sup>16</sup> This recommendation was not supported by meetings of government experts in 2000 and 2004. The First Review Conference in 2003 encouraged the Council to include the matter on its list of outstanding issues.
72. In January 2011, the Secretariat prepared a non-paper on salts of scheduled chemicals for the Industry Cluster.<sup>17</sup> It reported that “modest amounts” of nitrogen mustard HN2 hydrochloride salt are produced for pharmaceutical purposes (as an anticancer agent) and very small amounts of saxitoxin salts are produced for diagnostic/analytical kits. The paper discussed the risks posed to the Convention by salts of scheduled chemicals and the implications for declaration and verification activities. The paper concluded that the greatest impact on declaration obligations, if salts were covered by the schedules, would be for Schedule 3 chemicals, because of their widespread and diverse industrial use (e.g. the salts of triethanolamine and hydrogen cyanide).
73. The SAB remains of the view that, on scientific grounds, there should be no differentiation between the treatment of the free base and the corresponding salt, and reaffirms the recommendation it first made in 1998.

#### **Chemical Abstract Service (CAS) registry numbers**

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

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<sup>16</sup> Page 4 of SAB-II/1, dated 23 April 1999.

<sup>17</sup> Secretariat non-paper: “Salts of Scheduled Chemicals”, dated 18 January 2011 (written by the Industry Cluster).

registry numbers that are related to an entry in the schedules, for example for different isomers of scheduled chemicals and for mixtures containing a scheduled chemical.

76. The SAB reaffirms its 2008 view<sup>18</sup> that the CAS registry numbers are a useful aid to identification; they were intended as specific identifiers of scheduled chemicals. There appear to be different views among States Parties about whether CAS numbers have a regulatory value. The SAB cautions against such a view, because there is not necessarily a one-to-one relationship between CAS registry numbers and chemical structures. They should be viewed as aids to identification.

### **Saxitoxin**

77. An example of ambiguity resulting from the assignment of CAS numbers is saxitoxin. During its Thirteenth Session, the SAB revisited a previous discussion<sup>19</sup> on the CAS registry number (35523-89-8) given for saxitoxin hydrate (as listed in Schedule 1 of the Convention). This differs from the CAS number (35554-08-6) for saxitoxin hydrate dihydrochloride salt, which is the form of saxitoxin that was previously weaponised on a small scale (as TZ). In fact seven CAS numbers have been assigned to saxitoxin hydrate (free base), its optical isomers, and various salts.
78. A summary of the history of the negotiations to include saxitoxin in the schedules, and the various forms of saxitoxin and their CAS numbers, is provided in a fact sheet prepared by the SAB.<sup>20</sup> The view of the SAB was that the form of saxitoxin that was weaponised (dihydrochloride salt) should be covered by Schedule 1, and that all salts should be declarable. It should be noted that it is the salts of saxitoxin that have good long-term stability, but the hydrate free-base does not.
79. The SAB also discussed issues relating to the transfer provisions for saxitoxin and ricin, following difficulties that have been experienced in the transfers of samples for analytical purposes, including during a recent international round-robin exercise on ricin analysis. The SAB recommends that the exemption from the 30-day notification period, currently in place for quantities of five milligrams or less of saxitoxin for medical/diagnostic purposes (paragraph 5bis. of Part VI of the Verification Annex),<sup>21</sup> should be extended to cover chemical analysis for verification and related purposes for saxitoxin and ricin. The SAB further recommends that retransfers to other States Parties of quantities of five milligrams or less of saxitoxin and ricin should be permitted for medical, diagnostic, and analytical purposes, without being subject to a 30-day notification requirement.

### **Ricin**

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

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

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

20 "Saxitoxin Fact Sheet", pages 34 to 40 of Annex 4 of SAB-18/1.

21 Paragraph 5bis of Part VI of the Verification Annex.

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

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

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

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

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

#### **Incapacitants**

83. Many observers, particularly non-governmental organisations (NGOs), are expressing increasing concern for the development of chemical incapacitants for “law enforcement”.<sup>24</sup> Particular points of concern are the absence of a definition of the terms “law enforcement” and “incapacitants”, the misleading impression of high safety margins associated with known potential incapacitants, and the clear potential for dual use of such chemicals, including for purposes that are prohibited by the Convention. The SAB has received briefings on three international meetings on

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22 Page 6 of SAB-14/1.

23 “Ricin Fact Sheet”, pages 34 to 40 of Annex 4 of SAB-18/1.

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

incapacitants—two organised by the International Committee of the Red Cross in 2010<sup>25</sup> and 2012<sup>26</sup>, and one organised jointly by VERIFIN and the Spiez Laboratory in 2011.<sup>27</sup>

84. The SAB discussed some of the scientific aspects of incapacitants at its Sixteenth Session. It was acknowledged that the term “non-lethal” is inappropriate when referring to chemicals intended for use as incapacitants. For all chemicals, toxicity is a matter of dosage. It was further noted that chemicals considered to have high safety margins (on the basis of therapeutic ratios (LD<sub>50</sub>/ED<sub>50</sub>) in the context of controlled pharmaceutical use) can have very low safety margins when factors such as uneven dissemination, variability in human response, and the possible need for a rapid onset are required. Furthermore, pharmaceutical companies commonly publish toxicity data that have been obtained from experimentation on small rodent species, and this may not extrapolate to higher species. In particular, there are large species differences in the reaction to morphine-like drugs such as the fentanyls, which appear to have attracted the greatest attention as potential incapacitants. It was also emphasised that it is not simply a matter of precisely what incapacitating chemical is used for law enforcement purposes, but how it is used. In one incident, pepper spray (a riot control agent) was used to break up a fight in a crowded night club, which resulted in 19 deaths as people panicked and tried to escape.
85. The types of chemicals and pharmaceuticals known to have been considered as incapacitants from open-literature sources have been discussed. Most are centrally acting compounds that target specific neuronal pathways in the brain. All of them emerged from drug programmes undertaken from the 1960s to the 1980s.
86. In the view of the SAB, the technical discussion on the potential use of toxic chemicals for law-enforcement purposes has been exhaustive. The SAB may continue its discussions once technical information about specific candidate chemicals and/or dissemination systems is made available to the Board. The SAB recommends to the Secretariat that it start preparations for verification activities that could be required in an IAU. Such preparations should include developing analytical methods and procedures, as well as collecting analytical reference data for the analysis of such chemicals. The Secretariat should invite Member States’ laboratories to contribute to this effort.

## VERIFICATION TECHNOLOGY

### Inspection equipment

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

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

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

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

by the Conference at its First Session. An updated list of operational requirements and technical specifications was approved by the Conference at its Fifteenth Session.

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

### **On-site sampling and analysis**

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

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

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

### **Off-site analysis**

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

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

### **Biomedical samples**

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

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

- (a) to broaden the expertise across laboratories;
  - (b) to compare and evaluate different methods for the identification of biomarkers of exposure;
  - (c) to evaluate identification criteria at trace levels; and
  - (d) to identify problems, such as trace-level contamination of equipment.
109. The first exercise (held from December 2009 to January 2010), in which metabolites of nerve agents and sulfur mustard were spiked into synthetic urine at levels down to 10 ng/ml, demonstrated an encouraging capability in one half of the 22 participating laboratories.<sup>28</sup> A similar level of proficiency was demonstrated in the second exercise (held from February to March 2012), where spiking levels were as low as 5 ng/ml, and with improved quality of the data and reporting.<sup>29</sup> The SAB fully supports these exercises, which have significantly broadened the capability to analyse biomedical samples across Member States. It is recommended that the exercises progress towards the more difficult analysis of longer-lived biomarkers of exposure, such as protein adducts.

### **Toxin analysis**

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

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

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

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

31 Annex 2 of SAB-19/1.

digested to a series of low-molecular mass peptides, and these would be sequenced and identified using LC-MS-MS.

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

#### **New techniques relevant to Convention-related analysis**

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

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<sup>32</sup> *Recommended Operating Procedures for Analysis in the Verification of Chemical Disarmament*. 2011 Edition. Vanninen, P. (ed). The Ministry for Foreign Affairs of Finland, University of Helsinki.

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

### **DESTRUCTION OF CHEMICAL WEAPONS**

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

### **ASSISTANCE AND PROTECTION**

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

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

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

formulations, such as skin patches for treatment following percutaneous exposure, where the agent is absorbed much more slowly.

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

### **EDUCATION AND OUTREACH IN SCIENCE AND TECHNOLOGY**

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

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

128. The SAB also stresses the importance of targeting professional bodies and academic institutions, with the aim of encouraging institutions to include a module on the Convention in their academic curricula. The Board would like to emphasise that persuading institutions to include education on the Convention into already crowded courses can be difficult. The SAB believes the National Authorities should have a role to play in encouraging such activities.
129. The SAB recommends that outreach activities should consider the particular requirements or region and that appropriate support be provided accordingly. Assistance should be provided primarily to support institutions in States Parties, rather than to individuals.
130. In accordance with the Note by the Director-General in response to the report of the Seventeenth Session of the SAB<sup>33</sup>, and in view of the important role that education and outreach plays in chemical safety, chemical security, and awareness of the Convention, the SAB has convened a TWG on education and outreach.
131. The SAB endorsed the recommendations made at the first meeting of the TWG, which include the preparation of educational materials, the cooperation of the OPCW in education and outreach with other international organisations and in regard to other treaties (for example, the International Atomic Energy Agency (IAEA), the BWC, the World Health Organization (WHO)) and international scientific bodies (e.g. the IUPAC and the International Union of Toxicology (IUTOX)), as well as professional associations (the International Council of Chemical Associations (ICCA) and CEFIC), and NGOs. The Board also recommends more engagement from States Parties in the teaching of ethics and responsible science, as well as in the drafting of national codes of conduct, and in offering support in regard to other forms of outreach. These activities will require adequate funding to remain sustainable.

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





**OPCW**

**Technical Secretariat**

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**NOTE BY THE DIRECTOR GENERAL**

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

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

Annexes:

- Annex 1: Cover Letter to the Director-General from H.E. Mr Rolf Ekéus  
Annex 2: Report of the Advisory Panel on Future OPCW Priorities  
Annex 3: List of Members of the Advisory Panel on Future OPCW Priorities



**Annex 1**

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

International Advisory Panel on the  
Future of the OPCW

The Hague/p.t. Stockholm  
15 July 2011

Dear Director-General,

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

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

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

Yours sincerely,



Rolf Ekéus  
Chairman  
The International Advisory Board  
on the Future of the OPCW

His Excellency Ahmet Üzümcü,  
Director-General, OPCW.

## Annex 2

### I. INTRODUCTION

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

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

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

## **II. THE CHANGING ENVIRONMENT**

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

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

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

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

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

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

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

chemical products will be extremely important for meeting the growing needs of society.

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

### III. ACHIEVING THE COMPLETE ELIMINATION OF CHEMICAL WEAPONS

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

#### Eliminating all chemical weapons stockpiles

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

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

#### Legacy issues including old and abandoned chemical weapons

29. The States Parties will have to continue dealing with the legacy of past chemical warfare programmes and activities for many years to come. They will continue to discover, recover and destroy old and abandoned chemical weapons left behind on battlefields of former wars and in locations previously associated with their production, storage, testing or disposal.<sup>3</sup> These remnants of previous wars and military preparations pose serious risks to people and the environment. **Therefore, one of the future priorities of the OPCW in the field of chemical weapons destruction will be the destruction of old, and of abandoned chemical weapons.** It is important that these old and abandoned chemical weapons be destroyed as soon as possible and in a manner that is safe for workers, people and the environment.

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<sup>2</sup> The Republic of South Sudan became the 193<sup>rd</sup> Member State of the United Nations on 14 July 2011. With regard to the Convention, the new State can either notify the OPCW through the United Nations that it will join the Convention as a successor State, inheriting the obligations that Sudan has as a State Party, or the new State will have to accede to the Convention.

<sup>3</sup> A recent example is the discovery in early July 2011, of an unexploded Iraqi chemical munition dating back to the Iraq-Iran war in the 1980s.

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

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

32. The continued destruction of chemical weapons under strict international verification, and even beyond the 2012 deadline, as well as of old and abandoned chemical weapons must remain a priority task for the OPCW. Furthermore, there will be a need to monitor the destruction of chemical weapons, declared by States, which have joined the Convention after April 2007<sup>4</sup> or those that could be declared by States, joining the Convention in future. The resources allocated to verification of these destruction operations must be sufficient to meet these requirements.
33. The Technical Secretariat must continue to undertake effective and competent verification with regard to chemical weapons and related facilities, and to render technical assistance and advice to States Parties. It must also remain a source of knowledge, expertise and support to States Parties with regard to issues that may come up as a result of the possible discovery of hitherto-unknown remnants of previous chemical warfare activities. If so requested by States Parties, the OPCW needs to be prepared to provide or arrange assistance for them in such tasks as risk assessment and management, site surveying, recovery, temporary storage, and destruction.
34. The decrease in the verification effort due to the completion of destruction operations at several chemical weapons destruction facilities projected for the coming years must therefore not lead to a loss of competence and capacity to implement all requirements of the Convention with regard to chemical weapons. Considering that there remain many possible forms of misuse of toxic chemicals for non-peaceful purposes—there

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<sup>4</sup> According to paragraph 8 of Article IV of the Convention, States which join the Convention 10 years after its entry into force, i.e. after April 2007, should destroy any chemical weapons they may possess as soon as possible, under timelines and verification measures determined by the Executive Council.

continues therefore to be a need to minimize the risk of being unprepared for unforeseen events.

35. Even after the complete elimination of all chemical weapons stockpiles world-wide, **the OPCW should remain the global repository of knowledge and expertise with regard to chemical weapons disarmament, the verification of their non-possession and non-use, and a repository of knowledge about their destruction. The OPCW should find ways of ensuring continuity in its knowledge base and expertise in these areas.**

#### **IV. UPHOLDING CHEMICAL WEAPONS DISARMAMENT AND PREVENTING NON-STATE ACTORS FROM ACQUIRING TOXIC CHEMICALS FOR HOSTILE PURPOSES**

36. To ensure that the threat of chemical warfare will never recur, the States Parties have undertaken, under Article I of the Convention, not to engage in any of the activities prohibited to them under the treaty that could lead to the (re)acquisition and use of chemical weapons, and not to assist, encourage or induce in any way anyone to engage in such activities. States Parties are also required to adopt the necessary measures to ensure that toxic chemicals and their precursors are only used for purposes not prohibited under the Convention.
37. This all requires effective national implementation and enforcement of the Convention's provisions and prohibitions. National implementation also requires the active participation of all stakeholders including the chemical industry, the scientific and technological research community, and the military and police forces. At the international level, it calls for effective verification of compliance by the Technical Secretariat, close cooperation between States Parties, and regular reviews of how these fundamental undertakings are being implemented by the Conference of the States Parties as foreseen under paragraph 20 of Article VIII of the Convention. The Technical Secretariat should effectively coordinate its work with partner organisations which have mandates that relate to the implementation of the Convention.

#### The General Purpose Criterion

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

#### National implementation

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

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

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

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

#### Verification of compliance

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

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

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

#### The Schedules of Chemicals

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

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<sup>5</sup> Some of the concepts related to the previous text on other organisations having identified toxic chemicals that pose a risk in today's security environment given their toxicological and other properties and their availability in day-to-day life may be taken up in the section on assistance and protection.

Other chemical production facilities (OCPFs)

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

Verification tools and procedures

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

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

57. At the same time, to provide extra protections with regard to confidential information unrelated to chemical weapons, certain practices have been adopted which are incompatible with the privileges and immunities which the Convention accords to inspection teams, or which could otherwise compromise the independence of the verification process (for example: copying of inspector notebooks at the end of an on-site inspection to the inspected State Party in spite of the Convention's stipulation that the records of inspector are inviolable,<sup>6</sup> or restriction of the OPCW analytical database to scheduled chemicals only). Such practices can create scenarios where OPCW inspection teams will lack the ability to detect the presence or absence of certain chemicals relevant to compliance, or where their independence is compromised. **The policy-making organs and the Technical Secretariat should take measures to ensure that the verification processes of the OPCW enjoy the integrity and independence required under the Convention.**

## V. RESOLUTION OF CONCERNS OF POSSIBLE NON-COMPLIANCE

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

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<sup>6</sup> This was requested by the Executive Council in 1997, at the beginning of the inspection operations when there was limited practical experience with OPCW inspection conduct and protection of confidentiality.

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

Clarification procedures under the Executive Council

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

Challenge inspection

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

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

Investigations of alleged use of chemical weapons

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

**VI. MONITORING AND EVALUATING ADVANCES IN SCIENCE AND TECHNOLOGY**

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

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

79. A relatively new issue is the convergence between chemistry and biology.<sup>7</sup> This convergence calls for a closer interaction in the implementation of the Convention, and the Biological Weapons Convention. Convergence in the sciences does not in itself lead to convergence of the regimes, but **exchanges of experience and joint technical reviews could be helpful to understand how it affects the implementation of both treaties at the interface between chemistry and biology.** That is particularly pertinent as there is an overlap between the two treaties with regard to the prohibition of toxin weapons.
80. An important partner in these conversations must be the chemical industry. The chemical industry was constructively involved in the design of the Convention's verification regime during the negotiations, and contributed to the preparatory work before the entry into force of the Convention, including by helping with the training of future OPCW inspectors.

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

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

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<sup>7</sup> On the one hand, biological science is increasingly making use of chemistry, to the point where it has become possible to chemically synthesize components of biological systems and simple biological agents such as viruses. The chemical synthesis of more complex living organisms such as bacteria has yet to be accomplished but research to this end is well under way. This trend blurs the borderlines between what should be considered a chemical agent, and what is a biological one. At the same time, the manufacturing of some chemical products makes use of biological processes. Examples include the use of bio-catalysts in chemical synthesis or even the use of living organisms (plants and animals) as production vessels for certain chemical products (for example, certain medicines and biofuels). Similarly, biological systems are used in chemical analysis. Last but not least, the approach in the search for new biologically active chemical compounds (for example medicines or pest control agents) is changing. When in the past, chemical synthesis would provide large numbers of chemical compounds derived from certain lead molecules which would then be screened for their biological effects, the trend is now towards investigating in detail the chemical structure, configuration and functionalities of the biological targets and on that basis to design chemical structures that can specifically interfere with these biological functions. As this approach in the life sciences gains ground, it will increasingly become meaningless from a scientific point of view to distinguish between chemical and biological agents.

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

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

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

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

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

90. Fostering international cooperation in the field of peaceful uses of chemistry is an important goal of the Convention. Article XI sets out the basic principles to this end, and Article VIII assigns responsibility to the Conference of the States Parties to promote international cooperation among States Parties.
91. This objective will gain in importance among OPCW priorities in the future. For many States Parties, it is and will remain a major incentive to stay engaged with the Convention and the OPCW. There are two aspects of international cooperation: not hampering the economic and technological development of the States Parties, and

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<sup>8</sup> One of the areas that may require more attention from the OPCW is the treatment of chemical casualties, irrespective of whether they result from the use of chemical weapons, accidents with old and abandoned chemical weapons, terrorist use of toxic chemicals or other incidents. Specific and quite different methodologies are required to save lives immediately after exposure and to manage long term, chronic effects from which many victims are still suffering today. The OPCW is not a medical institution, but it has some relevant expertise.

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

Transfer controls and the economic and technological development of the States Parties

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

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

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

Fostering international cooperation in the peaceful uses of chemistry

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

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

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

## **IX. MANAGING THE TRANSITION**

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

full use of principles such as its inclusive approach, transparency, non-discrimination and consensus building.

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

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

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

**Annex 3**

**LIST OF MEMBERS OF THE ADVISORY ON FUTURE OPCW PRIORITIES**

Chair: H.E. Mr. Rolf Ekéus (Sweden)

H.E. Ms Noor Farida Ariffin (Malaysia)

H.E. Mr Sergei Batsanov (Russian Federation)

H.E. Mr Marcos de Azambuja (Brazil)

Mr Claude Eon (France)

H.E. Mr Roberto Garcia Moritan (Argentina)

Mr Juesheng Gu (China)

H.E. Mr Abuelgasim Idris (Sudan)

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

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

H.E. Mr Abdul Minty (South Africa)

Mr Bunro Shiozawa (Japan)

H.E. Mr Rakesh Sood (India)

Mr Ralf Trapp (Germany)

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**DECISION****ON THE FULL IMPLEMENTATION OF ARTICLE XI****The Conference of the States Parties,**

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

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

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

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

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

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

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



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

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

**Hereby:**

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

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**DECISION**

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

**The Executive Council,**

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

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

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

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



**Hereby:**

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

Annex (English only):

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

**Annex**

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

**1. Introduction**

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

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

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

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

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

## 2. Planning data

- (a) Anticipated start and end dates of destruction:

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

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

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

- (c) Approximate inspection team size: three to four inspectors

- (d) Frequency and duration of inspections: the frequency and duration of inspections will be determined upon consensus among the TS, the TSP and the ASP, dependent upon, *inter alia*, quantity, type, anticipated fill of the ACW to be destroyed at the deployment location, and anticipated duration of the ACW-MDF destruction operations, including the possibility of consolidation of ACW storage areas, which may be decided by the TSP and the ASP. It is planned that destruction activities conducted during each ACW-MDF deployment will be inspected on-site at least once.

- (e) Number of inspection sub-teams to be accommodated: one or two sub-teams

- (f) Estimated weight of equipment to be brought on-site by the inspection team: 200 kg

## 3. Proposed measures for verification

- (a) The inspection team will conduct verification of the destruction of ACW in accordance with the relevant provisions of the Convention, and the facility arrangement.

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

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

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

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

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

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

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

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### DECISION

#### FINAL EXTENDED DEADLINE OF 29 APRIL 2012

**The Conference of the States Parties,**

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

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

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

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

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

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



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

**Recalling further** that the Conference at its Fifteenth Session:

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

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

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

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

**Hereby:**

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

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

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

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

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

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

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

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### **MEDIUM-TERM PLAN FOR THE PERIOD FROM 2013 TO 2015**

#### **BACKGROUND**

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

#### **CHALLENGES FOR THE PERIOD FROM 2013 TO 2015**

##### **The evolving global context**

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



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

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

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

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

- (b) Chemical safety and chemical security: Articles VI, VII, X, and XI of the Convention together provide the rationale for OPCW to engage in chemical safety and security activities. The OPCW's contribution in this area needs to become more focused and better integrated. Because of the multitude of international instruments and lead agencies in chemical safety, the OPCW would be more suitable as a complementary partner in some aspects of safety. By contrast, the OPCW is well placed to be one of the lead international organisations in chemical security. Bearing this in mind, the anticipated focus would be to identify best practices, catalyse international partnerships, and promote national capabilities by providing advice that is integrated with other international players.
- (c) Tailored national implementation: National Authorities are responsible for the full and effective implementation of the Convention. Attention should be given to finding ways to encourage those States Parties that are lagging behind to accord priority to the implementation of the Convention. Similarly, ways should be sought to encourage all States Parties to increase their bilateral contacts with each other and address this matter in the context of their regional cooperation schemes. States Parties should also address security aspects when coordinating the implementation of the Convention at the national level. Therefore, a more tailor-made approach vis-à-vis individual States Parties, based on needs and capabilities, should be pursued. However, care must be taken not to lose sight of the comprehensive nature of the prohibitions covered by the scope of the "general-purpose criterion" of the Convention.
- (d) Enhanced engagement with the widest range of stakeholders: The OPCW will strive to promote public diplomacy, mindful of increasing recognition of its achievements, in order to engender greater confidence in its role as a security and disarmament organisation and to enhance its engagement with key stakeholder communities. This will increase its recognition as a trusted partner in the fields of multilateralism and international cooperation. Partnerships are essential for the OPCW in order to accomplish its mission and achieve its objectives. Success will depend not only on the OPCW's own capacity, but also on the effectiveness with which the OPCW acts in partnership with all its key stakeholders<sup>1</sup>. The use of social media and e-learning tools should be increased to make outreach efforts more effective. In working more closely with the chemical industry it would be beneficial to emulate the spirit of engagement that was helpful during the negotiation of the Convention.

10. In April 2013, the OPCW will hold the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter "the Third Review Conference"). As the Secretariat needs to provide overall support and cooperation in the areas of substantive and logistical matters for

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<sup>1</sup> Governmental authorities, regional and international organisations, civil society, scientific communities, and—not least—the chemical industry.

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

### **Key risks in the medium term**

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

### Inability to respond to the verification mandate under the Convention

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

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

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

### Reduced interest by States Parties in implementing the Convention

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

### Financial constraints of States Parties

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

### **POLICY ORIENTATION AND STRATEGY**

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

#### Core objective 1

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

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

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<sup>2</sup> Any additional requirements for inspector days due to the possible accession of new possessor States Parties are not included in the projections contained in this MTP.

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

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

**TABLE 1: PROJECTED NUMBER OF ARTICLE IV AND V INSPECTABLE FACILITIES<sup>3</sup>**

Type of Facility <sup>4</sup>	2012	2013	2014	2015
CWDF	7 <sup>5</sup>	7 <sup>6</sup>	7 <sup>7</sup>	8 <sup>8</sup>
CWPF	22	22	22	22
CWSF	9	9	9	9
OACW site	21	21	21	18

29. The number of inspections to be conducted during the year and the number of inspector days required to undertake them are calculated based on, inter alia: the planned schedules of destruction operations as submitted by States Parties<sup>9</sup>; the recommendations for determining the frequency of systematic on-site inspections of CWSFs (C-I/DEC.10, dated 14 May 1997); the risk assessment to determine the frequency of inspections needed at each individual CWPF and the nature of continued verification measures at converted facilities for which 10 years have elapsed after the Director-General's certification of their conversion as established by EC-67/DEC.7; the agreed frequency of inspections at ACW destruction sites, as reflected in facility arrangements; and other specifically tailored circumstances in the case of old chemical weapons (OCW) inspections. Furthermore, the Secretariat has to take into account the inspection-team sizes agreed with States Parties following the implementation of optimisation measures. The projected requirements for inspector days are shown in Table 2 below.

<sup>3</sup> Declared facilities, which are subject to systematic verification under Article IV and V.

<sup>4</sup> CWDF = chemical weapons destruction facility; CWSF = chemical weapons storage facility.

<sup>5</sup> One CWDF in Libya for four months; four CWDFs in the Russian Federation for 12 months and one for three months; and one CWDF in the United States of America for four months.

<sup>6</sup> One CWDF in Iraq for three months; one CWDF in Libya for 10 months; and four CWDFs in the Russian Federation for 12 months and one for nine months.

<sup>7</sup> One CWDF in Iraq for 12 months; one CWDF in Libya for one month; and five CWDFs in the Russian Federation for 12 months.

<sup>8</sup> One CWDF in Iraq for 12 months; one CWDF in Libya for 12 months; five CWDFs in the Russian Federation for 12 months; and one CWDF in the United States of America for one month.

<sup>9</sup> The planned schedules of destruction activities as submitted to date by the States Parties concerned do not take into consideration additional delays caused by unexpected technical challenges or periods of inactivity, or further rescheduling with respect to the start of operations at facilities/units under construction. In view of this, while preparing the Programme and Budget for 2013, the Secretariat took into account the previous experience with regard to destruction activities.

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

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

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

Core objective 2

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

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

domestic chemical industries. The security of States Parties requires that the inspections be distributed among as many States Parties as possible, in keeping with the stipulations of the Convention.

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

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

#### Core objective 3

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

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

47. The Secretariat will continue to support Member States in the development and/or improvement of their protective programmes against chemical weapons in accordance with the requirements stipulated in Article X. Technical assistance and expert advice will be provided to Member States upon request or by means of the analysis of requirements through training courses, workshops, and exercises, and by continuing to improve and update the data bank on assistance and protection established in accordance with paragraph 5 of Article X.
48. In order to provide expert advice to Member States in a more systematic and cost-effective manner, the Secretariat has developed a regional assistance-and-protection concept (S/984/2012, dated 7 February 2012). This concept is intended to encourage the Member States to establish regional and/or subregional Chemical Weapons Convention Assistance-and-Protection Centres (CWCAPCs) and networks in order to improve their ability to deal with and respond to a possible chemical attack.
49. The Secretariat will play a facilitating role by providing assistance to States Parties wishing to establish CWCAPCs. It will provide relevant expert and technical support and will, within the resources available, jointly organise and sponsor training activities for CWCAPC instructors, as well as for participants from the Member States in the region in question. The OPCW will be also able to provide training curricula used in its capacity-building programmes under Article X.
50. In addition, the OPCW will strengthen cooperation with other relevant organisations involved in the development of CBRN<sup>10</sup> protection capabilities, including regional centres of excellence, in order to avoid duplication of effort and to increase States Parties' capacities.
51. The Conference at its Sixteenth Session endorsed a proposal for the establishment of the international support network for victims of chemical weapons and the establishment of a voluntary trust fund for this purpose (C-16/DEC.13, dated 2 December 2011).
52. The Secretariat will continue to encourage the States Parties to actively support the network by, inter alia, providing financial contributions to the trust fund and medical treatment to victims of chemical weapons in their countries; organising events to raise awareness at the national level about victims of chemical weapons; exchanging information on experiences related to treatment of victims of chemical weapons; and facilitating materials- and equipment-related assistance to States Parties to assist and support the victims of chemical weapons (S/1000/2012, dated 3 March 2012).
53. The Open-Ended Working Group on Terrorism will continue to serve as a forum for sharing information and best practices among Member States, as well as for substantive discussions on the issue of the OPCW's contribution to the global efforts against terrorism. The Secretariat will strengthen contacts and exchanges with relevant international, regional, and subregional organisations in the field of

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<sup>10</sup> CBRN = chemical, biological, radiological, and nuclear.

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

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

Core objective 4

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

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

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

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

#### Core objective 5

##### *Universal adherence to the Convention*

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

#### Core Objective 6

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

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

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

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

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

Core objective 7

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

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

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

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

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

Annex:

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

**Annex**

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

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

**TABLE 3: CORE OBJECTIVES AND INDICATORS OF ACHIEVEMENT FOR THE PROGRAMME AND BUDGET OF THE OPCW FOR 2013<sup>11</sup>**

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

<sup>11</sup> Some indicators of achievement may be relevant to more than one objective.

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

<b>Core Objectives</b>	<b>Indicators of Achievement</b>
7. Full, effective, and non-discriminatory implementation of all provisions of the Convention by the OPCW.	Efficient and effective operation of the policy-making organs, the Senior Management, and the Secretariat at large in accordance with the Convention, including through: <ul style="list-style-type: none"> <li>(a) delivery of programme outputs and all functional services on time, in the best achievable quality and within the agreed budget;</li> <li>(b) timely and efficient preparation and conduct of meetings;</li> <li>(c) assured provision of all possible facilitation to States Parties for their engagement in OPCW conferences, including sessions of the policy-making organs, and other activities; and</li> <li>(d) assured tools, platforms, arrangements for outreach activities, media management, and information provision, through the execution of the public-diplomacy strategy.</li> </ul>

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Seventieth Session  
25 – 28 September 2012

EC-70/DG.10/Rev.1  
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### REPORT BY THE DIRECTOR-GENERAL

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

#### 1. INTRODUCTION

1.1 The Conference of the States Parties (hereinafter “the Conference”) at its Sixteenth Session adopted a decision regarding components of an agreed framework for the full implementation of Article XI of the Chemical Weapons Convention (hereinafter “the Convention”) (C-16/DEC.10, dated 1 December 2011), and requested the Technical Secretariat (hereinafter “the Secretariat”) to report to the Conference at each annual session on the progress of concrete measures undertaken in implementing the decision, and on the status of implementation of Article XI. This was followed by a request made by the Executive Council (hereinafter “the Council”) to the Secretariat to provide a progress report to the Seventieth Session of the Council on the implementation of the relevant decision. The components included activities in the following areas:

- (a) national capacity-building for the research, development, storage, production, and safe use of chemicals for purposes not prohibited under the Convention;
- (b) promoting networking and exchange among scientific communities, academic institutions, chemical-industry associations, non-governmental organisations (NGOs), and regional and international institutions;
- (c) enhancing the effectiveness of current international-cooperation programmes of the OPCW; and
- (d) measures by States Parties and the OPCW to facilitate States Parties’ participation in the fullest possible exchange of chemicals, equipment, and scientific and technical information relating to the development and application of chemistry, in accordance with the provisions of the Convention.

1.2 The report provides the progress of concrete measures undertaken in implementing the aforementioned decision, as well as the status of implementation of Article XI and covers the period from 1 January to 15 August 2012. Unless otherwise stated, all dates given herein fall within this reporting period.



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

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

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

#### Associate Programme

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

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

- 2.7 As part of the Associate Programme, participants undertook a three-week university module, organised by the University of Surrey in the United Kingdom of Great Britain and Northern Ireland, as well as a three-week industrial attachment in 17 modern chemical industries located in 12 States Parties (see paragraph 2.8 below). During the university module, the participants benefited from an intensive chemical engineering skills-development course and upgraded their knowledge in terms of the national implementation of the Convention. During the industrial attachment, participants received training in relation to various industrial operations and gained exposure to working environments in the chemical industry.
- 2.8 The programme received an in-kind contribution from Japan. In addition, Belgium, the Czech Republic, Denmark, Germany, Japan, Malaysia, the Netherlands, Poland, Portugal, Spain, and Switzerland have extended their continuous support by identifying placements in their chemical industries for the participants; Croatia came forward, for the first time, with a training opportunity for two associates in its chemical industry. The companies that offered industrial attachments in 2012 were as follows: “Evonik Degussa Antwerpen N.V” (Belgium), “Petrokemija Plc” (Croatia), “Enaspol a.s.” (Czech Republic), “Dupont” (Denmark), “BASF” and “Currenta GmbH und Co. OHG” (Germany), “Asahi Kasei Chemicals Corporation” and “Mitsubishi Chemical Corporation” (Japan), “CCM Chemicals Sdn Bhd” and “BASF Petronas Chemicals Sdn Bhd” (Malaysia), “Dow Benelux B.V.” and “Dupont de Nemours B.V.” (Netherlands), “Azoty Tarnów S.A.” (Poland), “Hovione” and “Dow Portugal- Produtos Químicos, S.A” (Portugal), “Dow Chemical Ibérica SL” (Spain), and “Clariant Produkte (Schweiz) AG” (Switzerland).
- 2.9 The programme also benefited from the continuous support of the World Customs Organization (WCO), the European Chemical Industry Council (CEFIC<sup>1</sup>) under its “Responsible Care®” policy, the European Chemicals Agency (ECHA), the European Association of Chemical Distributors (FECC), the Dutch Customs Authorities, the Port of Rotterdam, the Rotterdam Investment Agency, and the Technical University of Delft (TU Delft).

#### Analytical-skills-development courses

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

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<sup>1</sup> CEFIC = Conseil Européen de l’Industrie Chimique.

- (b) facilitate the adoption of good laboratory practices; and
  - (c) broaden the pool of human resources from which National Authorities and the Secretariat can draw in the future.
- 2.11 The first week focuses on basic training and on providing hands-on experience in gas chromatography (GC) and gas-chromatography-mass spectrometry (GC-MS). In the second week, participants receive training in the preparation of environmental samples and on the analysis of such samples for chemicals related to the Convention. Participants are also introduced to a range of extraction, clean-up, and derivatisation procedures.
- 2.12 The courses for the enhancement of laboratory skills focus on the enhancement of skills in using liquid chromatography-mass spectrometry (LC-MS) or nuclear magnetic resonance spectroscopy (NMR) to analyse chemicals related to the Convention. These are two-week courses, for a maximum of four participants each, who have previous practical experience of LC, GC, NMR, or MS techniques. Participants are introduced to sample preparation and are then given demonstrations and practical exercises in these techniques. The courses also cover theoretical aspects of LC/GC and LC-MS/GC-MS or NMR, quality assurance, and instrument maintenance.
- 2.13 During the period under consideration, three courses—one analytical-skills-development course and two courses on the enhancement of laboratory skills—were organised at VERIFIN.
- 2.14 The analytical-skills-development course took place from 1 to 15 June with 20 participants from Algeria, Argentina, Bangladesh, Belarus, Botswana, Brazil, Indonesia, Lesotho, Pakistan, Paraguay, Romania, Saint Lucia, South Africa, Sri Lanka, Tunisia, Turkey, Ukraine, Uruguay, Yemen, and Zimbabwe.
- 2.15 The course on the enhancement of laboratory skills using LC-MS was held from 16 to 27 April and hosted four participants from Botswana, Brazil, South Africa, and Ukraine. The course on the enhancement of laboratory skills using NMR took place from 7 to 18 May and hosted four participants from four States Parties, namely, Bangladesh, Jamaica, South Africa, and Tajikistan.
- 2.16 The Secretariat, in collaboration with Protechnik Laboratory in Pretoria, South Africa and VERIFIN, conducted the fourth edition of the analytical chemistry course under the Africa Programme. This course took place from 30 April to 11 May in Pretoria, South Africa. Twelve participants from the following 12 Member States successfully completed the course: Botswana, Burkina Faso, Cameroon, Ghana, Lesotho, Mauritius, Morocco, Seychelles, Sudan, the United Republic of Tanzania, Zambia, and Zimbabwe.
- 2.17 In addition, as a result of the great demand for training in advanced analytical techniques on the part of Spanish-speaking personnel from laboratories in the GRULAC<sup>2</sup> region, and with the active support of the Spanish National Authority, the

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<sup>2</sup> GRULAC = Group of Latin American and Caribbean States.

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

### Industry outreach

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

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

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

Conference-Support Programme

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

Internship-Support Programme

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

Programme for Support of Research Projects

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

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

#### Information service

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

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

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

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

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

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

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

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

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

Review of existing regulations in the field of trade in chemicals

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

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

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

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

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

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

Annexes (English only):

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

## Annex 1

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

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

## Annex 2

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

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

**Annex 3****RESEARCH PROJECTS FUNDED DIRECTLY BY THE OPCW  
FROM 1 JANUARY TO 15 AUGUST 2012**

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

## Annex 4

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

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

	<b>Title</b>	<b>State Party of Researcher</b>
18	Natural dissolution mechanisms of serpentinite: Possible toxic elements leaching to the environment	Sri Lanka
19	Development of a micro fluidic device for arsenic monitoring in water samples	Thailand
20	Synthesis and biological activity of bivalent SFTI-1 inhibitor against human-beta tryptase	Thailand
21	Traitements des eaux par photocatalyse hétérogène à l'échelle pilote à base de nouveaux matériaux sensibles aux rayonnements solaires	Togo
22	Chemical modification of palmatine molecular framework and evaluation of chemical structure - antimalarial-cytotoxicity activity relationship of analogues	United Republic of Tanzania
23	Isolation and characterisation of bacteria from mangroves in northern Viet Nam for polyhydroxyalkanoates production	Viet Nam
24	Development of nanoconjugate based on biocompatible chitosan for multimodal cancerous monitoring and magnetic drug targeting	Viet Nam
25	Anti-caries agents from garcinia mangostana I: improved protection against dental caries	Viet Nam

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### REPORT OF THE SEVENTIETH SESSION OF THE EXECUTIVE COUNCIL

#### 1. AGENDA ITEM ONE – Opening of the session

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

#### 2. AGENDA ITEM TWO – Adoption of the agenda

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

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



- (h) Report by the Director-General on the readiness of the Technical Secretariat to conduct a challenge inspection and an investigation of alleged use
7. Administrative and financial matters:
- (a) Report of the Advisory Body on Administrative and Financial Matters
  - (b) Draft Programme and Budget of the OPCW for 2013, and all items pertaining to this Budget
  - (c) Financial Statements of the OPCW and the External Auditor's report for the year ending 31 December 2011
  - (d) OPCW income and expenditure for the financial year to 30 June 2012; the cash situation and the use of the Working Capital Fund for the financial year to 31 August 2012
  - (e) Status of implementation by States Parties of agreed multi-year payment plans to regularise the payment of their outstanding annual contributions
  - (f) Amendments to the Financial Regulations and Rules of the OPCW
  - (g) Amendment to the OPCW Staff Regulations
8. The OPCW Programme for Africa
9. Draft report of the Executive Council on the performance of its activities
10. Report by the Committee on Relations with the Host Country
11. Briefing by the Chairperson of the Open-Ended Working Group for the Preparation of the Third Review Conference<sup>1</sup>
12. Dates for regular sessions of the Executive Council in 2013
13. Any other business
14. Adoption of the report
15. Closure
- 3. AGENDA ITEM THREE – Opening statement by the Director-General**
- 3.1 The Council **noted** the opening statement by the Director-General (EC-70/DG.18, dated 25 September 2012).
- 3.2 The Director-General informed the Council about the “Supplementary Arrangement Concerning the Implementation of Article II(2)(c) of the Relationship Agreement between the United Nations and the Organisation for the Prohibition of Chemical Weapons” that he concluded with the Secretary-General of the United Nations.

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<sup>1</sup> The Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention

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

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

4.1 The Vice-Chairpersons and coordinators for clusters of issues reported to the Council on informal consultations held during the intersessional period: Ambassador Miguel Eduardo Calahorrano Camino of Ecuador on chemical weapons issues, Ambassador Robert P. Mikulak of the United States of America on chemical-industry and other Article VI issues, Ambassador Sirajuddin Hamid Yousif of Sudan on administrative and financial issues, and Ambassador Roman Kolodkin of the Russian Federation on legal, organisational, and other issues. The Chairperson also reported on her own activities on behalf of the Council during the intersessional period.

4.2 The Council **concurred** with the recommendation of the coordinator for chemical-industry and other Article VI issues, Ambassador Robert P. Mikulak, that the issue of “Understanding on access to records during Schedule 2, Schedule 3, and DOC/PSF plant-site inspections (item II.3 of EC-70/INF.1, dated 30 July 2012) be considered closed and requiring no further action. The Council **forwarded** this recommendation to the Conference of the States Parties (hereinafter “the Conference”) for consideration at its Seventeenth Session.

4.3 The Council **welcomed** the appointment of Mrs Sarah Broughton of the United Kingdom of Great Britain and Northern Ireland as the facilitator for the issue of assistance and protection against chemical weapons.

**5. AGENDA ITEM FIVE – General debate**

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

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

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

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

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

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

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

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

**Subitem 6(c): Other verification-related issues**

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

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

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

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

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

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

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

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

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

- 6.20 The Council at its Twenty-Third Meeting adopted an action plan for the universality of the Convention (EC-M-23/DEC.3, dated 24 October 2003). The plan requested the Director-General, inter alia, to submit to the Conference at its regular sessions an annual report on the implementation of the action plan, and to keep the Council regularly informed, so that the Conference and the Council may review progress and monitor its implementation effectively.
- 6.21 The facilitator for this issue, Mr Gary Applegarth of the United States of America, reported to the Council on activities conducted during the intersessional period.
- 6.22 The Council **considered** and **noted** the annual report on the implementation of the action plan for the universality of the Convention during the period from 16 September 2011 to 15 August 2012, submitted to both the Council and the Conference (EC-70/DG.14 C-17/DG.13, dated 18 September 2012).

**Subitem 6(h): Report by the Director-General on the readiness of the Technical Secretariat to conduct a challenge inspection and an investigation of alleged use**

- 6.23 The Council **considered** and **noted** a Note by the Director-General reporting on the readiness of the Secretariat to conduct a challenge inspection or an investigation of alleged use (EC-70/DG.12, dated 12 September 2012).

**7. AGENDA ITEM SEVEN – Administrative and financial matters**

**Subitem 7(a): Report of the Advisory Body on Administrative and Financial Matters**

- 7.1 The Council **considered** and **noted** the report of the Thirty-Third Session of the Advisory Body on Administrative and Financial Matters (ABAF), which took place from 27 to 30 August 2012 (ABAF-33/1, dated 30 August 2012), and a Note by the Director-General containing comments on the report of the ABAF at that session (EC-70/DG.16, dated 20 September 2012).

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

- 7.2 The Council **considered** the Draft Programme and Budget for 2013, which the Director-General had submitted to the Council in accordance with Financial Regulation 3.4, and **forwarded** it to the Conference at its Seventeenth Session, together with its comments and recommendations (EC-70/DEC.3, dated 28 September 2012).
- 7.3 The Medium-Term Plan for the period from 2013 to 2015 (EC-70/S/1 C-17/S/1, dated 28 June 2012 and Corr.1, dated 19 July 2012) was circulated to the members of the Council, along with the Draft Programme and Budget for 2013.
- 7.4 The Note by the Secretariat on the programme performance for the year 2011 (S/1018/2012, dated 23 May 2012) was circulated to the members of the Council.

**Subitem 7(c) Financial Statements of the OPCW and the External Auditor's report for the year ending 31 December 2011**

- 7.5 The Council **noted** the Financial Statements of the OPCW and the report of the External Auditor for the year ending 31 December 2011 (EC-70/DG.1 C-17/DG.4, dated 10 July 2012 and Corr.1, dated 28 September 2012) and **forwarded** them to the Conference for consideration at its Seventeenth Session. The Council **received** a presentation by the External Auditor, Mr Norbert Hauser (EC-70/2, dated 26 September 2012).
- 7.6 The facilitator for this issue, Ms Sakiko Hayakawa of Japan, reported to the Council on consultations held during the intersessional period.

**Subitem 7(d): OPCW income and expenditure for the financial year to 30 June 2012; the cash situation and the use of the Working Capital Fund for the financial year to 31 August 2012**

- 7.7 The Council **considered** and **forwarded** to the Conference at its Seventeenth Session a report by the Director-General on OPCW income and expenditure for the financial year to 30 June 2012 (EC-70/DG.2 C-17/DG.5, dated 19 July 2012 and Corr.1, dated 7 September 2012).
- 7.8 The Council **considered** and **forwarded** to the Conference at its Seventeenth Session a Note by the Director-General on the cash situation and the use of the Working Capital Fund for the financial year to 31 August 2012 (EC-70/DG.11 C-17/DG.12, dated 12 September 2012).
- 7.9 The Council **noted** the Note by the Director-General on the transfer of funds during 2012 and **concurred** on the proposal contained therein (EC-70/DG.13, dated 18 September 2012).

**Subitem 7(e): Status of implementation by States Parties of agreed multi-year payment plans to regularise the payment of their outstanding annual contributions**

- 7.10 Further to a decision of the Conference at its Eleventh Session (C-11/DEC.5, dated 7 December 2006), the Council **considered** and **forwarded** to the Conference at its Seventeenth Session a Note by the Director-General on the status of implementation by States Parties of agreed multi-year payment plans (EC-70/DG.6 C-17/DG.9, dated 4 September 2012).

**Subitem 7(f): Amendments to the Financial Regulations and Rules of the OPCW**

- 7.11 The Council **considered** a Note by the Director-General on proposed amendments to the Financial Regulations and Rules of the OPCW (EC-70/DG.8, dated 12 September 2012) and **adopted** a decision on this matter (EC-70/DEC.1, dated 26 September 2012).

**Subitem 7(g): Amendment to the OPCW Staff Regulations**

- 7.12 The Council **considered** a Note by the Director-General on the proposed amendment to the Staff Regulations of the OPCW (EC-70/DG.7, dated 12 September 2012) and **adopted** a decision on this matter (EC-70/DEC.2, dated 28 September 2012) and **forwarded** it to the Conference for consideration at its Seventeenth Session. The Council **emphasised** that downward classification of posts will be undertaken without adverse effect on the programme delivery of the operational Divisions (Verification, Inspectorate, and International Cooperation and Assistance) of the Secretariat. The Council **encouraged** the Director-General to submit proposals for all upward classifications simultaneously with release of the Draft Programme and Budget.

**8. AGENDA ITEM EIGHT – The OPCW Programme for Africa**

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

**9. AGENDA ITEM NINE – Draft report of the Executive Council on the performance of its activities**

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

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

10.1 At its Eleventh Session, the Conference adopted a decision establishing a Committee on Relations with the Host Country (hereinafter “the Host Country Committee”) (C-11/DEC.9, dated 7 December 2006). The Council **considered** and **noted** a report by the Host Country Committee on the performance of its activities from February to August 2012, and **submitted** it to the Conference for consideration at its Seventeenth Session (EC-70/HCC/1/Rev.1 C-17/HCC/2/Rev.1, dated 27 September 2012).

10.2 Pursuant to the concerns expressed at previous Sessions related to the issues under consideration by the Host Country Committee, the Council **received** the report of the Committee on progress made in this regard, and **decided** to remain seized of the matter and, while encouraging the Host Country and concerned delegations to continue their close consultations with a view to finalising a solution, **called upon** the Host Country Committee to report back to the Council at its next regular Session.

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

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

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

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

12.2 The Council **decided** that, as from 12 May 2013, the Council shall meet for three regular sessions during its annual cycles.

**13. AGENDA ITEM THIRTEEN – Any other business**

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

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

**14. AGENDA ITEM FOURTEEN – Adoption of the report**

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

**15. AGENDA ITEM FIFTEEN – Closure**

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

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