
Second Session
1 - 5 December 1997

C-II/DG.8
11 November 1997
Original: ENGLISH

NOTE BY THE DIRECTOR-GENERAL

ERRORS IN THE TEXT OF THE CONVENTION

1. Introduction

- 1.1 When staff members of the Secretariat and members of National Authorities were working with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, certain discrepancies were noticed between the Arabic, Chinese, English, French, Russian and Spanish texts of the Convention. These discrepancies were subsequently brought to the attention of the Director-General.
- 1.2 Most Member States will recall that a number of discrepancies and clerical errors in the Convention were corrected during the preparatory phase.¹ Research undertaken at that time showed that the errors primarily arose at three points: (a) during the narrow time frame in which the six final texts of the Convention were prepared, once agreement was reached in the Ad Hoc Committee on Chemical Weapons in Geneva, for inclusion in the Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament²; (b) in the incorporation of the six texts into the Report of the Conference on Disarmament to the United Nations General Assembly³; and (c) during the conversion of software used in Geneva to that used in New York when the electronic texts of the Convention were transmitted to the UN Secretary-General following the General Assembly's request that he open the Convention for signature.⁴

2. Procedure for correction

- 2.1 In accordance with Article 33, paragraph 3, of the 1969 Vienna Convention on the Law of Treaties ("the Vienna Convention"), when a treaty has been authenticated in two or more languages, "[t]he terms of the treaty are presumed to have the same

¹ PC-VIII/3, dated 26 August 1994, PC-VI/7*/Corr.2, dated 19 September 1994, and PC-XIII/4, dated 11 March 1996.

² CD/1170, dated 26 August 1992.

³ Official Records of the Forty-Seventh Session of the UN General Assembly, Supplement No. 27 (A/47/27), Appendix I.

⁴ UN General Assembly Resolution A/RES/47/39, dated 16 December 1992.

meaning in each authentic text.” Article 48, paragraph 3, of the Vienna Convention provides that “[a]n error relating only to the wording of the text of a treaty does not affect its validity; article 79 then applies.”

2.2 Article 79 of the Vienna Convention sets forth the procedure for correction as follows:

“Article 79. Correction of Errors in Texts or in Certified Copies of Treaties

1. Where, after the authentication of the text of a treaty, the signatory States and the contracting States⁵ are agreed that it contains an error, the error shall, unless they decide upon some other means of correction, be corrected . . .
2. Where the treaty is one for which there is a depositary, the latter shall notify the signatory States and the contracting States of the error and of the proposal to correct it and shall specify an appropriate time-limit within which objection to the proposed correction may be raised. If, on the expiry of the time-limit:
 - (a) No objection has been raised, the depositary shall make and initial the correction in the text and shall execute a procès-verbal of the rectification of the text and communicate a copy of it to the parties and to the States entitled to become parties to the treaty;
 - (b) An objection has been raised, the depositary shall communicate the objection to the signatory States and to the contracting States.
3. The rules in paragraphs 1 and 2 apply also where the text has been authenticated in two or more languages and it appears that there is a lack of concordance which the signatory States and the contracting States agree should be corrected.”

2.3 Consistent with the practice of the Secretary-General of the United Nations as Depositary of Multilateral Treaties⁶ and as followed by the Preparatory Commission for the OPCW and the Depositary in the previous rectifications of the original text and the certified copies of the Convention, Member States can request the Depositary to initiate the correction procedure.

⁵ The Vienna Convention defines a “Contracting State” as “a State which has consented to be bound by the treaty whether or not the treaty has entered into force.”

⁶ Paragraphs 49-62 of UN document ST/LEG/8 (1994).

3. Conclusion and recommendation

The annex to this Note contains tables presenting the errors and the proposals for correction, for consideration by Member States. It is recommended that a decision be taken by the Conference of the States Parties at its Second Session to forward the tables to the United Nations Secretary-General as Depositary of the Convention, with the request that the procedure be initiated to have these errors rectified in the original text and the certified copies of the Convention.

Annex

Arabic text

Page of original text, and certified copy of, the Convention	Error	Correction
Verification Annex, Part VII, subparagraphs 4(a) and (b)		

Chinese text

Page of original text, and certified copy of, the Convention	Error	Correction
Verification Annex, Part VII, subparagraphs 4(a) and (b)		

English text

Page of original text, and certified copy of, the Convention	Error	Correction
Verification Annex, Part VII, subparagraphs 4(a) and (b)	<p>4. Each State Party shall submit:</p> <p>(a) Initial declarations pursuant to paragraph 3 not later than 30 days after this Convention enters into force for it; and, starting in the following calendar year;</p> <p>(b) Annual declarations on past activities not later than 90 days after the end of the previous calendar year;</p>	<p>4. Each State Party shall submit:</p> <p>(a) Initial declarations pursuant to paragraph 3 not later than 30 days after this Convention enters into force for it;</p> <p>(b) Starting in the following calendar year, annual declarations on past activities not later than 90 days after the end of the previous calendar year;</p>

French text

Page of original text, and certified copy of, the Convention	Error	Correction
Verification Annex, Part IV(A), paragraph 59	59. Pour l'installation de destruction d'armes chimiques, l'accord détaillé spécifie....	59. Pour les installations de destruction d'armes chimiques, les accords d'installation détaillés specifient ...

Russian text

Page of original text, and certified copy of, the Convention	Error	Correction
Verification Annex, Part VII, subparagraphs 4(a) and (b)		

Spanish text

Page of original text, and certified copy of, the Convention	Error	Correction
Article V, subparagraph 9(a)	(a) Presentará planes detallados para la destrucción de las instalaciones de destrucción de armas químicas . . .	(a) Presentará planes detallados para la destrucción de las instalaciones de producción de armas químicas . . .
Article V, subparagraph 9(c)	(c) Certificará, 30 días después, a más tardar, de la conclusión del proceso de destrucción, que se han destruido todas las instalaciones de destrucción de armas químicas . . .	(c) Certificará, 30 días después, a más tardar, de la conclusión del proceso de destrucción, que se han destruido todas las instalaciones de producción de armas químicas . . .
Article VIII, paragraph 49	49. Los delegados de los Estados Partes, junto con sus suplentes y asesores, los representantes nombrados por el Consejo Ejecutivo . . .	49. Los delegados de los Estados Partes, junto con sus suplentes y asesores, los representantes nombrados al Consejo Ejecutivo . . .
Verification Annex, Part IV(B), paragraph 7	7. . . . Sin embargo, a petición de un Estado Parte, el Consejo Ejecutivo podrá modificar las disposiciones relativas a los plazos y ordenar la destrucción de esas antiguas armas químicas . . .	7. . . . Sin embargo, a petición de un Estado Parte, el Consejo Ejecutivo podrá modificar las disposiciones relativas a los plazos y al orden de destrucción de esas antiguas armas químicas . . .
Verification Annex, Part VII, subparagraphs 4(a) and (b)	4. Cada Estado Parte presentará: a) Declaraciones iniciales con arreglo a lo dispuesto en el párrafo 3, 30 días después, a más tardar, de la entrada en vigor para él de la presente Convención; y, a partir del año calendario siguiente, b) Declaraciones anuales sobre las actividades anteriores, 90 días después, a más tardar, del final del año calendario anterior;	4. Cada Estado Parte presentará: a) Declaraciones iniciales con arreglo a lo dispuesto en el párrafo 3, 30 días después, a más tardar, de la entrada en vigor para él de la presente Convención; b) A partir del año calendario siguiente, declaraciones anuales sobre las actividades anteriores, 90 días después, a más tardar, del final del año calendario anterior;

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