



The Chemical Weapons Convention: A Synopsis of the Text

The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons, and on Their Destruction (the Chemical Weapons Convention, or CWC) is a milestone agreement. Not only is this the first disarmament treaty to include a time frame for the elimination of an entire class of weapons of mass destruction, but it is also the first multilateral arms control treaty to incorporate an extensive verification regime. The Convention itself is a complex document nearly 200 pages long. It consists of a preamble, 24 articles, and three annexes—on Chemicals, on Implementation and Verification and on the Protection of Confidential information.

The Convention in Brief

The Preamble states the intent of the States Parties to prohibit and eliminate all types of weapons of mass destruction. It recalls the 1925 Geneva Protocol (prohibiting the use of chemical and biological weapons in war) and the 1972 Biological and Toxin Weapons Convention (outlawing biological and toxin weapons and requiring their destruction), both of which are multilateral instruments pertinent to the Convention. The Preamble also recognises the prohibition, embodied in agreements and relevant principles of international law, of the use of herbicides as a method of warfare, and expresses the desire of States Parties to enhance their economic and technological development for peaceful purposes.

The Articles

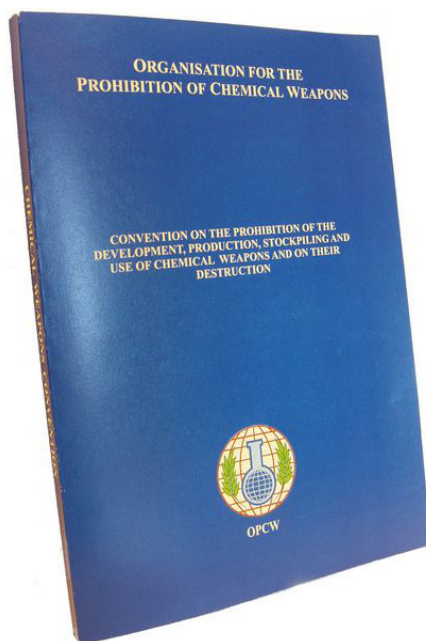
Article I (General Obligations)

prohibits the development, production, acquisition, retention, stockpiling, transfer and use of chemical weapons. It requires each State Party to destroy chemical weapons and chemical weapons production facilities (CWPFs) under its jurisdiction or control, as well as any chemical weapons it abandoned on the territory of other States Parties. All States Parties are prohibited from engaging in military preparations to use chemical weapons, from assisting or encouraging anyone to engage in activities prohib-

ited by the CWC and from using riot control agents 'as a method of warfare'.

Article II (Definitions and Criteria) defines terms critical to the CWC. 'Chemical weapons', defined in three parts, are identified first as all toxic chemicals and their precursors, except those intended for purposes allowed by the CWC. Such purposes include peaceful uses, protection against toxic chemicals, military purposes not related to the use of toxic chemicals as a method of warfare and law enforcement. Second, the definition includes munitions and devices specially designed to release these toxic chemicals. Third, it refers to any equipment specifically designed for use with such munitions or devices. 'Toxic chemicals' are defined as chemicals which through chemical action on life processes cause death, temporary incapacitation or permanent harm to humans or animals. 'Old chemical weapons' are those chemical weapons produced before 1925 or those produced between 1925 and 1946 that have deteriorated to the extent that they

are unusable. 'Abandoned chemical weapons' are those left by one State Party on the territory of another State Party without its consent at any time after 1 January 1925. 'Chemical weapons production facility' covers, with three exceptions, any equipment or building housing such equipment designed, constructed or used since 1 January 1946 to produce or fill chemical weap-



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ons. 'Riot control agents' are chemicals not listed in the Convention's Annex on Chemicals that rapidly produce in humans sensory irritation or disabling effects which disappear shortly after termination of exposure.

Under **Article III (Declarations)** each State Party shall, not later than 30 days after the Convention enters into force for it, submit to the OPCW detailed declarations with respect to chemical weapons (including old and abandoned chemical weapons) and CWPFS, providing a general plan for their destruction. States Parties are also required to declare facilities designed, constructed or used since 1 January 1946 primarily for chemical weapon development, and chemicals held for riot control purposes.

Article IV (Chemical Weapons) and Article V (Chemical Weapons Production Facilities), together with the Annex on Implementation and Verification (or Verification Annex), contain detailed provisions regarding the destruction of chemical weapons and CWPFS and the verification of such destruction. Weapons and facilities must be completely destroyed within 10 years of the entry into force of the

Convention, i.e. by 29 April 2007. Under extraordinary circumstances, the final deadline for the destruction of chemical weapons may be extended up to five additional years, if approved by the Conference of the States Parties (CSP), i.e. by 29 April 2012. (In 2011, OPCW Member States decided on reporting and transparency measures to be implemented if the final extended deadline was not met and that destruction of the remaining chemical weapons be completed in the shortest time possible.) In exceptional cases, CWPFS may be converted for peaceful purposes, with approval of the CSP, upon recommendation of the Executive Council. Each State Party must also pay for OPCW verification of destruction of its own chemical weapons and CWPFS.

Article VI (Activities Not Prohibited under the Convention), along with the Verification Annex, describes the comprehensive regime for routine monitoring of the chemical industry through declarations and on-site inspections. Due to the possible commercial application of many toxic chemicals and precursors, the CWC categorises them into three Schedules, listed in the Annex on Chemicals. The declaration and inspection requirements for each Schedule vary, depending in part on the risk its chemicals pose to the object and purpose of the Convention.

Article VII (National Implementation Measures) deals with measures and legislation that States Parties must enact in order to ensure national implementation of the CWC and the establishment or designation of National Authorities to serve as contact points for the OPCW and other States Parties.

Article VIII (The Organisation) provides for the establishment of the OPCW with its headquarters in The Hague. Each State Party is automatically a member of the OPCW and cannot be deprived of membership. The OPCW consists of three principal organs. The Conference of the States Parties is its highest decision-making

body, with one regular session convened annually, and special sessions when necessary. The Executive Council, composed of representatives of 41 States Parties from five regional groups, supervises the activities of the Secretariat and is responsible to the Conference. The Technical Secretariat carries out the practical work of the Organisation. The largest portion of the Secretariat's resources is devoted to verification activities. The Director-General is appointed by the

Conference and is responsible to it and the Council, inter alia, for the work of the Secretariat.

Article IX (Consultations, Cooperation and Fact-Finding) provides for consultation and clarification between States Parties if concerns about possible non-compliance arise. Together with the Verification Annex, the Article provides for short-notice challenge inspections by the OPCW, upon request from a State Party, of any facility or location on the territory, or anywhere under the jurisdiction, of any other State Party, to clarify and resolve questions regarding possible non-compliance. A State Party cannot refuse a challenge inspection, but may provide 'managed access', using measures to protect sensitive installations and information unrelated to chemical weapons.

Under **Article X (Assistance and Protection against Chemical Weapons)**, States Parties retain their right to develop and use protection against chemical weapons. States Parties commit to the fullest possible exchange of equipment, material and information concerning protection. In addition, each State Party is to make resources available to the OPCW for use in assisting States Parties attacked or threatened by attack with chemical weapons. This may be done in at least one



OPCW Director-General Ahmet Üzümcü and former UN Secretary-General Ban Ki-moon. The Secretary-General is the CWC depositary.

of three ways: by contributing to the Voluntary Fund for Assistance, by concluding an agreement with the OPCW concerning the procurement of assistance or by declaring the kind of assistance it might provide. Article X mandates that the OPCW maintain a data bank of open-source information on protection against chemical weapons. Along with the Verification Annex, Article X also outlines the procedures for investigations of alleged use of chemical weapons. States Parties can trigger investigations of alleged use of chemical weapons by requesting assistance under Article X.

Article XI (Economic and Technological Development) encourages the fullest possible exchange of chemicals, equipment and scientific and technological information relating to the development and application of chemistry for peaceful purposes. States Parties must review their existing national regulations on trade in chemicals to ensure they are consistent with the object and purpose of the Convention.

Article XII (Measures of Redress to Ensure Compliance, Including Sanctions) states that the Conference may impose, in a manner consistent with information provided to it by the Executive Council, measures to redress a situation where a State Party fails to uphold its treaty obligations. The Conference may, upon the Council's recommendation, invoke sanctions or restrict or suspend a State Party's rights and privileges under the Convention. The Conference shall bring cases of particular gravity to the attention of the United Nations

General Assembly and the Security Council.

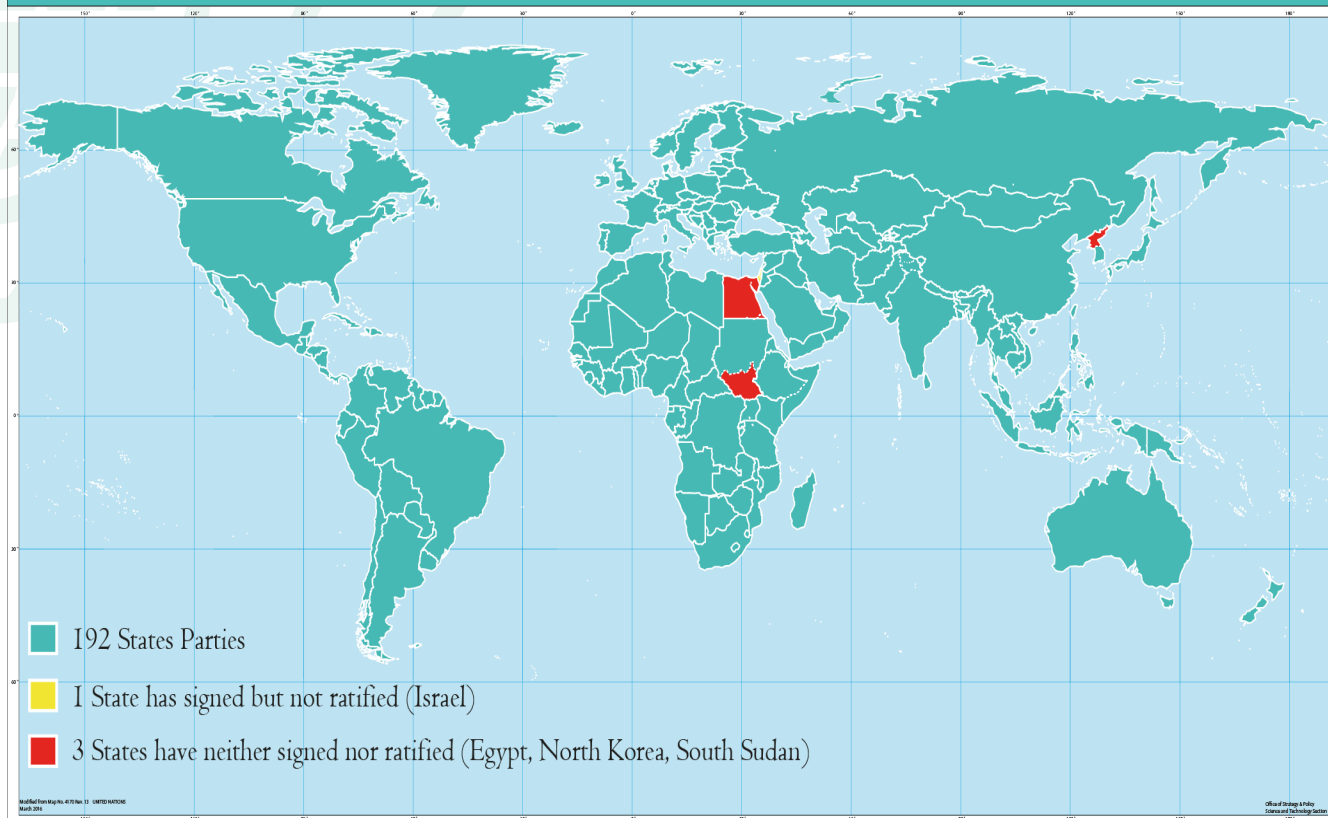
Article XIII (Relation to Other International Agreements) states that the CWC does not limit or detract from any State's obligations under the 1925 Geneva Protocol or the 1972 Biological and Toxin Weapons Convention.

Article XIV (Settlement of Disputes) allows for the settlement of disputes concerning the application or interpretation of the CWC. When a dispute arises between States Parties, or between any State Party and the OPCW, the parties involved commit to consult together to resolve differences quickly and peacefully. The parties may enlist the aid of the Executive Council, the Conference of States Parties or the International Court of Justice.

Article XV (Amendments) states that the articles and annexes of the Convention can be amended by an Amendment Conference. Such a conference shall be convened if at least one-third of all States Parties notify the Director-General within 30 days of a proposed amendment's circulation that they wish to give it further consideration. This article also makes provisions for a simplified procedure for changes of an administrative or technical nature to the annexes to the Convention.

Article XVI (Duration and Withdrawal) declares that the CWC is of unlimited duration. A State Party can withdraw from the CWC only if it decides its supreme

Status of the Chemical Weapons Convention (as of November 2017)



CWC - Articles and Annexes

Article I - General Obligations
Article II - Definitions and Criteria
Article III - Declarations
Article IV - Chemical Weapons
Article V - Chemical Weapons Production Facilities
Article VI - Activities Not Prohibited under the Convention
Article VII - National Implementation Measures)
Article VIII - The Organisation
Article IX - Consultations, Cooperation and Fact-Finding
Article X - Assistance and Protection against Chemical Weapons
Article XI - Economic and Technological Development
Article XII - Measures of Redress to Ensure Compliance, Including Sanctions
Article XIII - Relation to Other International Agreements
Article XIV - Settlement of Disputes
Article XV - Amendments
Article XVI - Duration and Withdrawal
Article XVII - Status of the Annexes
Article XVIII - Signature
Article XIX - Ratification
Article XX - Accession
Article XXI - Entry into Force
Article XXII - Reservations
Article XXIII - Depositary
Article XXIV - Authentic Texts
Annex on Chemicals
Annex on Implementation and Verification
Annex on Protection of Confidential Information

interests have been jeopardised by extraordinary events related to the subject matter of the Convention. A withdrawing state must provide advance notice of 90 days to the other States Parties, the Executive Council, UN Secretary-General and Security Council, explaining how the said events have jeopardised these interests.

Article XVII (Status of the Annexes) stipulates that the annexes are an integral part of the CWC.

Article XVIII (Signature) states that the CWC is open for signature before its entry into force.

Article XIX (Ratification) notes that signatories to the Convention shall ratify it according to their respective constitutional processes.

Article XX (Accession) allows States that did not sign the CWC before its entry into force to accede to it at any time thereafter.

Article XXI (Entry into Force) declares that the CWC will enter into force 180 days after the deposit of the 65th instrument of ratification. For States which deposit their instrument of ratification or accession after entry into force, the Convention enters into force 30 days after their instrument is deposited.

Article XXII (Reservations) states that the articles

shall not be subject to reservations and that the annexes shall not be subject to reservations incompatible with the CWC's object and purpose.

Article XXIII (Depositary) designates the UN Secretary-General as the person who receives all instruments of ratification or accession.

Article XXIV (Authentic Texts) stipulates that the Arabic, Chinese, English, French, Russian and Spanish texts of the CWC are equally authentic.

The Annexes

The Annex on Chemicals contains three Schedules, or lists, of toxic chemicals and their precursors. The chemicals listed in each of the Schedules are subject to different levels of verification activity. Guidelines are also provided for whether a chemical should be included in one of the Schedules.

The Annex on Implementation and Verification (the Verification Annex) makes up the bulk of the Convention. It contains eleven detailed parts pertaining to the destruction of chemical weapons and CWPfFs, and verification procedures for chemical weapons, CWPfFs and chemical industry facilities. It also includes detailed procedures for challenge inspections and investigations of alleged use and restrictions on trade in scheduled chemicals with States not party to the CWC.

The Annex on Protection of Confidential Information (the Confidentiality Annex) articulates the principles for the handling of confidential information and for the employment and conduct of OPCW staff members. It also describes procedures and measures to ensure the confidentiality of sensitive information and installations in the course of inspections and outlines procedures to be followed in the event of a breach of confidentiality.

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November 2017



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