



SECTION 1

Treaty Overview

In this Section:

Topics / page

General Overview / **7**

Organisation for the Prohibition of Chemical Weapons (OPCW) / **7**

Prohibitions and Non-Prohibited Activities / **8**

Global Role of the CWC / **8**

National Implementation Measures / **9**

Article VI Requirements / **10**

International Cooperation & Assistance / **10**

Reference Material / page

Annex on Chemicals / **12**

Schedules of Chemicals / **13**

The Organisation for the Prohibition of Chemical Weapons
IAP-003 / **16**

United Nations Security Council Resolution 1540 / **17**

OPCW Plan of Action Regarding the Implementation of Article VII
Obligations / **21**

State Party Assistance / **25**





GENERAL OVERVIEW

- The Chemical Weapons Convention (CWC) bans chemical weapons and monitors the production, use, and transfer of chemicals that could be associated with chemical weapons.
- First treaty to outlaw an entire class of weapons of mass destruction and require their elimination.
- First multilateral arms control treaty to have a significant impact on the private sector.
 - Export/import, declaration, and inspection requirements.
- Open for signature on January 13 - 15, 1993.
- Entered into force on April 29, 1997.
- There are over 170 States Parties to the CWC.
- A current current list of States Parties, Signatory States, and Non-Signatory States can be found at <http://www.opcw.org>.

ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS (OPCW)

- CWC is administered by the Organisation for the Prohibition of Chemical Weapons (OPCW).
 - Located in The Hague, the Netherlands.
- All countries that ratify or accede to the CWC are “States Parties” (i.e., OPCW members).

Organs of the OPCW

- Conference of the States Parties (CSP)
 - Oversees implementation and reviews compliance issues.
 - Comprised of all member states.
 - Meets annually.
- Executive Council (EC)
 - Promotes effective implementation of and compliance with the CWC.
 - Consists of 41 member states primarily based on geography and significance of chemical industry.
 - Meets 4-6 times annually.
- Technical Secretariat
 - Responsible for day-to-day operations.
 - Comprises permanent staff and is led by a Director-General.



- See page 16 at the end of this section for an outreach pamphlet, IAP-003, that describes the elements of the OPCW most relevant to the chemical and related industries.

PROHIBITIONS AND NON-PROHIBITED ACTIVITIES

CWC Prohibitions

- Develop, produce, otherwise acquire, stockpile, or retain chemical weapons, or transfer chemical weapons to anyone.
- Use of chemical weapons.
- Engage in any military preparations to use chemical weapons.
- Use of riot control agents as a method of warfare.
- Assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under the CWC.

Non-Prohibited Activities

- CWC monitors certain toxic chemicals and their precursors, but permits, under prescribed circumstances, the production, processing, consumption, export, and import of such chemicals for purposes not prohibited by the treaty.
 - Non-prohibited purposes include industrial, agricultural, research, medical, pharmaceutical, protective, law enforcement, or other peaceful purposes.

GLOBAL ROLE OF THE CWC

- Critical component of the United Nations' strategy to deter the spread and use of weapons of mass destruction.
- Article VII requires each State Party to implement its CWC obligations, in accordance with its constitutional practices.
 - Enact legislation, including penal legislation, outlawing prohibitions.
 - Establish administrative measures (e.g., National Authority, declarations, inspections, import/export controls on dual-use chemicals).
- **United Nations Security Council Resolution 1540** *(See pg. 17 at the end of this section)*
 - Requires all States to adopt and enforce effective laws prohibiting the proliferation of chemical weapons to non-State Actors.
 - Requires all States to take and enforce effective measures to establish domestic controls to prevent the proliferation of chemical weapons.
 - Calls upon States to adopt national rules and regulations to ensure compliance with the CWC.



NATIONAL IMPLEMENTATION MEASURES

- Upon accession to the CWC, each State Party is required to implement the following provisions:
 - Enact legislation, including penal legislation, to enforce the prohibitions of the CWC;
 - Establish a National Authority to serve as the national focal point for effective liaison with the OPCW and other States Parties; and
 - Inform the OPCW of the legislative and administrative measures taken to implement the CWC and submit the text(s).
- On 24 October 2003, the CSP adopted a **“Plan of Action”** to ensure universal State Party compliance with Article VII by the Tenth Session of the CSP (7-11 November 2005). *(See pg. 21 at the end of this section)*
 - Calls upon States Parties to enact necessary legislation, including penal legislation, and adopt administrative measures to implement the CWC.
 - Resulted in targeted assistance to States Parties to meet the November 2005 deadline.
- CSP Actions at the Tenth Session
 - Review the status of implementation and consider and decide on any appropriate measures to be taken, if necessary, to ensure compliance with Article VII.

State Party Legislative Measures

Each State Party shall, in accordance with its constitutional processes, adopt the necessary mechanisms to implement its obligations under the CWC, which include:

- Prohibiting natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognized by international law from undertaking any activity prohibited to a State Party under this Convention, including enacting penal legislation with respect to such activity;
- Not permitting in any place under its control any activity prohibited to a State Party under the CWC; and
- Extending its penal legislation to any activity prohibited to a State Party under the CWC undertaken anywhere by natural persons, possessing its nationality, in conformity with international law.

State Party Administrative Measures

- Establish a national authority.
- Establish a regime to control exports and imports of Scheduled chemicals.
- Establish a regime to compel declarations and submit them to the OPCW.
- Establish a regime to host OPCW inspections.



ARTICLE VI REQUIREMENTS

- Enact measures to ensure any toxic chemical or precursor is only developed, produced, otherwise acquired, retained, transferred, or used in any place under its jurisdiction for purposes not prohibited.
 - This requirement is not limited to Scheduled or unscheduled discrete organic chemicals (DOCs).
- Prohibit or restrict transfers of Scheduled chemicals.
- Subject facilities to data monitoring of production, processing, consumption, export, and import of Scheduled chemicals and certain unscheduled DOCs.
- Subject facilities to on-site verification.

INTERNATIONAL COOPERATION AND ASSISTANCE

- International exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for non-prohibited purposes.
- Programs include the OPCW Conference Support Programme, Support for Research Projects in Areas Relevant to the CWC, Internship Support Programme, Equipment Exchange Programme and the Laboratory Assistance Programme.
- Assistance with compliance (e.g., Articles VI and VII).
 - The Technical Secretariat and many States Parties have offered to provide assistance to any State Party to comply with Article VII by November 2005.
 - Technical Secretariat support.

TS Contacts: International Cooperation
tel: +31 70 416 3218
fax: +31 70 416 3279
intcoopbr@opcw.org

Implementation Support
tel: +31 70 416 3376
fax: +31 70 306 3535
ipb@opcw.org

Office of the Legal Advisor
tel: +31 70 416 3779
fax: +31 70 416 3814
legal@opcw.org



- See page 25 for a current list of States Parties offering assistance.
- Network of Legal Experts:

OPCW Office of the Legal Advisor

tel: +31 70 416 3779

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- This Implementation Assistance Programme is an effort to provide States Parties with assistance in meeting their Article VII obligations.

Technical Secretariat Support

- Focuses on capacity building for the peaceful applications of chemistry in areas which are relevant to the CWC:
 - Analytical skills development courses;
 - Associate programme;
 - Information service;
 - Internship support;
 - Laboratory assistance; and
 - Research projects.



ANNEX ON CHEMICALS

A. Guidelines for Schedules of Chemicals

Schedule 1 Chemicals

1. The following criteria shall be taken into account in considering whether a toxic chemical or precursor should be included in Schedule 1:
 - (a) It has been developed, produced, stockpiled or used as a chemical weapon as defined in Article II;
 - (b) It poses otherwise a high risk to the object and purpose of this Convention by virtue of its high potential for use in activities prohibited under this Convention because one or more of the following conditions are met:
 - (i) It possesses a chemical structure closely related to that of other toxic chemicals listed in Schedule 1, and has, or can be expected to have, comparable properties;
 - (ii) It possesses such lethal or incapacitating toxicity as well as other properties that would enable it to be used as a chemical weapon;
 - (iii) It may be used as a precursor in the final single technological stage of production of a toxic chemical listed in Schedule 1, regardless of whether this stage takes place in facilities, in munitions or elsewhere;
 - (c) It has little or no use for purposes not prohibited under this Convention.

Schedule 2 Chemicals

2. The following criteria shall be taken into account in considering whether a toxic chemical not listed in Schedule 1 or a precursor to a Schedule 1 chemical or to a chemical listed in Schedule 2, part A, should be included in Schedule 2:
 - (a) It poses a significant risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that could enable it to be used as a chemical weapon;
 - (b) It may be used as a precursor in one of the chemical reactions at the final stage of formation of a chemical listed in Schedule 1 or Schedule 2, part A;
 - (c) It poses a significant risk to the object and purpose of this Convention by virtue of its importance in the production of a chemical listed in Schedule 1 or Schedule 2, part A;
 - (d) It is not produced in large commercial quantities for purposes not prohibited under this Convention.

Schedule 3 Chemicals

3. The following criteria shall be taken into account in considering whether a toxic chemical or precursor, not listed in other Schedules, should be included in Schedule 3:
 - (a) It has been produced, stockpiled or used as a chemical weapon;
 - (b) It poses otherwise a risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that might enable it to be used as a chemical weapon;
 - (c) It poses a risk to the object and purpose of this Convention by virtue of its importance in the production of one or more chemicals listed in Schedule 1 or Schedule 2, part B;
 - (d) It may be produced in large commercial quantities for purposes not prohibited under this Convention.



Schedules of Chemicals

Schedule 1		CAS registry number	HS Code
A. Toxic chemicals:			
(1)	O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates e.g. Sarin: O-Isopropyl methylphosphonofluoridate Soman: O-Pinacolyl methylphosphonofluoridate	107-44-8 96-64-0	2931.00
(2)	O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates e.g. Tabun: O-Ethyl N,N-dimethyl phosphoramidocyanidate	77-81-6	2931.00
(3)	O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts e.g. VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	50782-69-9	2930.90
(4)	Sulfur mustards: 2-Chloroethylchloromethylsulfide Mustard gas: Bis(2-chloroethyl)sulfide Bis(2-chloroethylthio)methane Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane 1,3-Bis(2-chloroethylthio)-n-propane 1,4-Bis(2-chloroethylthio)-n-butane 1,5-Bis(2-chloroethylthio)-n-pentane Bis(2-chloroethylthiomethyl)ether O-Mustard: Bis(2-chloroethylthioethyl)ether	2625-76-5 505-60-2 63869-13-6 3563-36-8 63905-10-2 142868-93-7 142868-94-8 63918-90-1 63918-89-8	2930.90
(5)	Lewisites: Lewisite 1: 2-Chlorovinylchloroarsine Lewisite 2: Bis(2-chlorovinyl)chloroarsine Lewisite 3: Tris(2-chlorovinyl)arsine	541-25-3 40334-69-8 40334-70-1	2931.00
(6)	Nitrogen mustards: HN1: Bis(2-chloroethyl)ethylamine HN2: Bis(2-chloroethyl)methylamine HN3: Tris(2-chloroethyl)amine	538-07-8 51-75-2 555-77-1	2921.19 2930.90 3002.90
(7)	Saxitoxin	35523-89-8	3002.90
(8)	Ricin	9009-86-3	3002.90
B. Precursors:			
(9)	Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides e.g. DF: Methylphosphonyldifluoride	676-99-3	
(10)	O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts e.g. QL: O-Ethyl O-2-diisopropylaminoethyl methylphosphonite	57856-11-8	2931.00
(11)	Chlorosarin: O-Isopropyl methylphosphonochloridate	1445-76-7	2931.00
(12)	Chlorosoman: O-Pinacolyl methylphosphonochloridate	7040-57-5	2931.00



Schedules of Chemicals

Schedule 2		CAS registry number	HS Code
A. Toxic chemicals:			
(1)	Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts	75-53-5	2930.90
(2)	PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene	382-21-8	2903.30
(3)	BZ: 3-Quinuclidinyl benzilate (*)	6581-06-2	2933.90
B. Precursors:			
(4)	Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms, e.g. Methylphosphonyl dichloride Dimethyl methylphosphonate Exemption: Fonofos: O-Ethyl S-phenyl Ethylphosphonothiothionate	676-97-1 756-79-6 944-22-9	2931.00
(5)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides		2929.90
(6)	Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl Me, Et, n-Pr or i-Pr)-phosphoramidates		2929.00
(7)	Arsenic trichloride	7784-34-1	2812.10
(8)	2,2-Diphenyl-2-hydroxyacetic acid	76-93-7	2918.19
(9)	Quinuclidin-3-ol	1619-34-7	2933.39
(10)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts		2921.19
(11)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts N,N-Diethylaminoethanol and corresponding protonated salts	108-01-0 100-37-8	2922.19
(12)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts		2930.90
(13)	Thiodiglycol: Bis(2-hydroxyethyl)sulfide	111-48-8	2930.90
(14)	Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol	464-07-3	2905.14



Schedules of Chemicals

Schedule 3		CAS registry number	HS Code
A. Toxic chemicals:			
(1)	Phosgene: Carbonyl dichloride	75-44-5	2812.10
(2)	Cyanogen chloride	506-77-4	2851.00
(3)	Hydrogen cyanide	74-90-8	2811.19
(4)	Chloropicrin: Trichloronitromethane	76-06-2	2904.90
B. Precursors:			
(5)	Phosphorus oxychloride	10025-87-3	2812.10
(6)	Phosphorus trichloride	7719-12-2	2812.10
(7)	Phosphorus pentachloride	10026-13-8	2812.10
(8)	Trimethyl phosphite	121-45-9	2920.90
(9)	Triethyl phosphite	122-52-1	2920.90
(10)	Dimethyl phosphite	868-85-9	2921.19
(11)	Diethyl phosphite	762-04-9	2920.90
(12)	Sulfur monochloride	10025-67-9	2812.10
(13)	Sulfur dichloride	10545-99-0	2812.10
(14)	Thionyl chloride	7719-09-7	2812.10
(15)	Ethyldiethanolamine	139-87-7	2922.19
(16)	Methyldiethanolamine	105-59-9	2922.19
(17)	Triethanolamine	102-71-6	2922.13



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The Organisation for the Prohibition of Chemical Weapons

The Organisation for the Prohibition of Chemical Weapons (OPCW) is the international body created to implement the Chemical Weapons Convention (CWC). The OPCW has an affiliated relationship with the United Nations and is located in The Hague, Netherlands. Qualified citizens of the more than 170 States Parties may serve on its staff.

Basic Organisation

Article VIII of the CWC establishes the OPCW and its major components. The Conference of the States Parties (CSP) is the OPCW's principal organ, responsible for overseeing implementation and reviewing compliance issues. All States Parties are members of the CSP, which meets annually.

The Executive Council (EC) is the OPCW's executive body. It promotes the effective implementation of and compliance with the Convention. The EC meets approximately six times per year to supervise the activities of the Technical Secretariat (TS) and facilitate consultations and cooperation among States Parties. The EC's 41 members are selected by a formula that recognizes the importance of geographic diversity, representation by the most significant national chemical industries, and political and security interests.

The TS is responsible for day-to-day operations and verification activities. It is comprised of the OPCW permanent staff, and is led by a Director-General, who is elected by the CSP. The staff itself consists of technical, managerial, and administrative personnel.

Verification Division

The Verification Division of the TS receives and maintains data declarations and inspection reports, manages inspection planning, and analyzes and protects information related to CWC compliance and implementation.

- Declarations Branch: processes and validates declarations.
- Confidentiality Branch: monitors the handling of and controls access to confidential verification information.
- Industry Verification Branch: assesses declarations and plans inspections for declared facilities/plant sites.
- Policy and Review Branch: monitors and assesses verification activities, prepares proposals to enhance verification efficiency, and resolves inspection issues.

Inspectorate Division

The Inspectorate Division of the TS manages the inspectors, as well as the operational and logistical aspects of inspections.

- Inspectorate Management Branch: supplies the 200+ inspectors who conduct on-site verification activities.
- Operations and Planning Center Branch: staffs a 24-hour operations center for inspection notification and support to deployed inspection teams, and conducts short-range planning and inspection reporting.
- Inspection Review Branch: reviews logistical and operational aspects of inspections, and prepares procedural manuals and policy documents.

The Inspectors

The inspectors involved with industry verification are chemical production technologists, process specialists, analytical chemists and logisticians. They have 3-year, renewable contracts and possess the following qualifications:

- Bachelor of Science in chemical engineering or chemistry and 6 years practical in-plant experience.
- Fluency in one of the six CWC languages, plus working knowledge of English.

Inspectors, as well as other TS employees, must sign and comply with an OPCW Secrecy Agreement, which prohibits them from divulging any information obtained while employed at the OPCW. It is binding for the duration of their employment and 5 years thereafter. The Agreement supports the Confidentiality Annex of the CWC, which contains protections for confidential business information.



United Nations

S/RES/1540 (2004)

**Security Council**Distr.: General
28 April 2004

Resolution 1540 (2004)**Adopted by the Security Council at its 4956th meeting,
on 28 April 2004**

The Security Council,

Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery,* constitutes a threat to international peace and security,

Reaffirming, in this context, the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

Recalling also that the Statement underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

Affirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

Affirming its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all States parties to these treaties to implement them fully in order to promote international stability,

* Definitions for the purpose of this resolution only:

Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use.

Non-State actor: individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution.

Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

04-32843 (E)

*** 0432843 ***



S/RES/1540 (2004)

Welcoming efforts in this context by multilateral arrangements which contribute to non-proliferation,

Affirming that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be used as a cover for proliferation,

Gravely concerned by the threat of terrorism and the risk that non-State actors* such as those identified in the United Nations list established and maintained by the Committee established under Security Council resolution 1267 and those to whom resolution 1373 applies, may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery,

Gravely concerned by the threat of illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery, and related materials,* which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security,

Recognizing the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security,

Recognizing that most States have undertaken binding legal obligations under treaties to which they are parties, or have made other commitments aimed at preventing the proliferation of nuclear, chemical or biological weapons, and have taken effective measures to account for, secure and physically protect sensitive materials, such as those required by the Convention on the Physical Protection of Nuclear Materials and those recommended by the IAEA Code of Conduct on the Safety and Security of Radioactive Sources,

Recognizing further the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery,

Encouraging all Member States to implement fully the disarmament treaties and agreements to which they are party,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Determined to facilitate henceforth an effective response to global threats in the area of non-proliferation,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides that* all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

2. *Decides also* that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for



S/RES/1540 (2004)

terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

3. *Decides also* that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

4. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, for a period of no longer than two years, a Committee of the Security Council, consisting of all members of the Council, which will, calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon States to present a first report no later than six months from the adoption of this resolution to the Committee on steps they have taken or intend to take to implement this resolution;

5. *Decides* that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

6. *Recognizes* the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

7. *Recognizes* that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;



S/RES/1540 (2004)

8. *Calls upon* all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

9. *Calls upon* all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

10. Further to counter that threat, *calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

11. *Expresses* its intention to monitor closely the implementation of this resolution and, at the appropriate level, to take further decisions which may be required to this end;

12. *Decides* to remain seized of the matter.

**OPCW****Conference of the States Parties**Eighth Session
20 – 24 October 2003C-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),

CS-2003-3683(E) distributed 04/11/2003





C-8/DEC.16

page 2

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;



C-8/DEC.16

page 3

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;



C-8/DEC.16

page 4

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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Current list of States Parties Offering Assistance

The following States Parties have indicated that they would be willing to provide assistance under the Plan of Action:

Algeria (in the sub-region, through the Network of Legal Experts)
Argentina
Australia (to States Parties in Southeast Asia and the Southwest Pacific)
Austria (through the Network of Legal Experts)
Belarus
Canada (through the Network of Legal Experts)
Cuba (with respect to drafting legislation)
Czech Republic (through the Network of Legal Experts)
France (by providing a legal consultant)
Germany
India (by making available a panel of legal experts)
Italy
Japan
New Zealand (with respect to States Parties in the Pacific region)
Norway
Pakistan (offering the services of an expert to provide on-site advice)
Portugal (to States Parties in Africa where Portuguese is spoken)
Romania (through the Network of Legal Experts)
Spain (primarily to States Parties where Spanish is spoken)
Sweden
Switzerland
United States of America
United Kingdom of Great Britain and Northern Ireland

Excerpt from EC-38/DG.16 (12-15 October 2004), Note by the Director-General: Second Progress Report on the OPCW Plan of Action regarding the Implementation of Article VII Obligations.

