



OPCW

Conference of the States Parties

First Review Conference
28 April – 9 May 2003

RC-1/NAT.27
8 May 2003
Original: ENGLISH

THE KINGDOM OF SWEDEN

NATIONAL IMPLEMENTATION OF THE CHEMICAL WEAPONS CONVENTION

Introduction

1. Effective and comprehensive implementation of the Chemical Weapons Convention (hereinafter “the Convention”) is of the utmost importance for the credibility of the Convention and its verification regime. The responsibility for national implementation rests with each State Party. It is obvious that five years after the Convention came into force many States Parties have yet to implement it nationally. Implementation reports also show that the pace of implementation varies greatly between States Parties. It is important to note that the political commitment to implement the Convention includes more than administrative practicalities such as declarations and inspections. There seems to be a tendency among States Parties to give the Convention a low political priority once it has been ratified, thus reducing its implementation to a matter of routine.
2. What is needed is a change in attitude towards increased co-operation and transparency between States Parties leading to better understanding and equality between countries. Issues of importance are often of a global character. One example is terrorism; another is non-proliferation; yet another is the development of the chemical industry, including the need to minimise the possible risk for human beings and the environment that might be linked to chemical industry activities.

Different stages of implementation

3. For some States Parties, implementation can be divided into different phases, where a first phase would include legislative and administrative measures necessary to implement the Convention. For some small countries without a significant industry, different implementation phases will not be applicable. For such States Parties there will probably not be a need for extensive legislation. However, legislation against breaches of the Convention would need to be included in the penal code.
4. Legislation is crucial for implementation of undertakings concerning declarations, inspections, the penal code and export/import control. Declarations under Article VI need the promulgation of legislation to make declarations mandatory for the chemical industry. Other requirements for declarations and information are found in Article X



(assistance and national programmes related to protective purposes), Verification Annex part II (point of entry), and Article VII (legislation). Legislation is also needed to implement a State Party's undertakings to accept international inspections and to make inspections by the National Authority (NA) possible.

5. Administrative measures needed for implementation include co-operation between ministries and authorities, collection of declarations, licensing and enforcement (export control authority, customs).
6. A second phase would consist in an effort to heighten public awareness in the media, the industry, schools, and the academic world.

Implementation work in Sweden

7. Sweden has chosen to place the NA responsibility on the authority responsible for export control issues. It is an independent authority supervised by the Ministry for Foreign Affairs (MFA). This authority is responsible for contacts with the OPCW and other States Parties on operational aspects of implementation while the MFA is active in issues of policy making.
8. The NA works in close co-operation with relevant ministries, authorities and organisations. The NA also has close contact with the chemical industry, a fact which enables inspections from OPCW to be performed in an efficient and co-operative way. The NA has elaborated manuals for all kinds of inspections under Article VI and distributed them to all companies that might be inspected. The NA has visited such companies, with the aim to prepare them for inspections and to explain the reason for such inspections.
9. Over the years, the scope of implementation has developed from the promulgation of legislation regulating declarations and inspections to co-operation with the International Cooperation and Assistance Division (ICA) on issues such as Assistance under Article X and ICA programmes falling under article XI.
10. The Swedish NA has always shown a considerable interest in widening the circles for co-operation between National Authorities. Although it is in our own interest to exchange views and experiences with countries from other geographical groups, the Swedish NA has found that large meetings with participating NAs from all State Parties is only a first step towards such contacts. In order to develop the States Parties' political commitment to Convention implementation, we need to go a step further and deepen contacts between States Parties, especially between NAs.

A way forward to strengthen co-operation

11. In order to develop a more active attitude towards the Convention and to promote openness and transparency, it is necessary to find a creative formula to support full implementation. While recognising the need to deal with certain issues within the regional groups it might be a good idea to look beyond these groups. Contacts beyond the groups' borders tend to invigorate discussions due to the differences and similarities that exist between countries. The States Parties would benefit from discussions held in small groups, in an atmosphere of openness and transparency.

12. One possibility could be the creation of small implementation networks (“Implementation Cells”) as a part of the activities under the Implementation Support Branch. Such cells would encompass four to six States Parties from different geographical groups, where two States Parties would have fulfilled their basic obligations and be able to support those States Parties who have not yet done so fully. At this point, it is important to bear in mind that the broader concept of implementation has not been enforced in all States Parties. There is a tendency for NAs to deal mainly with “house-keeping” business, such as declarations and inspections.
13. In order to promote an open dialogue, it is of great importance that States Parties from different geographical groups take part in such a network. There is also a need to focus on specific issues in the dialogue between States Parties. A very successful initiative was the recent conference in Madrid on export and import issues. Such issues could be followed up in the “Implementation Cells”.
14. In order to obtain the maximum beneficial effect out of the concept of “Implementation Cells”, it is necessary to be flexible and not create rigid cells. A State Party should have the possibility to change groups or take part in overlapping groups. ICA will face the task of matching together States Parties into viable “Implementation Cells”.

Conclusions

The Conference should:

1. Stress the vital importance of national implementation for the credibility of the CWC and the verification regime;
2. Recognise the need for closer co-operation between States Parties from different geographical groups;
3. Support a closer relationship between smaller groups of States Parties in order to focus on specific issues; and
4. Entrust the Technical Secretariat with the task of facilitating links between National Authorities.