



OPCW

Conference of the States Parties

Third Review Conference
8 – 19 April 2013

RC-3/3*
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**REPORT OF THE THIRD SPECIAL SESSION
OF THE CONFERENCE OF THE STATES PARTIES
TO REVIEW THE OPERATION OF THE CHEMICAL WEAPONS CONVENTION**

1. AGENDA ITEM ONE – Opening of the Third Review Conference

- 1.1 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”) was opened at 10:07 on 8 April 2013 by the Chairperson of the Seventeenth Session of the Conference of the States Parties (hereinafter “the Conference”), Ambassador Peter Goosen of South Africa.
- 1.2 The following 122 States Parties participated in the Third Review Conference: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, 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, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People’s Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, 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 Third Review Conference as observers: Israel and Myanmar.
- 1.4 In accordance with Rule 30 of the Rules of Procedure of the Conference, and pursuant to decision RC-3/DEC.1, dated 8 April 2013, Angola was accorded observer status.

* Reissued for technical reasons.



- 1.5 The Third Review Conference, in decision RC-3/DEC.4, dated 9 April 2013, **approved** the participation of eight international organisations, specialised agencies, and other international bodies in its Session.
- 1.6 The Third Review Conference **considered** and **adopted** a decision entitled “Amendment of Rule 33 of the Rules of Procedure of the Conference of the States Parties with Respect to Attendance of Non-Governmental Organisations at Meetings of Special Sessions of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention” (RC-3/DEC.2, dated 8 April 2013).
- 1.7 The Third Review Conference, in decision RC-3/DEC.3, dated 8 April 2013, **approved** the participation of 70 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 Third Review Conference, by acclamation, **elected** as its Chairperson Ambassador Krzysztof Paturej of Poland.

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 Third Review Conference **elected** representatives of the following 10 States Parties as Vice-Chairpersons of the Conference: Algeria, Guatemala, Iran (Islamic Republic of), Ireland, Japan, Russian Federation, Slovakia, South Africa, United States of America, and Uruguay.
- 3.2 Also in accordance with Rule 8(b) of the Rules of Procedure of the Conference, the Third Review Conference **elected** as Chairperson of the Committee of the Whole, Ambassador Sa’ad Abdul Majeed Ibrahim Al-Ali of Iraq.

4. AGENDA ITEM FOUR – Adoption of the agenda

- 4.1 The provisional agenda for the Third Review Conference was circulated under cover of RC-3/1, dated 21 February 2013.
- 4.2 On the recommendation of the General Committee, the Third Review Conference **adopted** the following agenda:

AGENDA ITEM ONE – Opening of the Third 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 Third 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) reports by the Director-General on destruction-related issues;
 - (iii) destruction of chemical weapons, including implementation of the Conference of the States Parties and Executive Council decisions on destruction-related issues;
 - (iv) destruction or conversion of chemical weapons production facilities;
 - (v) verification activities of the OPCW;
 - (vi) activities not prohibited under the Chemical Weapons Convention;
 - (vii) national implementation measures;
 - (viii) consultations, cooperation, and fact-finding;
 - (ix) assistance and protection against chemical weapons;
 - (x) economic and technological development;
 - (xi) Articles XII to XV and final clauses; and
 - (xii) the protection of confidential information; and
- (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 Third Review Conference

AGENDA ITEM THIRTEEN – Closure

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

5.1 The Third 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 Third Review Conference **adopted** the recommendation of the General Committee that it be closed on 19 April 2013.

Appointment of the Credentials Committee

5.3 In accordance with Rule 27 of the Rules of Procedure of the Conference, the Third Review Conference, on the proposal of its Chairperson, **appointed** the following 10 members of the Credentials Committee: Belgium, Croatia, Czech Republic, Nicaragua, Peru, Philippines, Portugal, Rwanda, Thailand, and Tunisia.

5.4 Subsequently, the Third Review Conference, at the request of the African Group and on the proposal of its Chairperson, **appointed** Senegal to replace Rwanda as a member of the Credentials Committee, due to unforeseen circumstances.

6. AGENDA ITEM SIX – Statements by the Director-General of the OPCW, the Secretary-General of the United Nations, and ministers

6.1 The Third Review Conference **noted** the opening statement by the Director-General (RC-3/DG.4, dated 8 April 2013).

6.2 The Third Review Conference was addressed by the Secretary-General of the United Nations.

6.3 The Third Review Conference was also addressed by the Minister of Foreign Affairs of the Netherlands, on behalf of the Host Country, the Deputy Prime Minister of Luxembourg, and the Minister of Foreign Affairs of Turkey.

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

The Chairperson of the Executive Council (hereinafter “the Council”), Ambassador Bhaswati Mukherjee of India, reported to the Third Review Conference on the work of the Council in preparation for the Third Review Conference.

8. AGENDA ITEM EIGHT – General debate

8.1 The following delegations made statements during the general debate: Iran (Islamic Republic of) (on behalf of the Non-Aligned Movement and China), Ireland (on behalf of the European Union and associated countries), Sudan (on behalf of the African Group), Saudi Arabia, Argentina, Iraq, Iran (Islamic Republic of) (in its national capacity), India, Norway, Singapore, China, Brazil, Qatar, Pakistan, Malaysia, Cuba,

United Arab Emirates, Thailand, Chile, Peru, Sweden, Yemen, United Kingdom of Great Britain and Northern Ireland, Mexico, Philippines, Costa Rica, New Zealand, Switzerland, Belarus, Russian Federation, Tunisia, France, Algeria, Hungary, Republic of Korea, Lithuania, Oman, Belgium, Fiji, Ukraine, United States of America, Canada, Germany, Romania, Panama, Indonesia, Ecuador, Croatia, Slovakia, Lao People's Democratic Republic, Guatemala, Kenya, Zambia, Bolivia, Ireland, Australia, Zimbabwe, Uruguay, Japan, Sri Lanka, Paraguay, Senegal, Nigeria, Kazakhstan, Morocco, Afghanistan, Cameroon, and Mongolia.

- 8.2 The following international organisations made statements during the general debate: the International Committee of the Red Cross and the African Union.
- 8.3 In accordance with paragraph 3 of Annex of RC-3/DEC.2, the following non-governmental organisations gave presentations at the plenary meeting which was held following the general debate: Green Cross International, Colorado Citizens Advisory Commission, Society for Chemical Weapons Victims Support, Institute for Security Studies, Okan University, Centre for Non-Proliferation and Export Control Issues, International Campaign to Abolish Nuclear Weapons, VERTIC, International Centre for Chemical Safety and Security Tarnow, Green Cross Russia, Omega Research Foundation, PUC Institute of International Relations, Global Green USA, and NPS Global Foundation.
- 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**

- 9.1 The Chairperson of the Open-Ended Working Group for the Preparation of the Third Review Conference, Ambassador Nassima Baghli of Algeria, reported to the Third Review Conference on the work of the open-ended working group and submitted to the Third Review Conference the Chairperson's provisional text for agenda item nine of the provisional agenda of the Third Review Conference (WGRC-3/1 RC-3/CRP.1, dated 28 March 2013).

Part A: Political Declaration of the Third Special Session of the Conference of States Parties to Review the Operation of the Chemical Weapons Convention

- 9.2 Having convened in The Hague from 8 to 19 April 2013 for the Third Review Conference and having undertaken their review of the Chemical Weapons Convention (hereinafter "the Convention") as agreed to in Part B below:

The States Parties solemnly declared their:

- 9.3 ***Unequivocal commitment*** to achieving the object and purpose of the Convention as set out in its Preamble and its provisions;
- 9.4 ***Conviction*** that the provisions of the Convention are mutually reinforcing and that the full, effective, and non-discriminatory implementation of all of its provisions, taking into account relevant developments in science, technology and industry, is of critical importance;

9.5 **Conviction** that the Convention, sixteen years after its entry into force, has reinforced its role as the international norm against chemical weapons, and that it constitutes a major contribution to:

- (a) International peace and security;
- (b) Eliminating chemical weapons, noting that as 31 March 2013, 55,474.00 MTs (79.90%) of Category 1 chemical weapons have been destroyed, and in preventing their re-emergence;
- (c) The ultimate objective of general and complete disarmament under strict and effective international control;
- (d) Excluding completely, for the sake of all mankind, the possibility of the use of chemical weapons; and
- (e) Promoting international cooperation and exchange in scientific and technical information in the field of chemical activities among States Parties for peaceful purposes in order to enhance the economic and technological development of all States Parties; and

9.6 **Unqualified commitment** to achieve the universality of the Convention and urgently called upon all of the States not Party to join the Convention without delay and precondition.

The States Parties also noted that the full, effective, and non-discriminatory implementation of key aspects of the Convention remains to be achieved and in this context expressed their:

9.7 **Concern** regarding the Director-General's statement in his report to the Sixty-Eighth Session of the Executive Council, provided in accordance with paragraph 2 of C-16/DEC.11, dated 1 December 2011, that "three possessor States Parties, namely Libya, the Russian Federation, and the United States of America, have been unable to fully meet the final extended deadline of 29 April 2012 for the destruction of their chemical weapons stockpiles" (EC-68/DG.9, dated 1 May 2012);

9.8 **Determination** that the destruction of all categories of chemical weapons shall be completed in the shortest time possible in accordance with the provisions of the Convention and its Annex on Implementation and Verification, and with the full application of the relevant decisions that have been taken;

9.9 **Recognition** that new challenges related to the Convention continue to arise and that its implementation may need to be improved to continue to achieve the object and purpose of the Convention and to stay abreast of developments in science and technology;

9.10 **Commitment** to adopt, in accordance with their constitutional processes, the necessary measures to fully implement their obligations under the Convention as a matter of priority, noting that 97 States Parties still need to adopt such measures, and to keep the effectiveness of these measures under review;

- 9.11 **Determination** to increase their efforts to guard against the possible hostile use of toxic chemicals by non-State actors such as terrorists; and
- 9.12 **Commitment** to foster, and to further develop and enhance actions for, international cooperation amongst States Parties in the peaceful uses of chemistry, and also to implement the provisions of the Convention in a manner which avoids hampering economic and technological development for purposes not prohibited under the Convention.

The States Parties furthermore underlined their:

- 9.13 **Intention** to continue providing the Organisation for the Prohibition of Chemical Weapons (OPCW) with the support that it requires in order to achieve the object and purpose of the Convention, to ensure the full, effective, and non-discriminatory implementation of its provisions and to deal more effectively with future opportunities and challenges;
- 9.14 **Commitment** that the OPCW remain the global repository of knowledge and expertise on the implementation of the Convention and their desire that the Technical Secretariat present proposals for ensuring continuity in its knowledge base and expertise;
- 9.15 **Determination** to maintain the Convention's role as a bulwark against chemical weapons; to that end to promote, inter alia, outreach, capacity building, education and public diplomacy;
- 9.16 **Desire** to improve interaction with chemical industry, the scientific community, academia, and civil society organisations engaged in issues relevant to the Convention, and cooperate as appropriate with other relevant international and regional organisations, in promoting the goals of the Convention; and
- 9.17 **Intention** to keep the above mentioned declarations under review at each regular session of the Conference of the States Parties.

The States Parties also:

- 9.18 Recalling the Thirty-Second Meeting of the Executive Council, **reiterated** their deep concern that chemical weapons may have been used in the Syrian Arab Republic and underlined that the use of chemical weapons by anyone under any circumstances would be reprehensible and completely contrary to the legal norms and standards of the international community.
- 9.19 Recalling the expertise in the OPCW for the investigation of alleged use of chemical weapons, the States Parties **expressed** their support for the close cooperation, in accordance with paragraph 27 of Part XI of the Verification Annex of the Convention, between the Director-General of the OPCW and the Secretary-General of the United Nations in this regard.

Part B: 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

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

- 9.20 The Third Review Conference recalled that the Convention is 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, and noted with satisfaction that the Convention continues to be a remarkable success and an example of effective multilateralism.
- 9.21 The Third Review Conference noted with satisfaction that implementation of the Convention makes a major contribution to international peace and security.
- 9.22 The Third 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.
- 9.23 The Third Review Conference reaffirmed that the obligation of the States Parties to complete the destruction of chemical weapons stockpiles as well as the destruction or conversion of chemical weapons production facilities (CWPFs) in accordance with the provisions of the Convention and its Verification Annex, and under verification by the Technical Secretariat (hereinafter “the Secretariat”), is essential for the realisation of the object and purpose of the Convention.
- 9.24 The Third Review Conference stressed that the destruction of all categories of chemical weapons is a fundamental objective of the Organisation.
- 9.25 The Third Review Conference reiterated the obligation to destroy or otherwise dispose of old chemical weapons.
- 9.26 The Third Review Conference reaffirmed the obligation to complete the destruction of abandoned chemical weapons in accordance with the provisions of the Convention, and the decision taken by the Council at its Sixty-Seventh Session (EC-67/DEC.6, dated 15 February 2012).
- 9.27 The Third Review Conference noted with concern that, along with the threat of the possible production, acquisition and use of chemical weapons by States, the international community also faces the danger of the production, acquisition and use of chemical weapons by non-State actors including terrorists. These concerns have highlighted the necessity of achieving universal adherence to the Convention, as well as the high level of OPCW readiness.
- 9.28 The Third Review Conference reaffirmed that the full, effective, and non-discriminatory implementation of all Articles of the Convention makes a major contribution to international peace and security, through the elimination of existing stockpiles of chemical weapons and prohibition of their acquisition and use, 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.

- 9.29 The Third Review Conference noted the importance of adequate funding from the regular budget for the full, effective, and non-discriminatory implementation of all Articles of the Convention, while also noting with appreciation the voluntary contributions made to support its implementation, including for verification and international cooperation and assistance.
- 9.30 The Third Review Conference noted with concern that, although the number of States Parties has risen from 183 in 2008 to 188 in 2013, eight States have still to join the Convention, including some whose non-adherence is a cause for serious concern.
- 9.31 The Third Review Conference recalled that in terms of Article XIII of the Convention “nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925”. The Third Review Conference also recalled that the Convention excludes completely the possibility of the use of chemical weapons thereby complementing the obligations assumed under the 1925 Geneva Protocol. It appealed to all High Contracting Parties to the 1925 Geneva Protocol to observe strictly its principles and objectives and called upon those States Parties that continue to maintain reservations to the 1925 Geneva Protocol related to the Convention to withdraw them and to notify the Depositary of the 1925 Geneva Protocol accordingly. The Third Review Conference invited States Parties to inform the next regular session of the Conference when a reservation to the 1925 Geneva Protocol is withdrawn.
- 9.32 The Third 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 (SAB) should continue its role in advising the Director-General and expressed appreciation for the report of the SAB prepared for the Third Review Conference that identifies a number of issues relevant to the operation of the Convention (RC-3/DG.1, dated 29 October 2012).

Ensuring the universality of the Chemical Weapons Convention

- 9.33 The Third Review Conference reiterated that the universality of the Convention is essential to achieving its object and purpose and to enhancing the security of States Parties, as well as international peace and security. The Third 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.
- 9.34 The Third Review Conference called for the adequate funding for the OPCW’s universality activities, through the regular budget and voluntary funding.
- 9.35 The Third Review Conference welcomed the fact that five additional States (the Bahamas, the Dominican Republic, Guinea Bissau, Iraq, and Lebanon) had joined the Convention since the Second Special Session of the Conference of the States Parties to Review the Chemical Weapons Convention (hereinafter “the Second Review Conference”).

- 9.36 The Third Review Conference noted that there remain eight States not Party to the Convention, including some whose non-adherence is a cause for serious concern.
- 9.37 The Third Review Conference reaffirmed the importance of the Action Plan on Universality (EC-M-23/DEC.3, dated 24 October 2003) and the subsequent decisions of the Conference to regularly review the results and implementation of it 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. It also recalled that States that remain outside the Convention are not able to take advantage of the benefits that it offers to States Parties.
- 9.38 The Third Review Conference noted that the proposal for the establishment of a zone free of nuclear weapons and all other weapons of mass destruction in the Middle East is consistent with the objective of universality of the Convention. The Third Review Conference regretted that an international conference was not convened in 2012 and expressed the hope that an international conference will be convened for this purpose at an early date. In this context, it welcomed the provision of background information by the Director-General that highlighted the achievements of the Convention as a model disarmament treaty.
- 9.39 The Third Review Conference, having reviewed developments in the field of universality:
- (a) Strongly urged all eight remaining States not Party to the Convention (Angola, the Democratic People's Republic of Korea, Egypt, Israel, Myanmar, Somalia, South Sudan, 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 contributing to global peace and security;
 - (b) Requested the States Parties to intensify further their efforts with all States not Party to encourage them to ratify or accede to the Convention at the earliest, with a view to achieving full universality;
 - (c) Requested the Secretariat and the Director-General to make full use of all available opportunities and resources including new mechanisms such as special envoys, as and when considered appropriate by the Director-General, to pursue this goal at all levels, including in close cooperation with other international, regional, and subregional organisations; and
 - (d) Request the policy-making organs to continue to annually review ongoing efforts to achieve universality.

General obligations and declarations related thereto

- 9.40 The Third Review Conference reaffirmed that full, effective, and non-discriminatory implementation of Articles I, II and III is essential for the realisation of the object and purpose of the Convention.
- 9.41 The Third 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. The definitions contained

in Article II, in particular, of the terms “chemical weapons” and “chemical weapons production facility”, were found to adequately cover the impact of developments in science and technology on the Convention’s prohibitions and to provide for the application of these 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.

- 9.42 The Third Review Conference stressed the importance of the full and timely implementation by States Parties of all declaration obligations under Article III.
- 9.43 The Third Review Conference reaffirmed that declarations provided by States Parties under Article III, which establish a baseline for measuring progress in the elimination of all categories of chemical weapons, as well as CWPFs, need to be comprehensive and accurate.
- 9.44 The Third Review Conference, having reviewed the subject of general obligations and declarations under Article III:
- (a) Called upon those States Parties that had yet to submit their initial declarations to do so as a matter of urgency;
 - (b) Requested the Secretariat to deploy continued efforts in support of those States Parties and to keep the Council informed of progress in the preparation and submission of initial declarations;
 - (c) Called upon States Parties to ensure that their declarations under Article III are updated in a timely manner, if and when new information becomes available; and
 - (d) Called upon the Secretariat to continue rendering, when requested, technical assistance to States Parties on the preparation and submission of declarations and amendments.

Destruction of chemical weapons, including implementation of the Conference of the States Parties and Executive Council decisions on destruction-related issues

- 9.45 The Third Review Conference reaffirmed that full, effective, and non-discriminatory implementation of Article IV is essential for the realisation of the object and purpose of the Convention.
- 9.46 The Third 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. The Third Review Conference reaffirmed that complete destruction of chemical weapons and conversion or complete destruction of CWPFs are essential for the realisation of the object and purpose of the Convention.
- 9.47 The Third Review Conference welcomed the completion of the full destruction of the chemical weapons that had been owned or possessed by A State Party, Albania, and India, in accordance with the provisions of the Convention.

- 9.48 The Third Review Conference noted that, as at 31 March 2013, 55,474.00 MTs (79.90%) of declared Category 1 chemical weapons had been destroyed under strict verification by the Secretariat and noted with concern that, as at the same date, 20.10% of them remained to be destroyed.
- 9.49 The Third Review Conference noted that the Conference at its Sixteenth Session had adopted a decision regarding the final extended deadline of 29 April 2012 (C-16/DEC.11). Further to this decision, the Third Review Conference conducted a comprehensive review of the implementation of this decision at a specially designated meeting.
- 9.50 The Third Review Conference expressed its concern regarding the Director-General's statement in his report to the Council at its Sixty-Eighth Session, provided in accordance with paragraph 2 of C-16/DEC.11, that "three possessor States Parties, namely Libya, the Russian Federation, and the United States of America, have been unable to fully meet the final extended deadline of 29 April 2012 for the destruction of their chemical weapons stockpiles" (EC-68/DG.9, dated 1 May 2012).
- 9.51 The Third Review Conference noted further that the measures that had been identified in paragraph 3 of the decision (C-16/DEC.11) were now being implemented.
- 9.52 The Third Review Conference further 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 Third Review Conference 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.
- 9.53 Further to the aforementioned decision by the Conference at its Sixteenth Session (subparagraph 3(h)(ii) of C-16/DEC.11), the Director-General provided a written report (RC-3/DG.3/Rev.1, dated 11 April 2013) at a specially designated meeting of the Third Review Conference, based on the independent information received by the Secretariat from the Organisation's inspectors undertaking verification in accordance with Part IV(A) D of the Verification Annex, which included information on:
- (a) The progress achieved to meet the planned completion date(s); and
 - (b) The effectiveness of any specific measures that have been undertaken to overcome problems in the destruction programmes.
- 9.54 The Third Review Conference noted the statements and comments made by States Parties on the Report by the Director-General.
- 9.55 The Third Review Conference noted the Report by the Director-General on the overall progress with respect to the destruction of the remaining chemical weapons stockpiles in which he stated that he "is in the position to confirm that the three possessor States, namely Libya, the Russian Federation and the United States of America, have taken the necessary measures to meet the planned completion dates for their destruction activities" (RC-3/DG.3/Rev.1).

- 9.56 Further to the same decision by the Conference at its Sixteenth Session (subparagraph 3(h)(i) of C-16/DEC.11), Libya provided a report at a specially designated meeting of the Third Review Conference on the progress achieved to meet the planned completion date, including on any specific measures undertaken to overcome problems in the destruction programmes and information on the projected schedule for destruction activities to meet the planned destruction date, which was considered and noted by the Third Review Conference, along with comments on the issue as mentioned above.
- 9.57 Further to the same decision by the Conference at its Sixteenth Session (subparagraph 3(h)(i) of C-16/DEC.11), the Russian Federation provided a report at a specially designated meeting of the Third Review Conference on the progress achieved to meet the planned completion date, including on any specific measures undertaken to overcome problems in the destruction programmes and information on the projected schedule for destruction activities to meet the planned destruction date, which was considered and noted by the Third Review Conference, along with comments on the issue as mentioned above.
- 9.58 Further to the same decision by the Conference at its Sixteenth Session (subparagraph 3(h)(i) of C-16/DEC.11), the United States of America provided a report at a specially designated meeting of the Third Review Conference on the progress achieved to meet the planned completion date, including on any specific measures undertaken to overcome problems in the destruction programmes and information on the projected schedule for destruction activities to meet the planned destruction date, which was considered and noted by the Third Review Conference, along with comments on the issue as mentioned above.
- 9.59 The Third Review Conference stressed that the provisions of Article IV and the detailed procedures for its implementation shall apply to all chemical weapons owned or possessed by a State Party, or that are located in any place under its jurisdiction or control.
- 9.60 The Third Review Conference reaffirmed the importance of the destruction of all abandoned chemical weapons in accordance with the provisions of the Convention and the decision taken by the Council at its Sixty-Seventh Session (EC-67/DEC.6). The Third Review Conference, while recalling concerns noted by the Council that the extended deadline of 29 April 2012 would not be fully met, welcomed the Council's decision EC-67/DEC.6. The Third Review Conference noted that, in implementing the relevant decision, the relevant States Parties have conducted a number of technical coordinations among relevant States Parties and have addressed challenges including ensuring the safety of people and protecting the environment. While noting that, in 2012, the destruction progress was less than expected in the destruction plan attached to the relevant decision, the Third Review Conference recognised efforts by the relevant States Parties and the achievement of the destruction of 35,931 items of abandoned chemical weapons by the end of 2012. The Third Review Conference welcomed the close cooperation between relevant States Parties. The Third Review Conference noted that the relevant States Parties welcome visits of the Chairperson of the Council, the Director-General and a delegation representing the Council to destruction facilities to obtain an overview of the destruction of the abandoned chemical weapons. The Third Review Conference reaffirmed the role of the Council, the Conference and the Review Conference with regard to the abandoned chemical

weapons destruction related issues as defined in the provisions of the Convention and in the Council's decision EC-67/DEC.6.

- 9.61 The Third Review Conference reaffirmed the obligation to destroy or otherwise dispose of old chemical weapons in accordance with the Convention.
- 9.62 The Third Review Conference, having reviewed the destruction of chemical weapons:
- (a) Reaffirmed the decision that 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 Annex on Implementation and Verification and with the full application of all the measures contained in decision C-16/DEC.11 on the final extended deadline of 29 April 2012;
 - (b) Requested the Conference and the Council to continue to keep under review and oversee the completion of destruction of chemical weapons stockpiles and, in this regard, underlined the importance of continuing to receive the Director-General's confirmation that the necessary measures are being undertaken by the possessor States concerned to meet the planned completion dates for their destruction activities;
 - (c) Encouraged the Director-General to continue consulting with the possessor States concerned in order to continue improving the reporting that is required from the States Parties concerned in the application of the decision C-16/DEC.11, and requested that future reporting by the possessor States concerned, on the basis of C-16/DEC.11, continue to contain information on the progress achieved to meet the planned completion date by which the destruction of the remaining chemical weapons is to be completed;
 - (d) Requested the Director-General to continue to provide a written report to the Council and the Conference as per their relevant decisions;
 - (e) Encouraged States Parties to continue addressing the issues related to new discoveries of old chemical weapons and of abandoned chemical weapons within the provisions of the Convention; and
 - (f) Urged the relevant States Parties to continue to make the fullest possible efforts to complete destruction of abandoned chemical weapons as soon as possible in accordance with the Council decision (EC-67/DEC.6) and encouraged continued cooperation between relevant States Parties to that effect.

Destruction or conversion of chemical weapons production facilities

- 9.63 The Third Review Conference reaffirmed that full, effective, and non-discriminatory implementation of Article V is essential for the realisation of the object and purpose of the Convention.
- 9.64 The Third Review Conference noted progress in relation to the destruction or conversion of CWPFs as required by Part V of the Verification Annex. The Third Review Conference also noted 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 Second Review Conference.

- 9.65 The Third Review Conference noted that States Parties with converted CWPFs 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 ten years after certification by the Director-General of completion of their conversion for purposes not prohibited under the Convention.
- 9.66 The Third Review Conference noted the decision by the Council (EC-67/DEC.7, dated 16 February 2012) that established the nature of continued verification measures at converted facilities for which 10 years have elapsed after the Director-General's certification of their conversion, and emphasised that the decision ensures that any verification measures applied to facilities converted over 10 years previously are consistent with the non-discriminatory and effective implementation of the Convention.
- 9.67 The Third Review Conference, having reviewed the destruction or conversion of CWPFs:
- (a) Urged all relevant States Parties to complete the destruction or conversion of such facilities as soon as possible; and
 - (b) Requested the Council to continue to keep under review and oversee completion of destruction or conversion of CWPFs.

Verification activities of the OPCW

- 9.68 The Third Review Conference reaffirmed that full, effective, and non-discriminatory implementation of Article VI is essential for the realisation of the object and purpose of the Convention.
- 9.69 The Third Review Conference called for the adequate funding for the OPCW's verification activities, through the regular budget and voluntary funding.
- 9.70 The Third Review Conference noted that the verification system is an important element 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.
- 9.71 The Third Review Conference noted that the OPCW has established a verification system that meets the requirements of the Convention. It further noted that the verification system should continue to be improved in a manner consistent with the Convention in response to advances in science and technology, taking into consideration, as appropriate, the SAB's advice to the Director-General, as circulated to the Council. The Third Review Conference also recognised the continued need for the OPCW to have up-to-date verification technologies at its disposal, and encouraged the Secretariat to continue to work with States Parties that wish to familiarise themselves with approved verification equipment.

- 9.72 The Third Review Conference recalled the obligation for all States Parties to submit timely, accurate and complete declarations consistent with the provisions of the Convention under Article VI. The Third Review Conference reiterated that declarations provided by States Parties are the cornerstone of the verification regime of the Convention.
- 9.73 The Third Review Conference took note of the need for the Secretariat to conduct the approved number of inspections under Article VI in accordance with the agreed guidelines (EC-66/DEC.10, dated 7 October 2011) which are to be reviewed after three years of implementation. The Third Review Conference noted the results of the analysis of the performance of the site-selection methodology for other chemical production facilities (OCPFs) in accordance with S/962/2011 (dated 8 September 2011) in 2012. The Third Review Conference requested the Secretariat to continue engaging States Parties in demonstrating the site-selection random processes and procedures in an effort to increase transparency and confidence.
- 9.74 The Third Review Conference welcomed the continued progress since the Second Review Conference in maintaining the Verification Information System, including the option of submitting declarations in electronic form.
- 9.75 The Third Review Conference noted that the verification system had been strengthened since the Second Review Conference and noted that the efforts made by States Parties in the standardisation of declaration data, the increase in the number of inspections of chemical industry facilities, the reduction of the size of inspection teams, and the introduction of a new interim OCPF site-selection methodology had contributed to increasing the effectiveness and efficiency of the verification system.
- 9.76 The Third Review Conference urged all States Parties to implement the standing arrangements required by the Convention without delay and in a manner fully consistent with the requirements of the Convention and its Verification Annex.
- 9.77 The Third Review Conference welcomed the benefit gained as a result of the Secretariat's practices related to sampling and analysis for verification purposes during Schedule 2 site inspections, and emphasised the importance of adequate and up-to-date analytical tools for the efficient, effective, and accurate conduct of on-site sampling and analysis.
- 9.78 The Third Review Conference noted that the Secretariat has experience in cooperating with States Parties, upon request, in fulfilling declaration obligations.
- 9.79 The Third Review Conference, having reviewed the verification activities of the OPCW:
- (a) Requested the Secretariat to assist National Authorities, upon request, in building up and improving their capacity to fulfil their obligations under the verification regime, including in fulfilling their declaration obligations;
 - (b) Encouraged States Parties' National Authorities in a position to do so, to submit declarations in an electronic form, and further requested the Secretariat to continue providing States Parties with appropriate training and assistance;

- (c) Stressed the importance for the Secretariat to maintain verification expertise relating to chemical weapons and requested the policy-making organs to support this objective;
- (d) Encouraged the Secretariat to maintain and further develop, update and improve its practices in regard to its capability to perform sampling and analysis under the different scenarios envisaged in the Convention with a view to ensuring the efficiency and effectiveness of verification without creating new obligations for States Parties, and in this context to maintain its efforts to keep updated the OPCW Central Analytical Database and to continue to submit proposed updates in this regard to the Council for its approval;
- (e) Encouraged the Secretariat through the National Authorities to continue to strengthen relations with respective national chemical industry. The Secretariat is also encouraged to strengthen its relationship with regional and international chemical industry associations; and
- (f) Encouraged the Director-General to continue to render specialised advice to the policy-making organs and States Parties in the areas of science and technology relevant to the Convention on the basis of advice from the SAB; and encouraged greater participation and involvement by States Parties in the information sessions organised by the SAB.

Activities not prohibited under the Chemical Weapons Convention

- 9.80 The Third Review Conference reaffirmed that full, effective, and non-discriminatory implementation of Article VI is essential for the realisation of the object and purpose of the Convention.
- 9.81 The Third Review Conference called for the adequate funding for the OPCW's verification activities under Article VI, through the regular budget and voluntary funding.
- 9.82 The Third Review Conference reaffirmed the right of each State Party, 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.
- 9.83 The Third Review Conference emphasised that the full implementation of the provisions of the Convention at a national level, including the timely submission of accurate and complete declarations in accordance with the provisions of the Convention, and updates to those declarations, is essential to ensuring the efficiency and effectiveness of the Convention regime.
- 9.84 The Third Review Conference, while noting that some States Parties have not yet submitted their initial declarations, recognised the need for a tailor-made assistance approach to improve the status of submission of declarations.
- 9.85 The Third Review Conference reviewed progress made in the implementation of the Conference decision on guidelines regarding low-concentration limits for declarations of Schedule 2A and 2A* chemicals (C-14/DEC.4, dated 2 December 2009) and called for fuller implementation of the Conference decision at the domestic level.

- 9.86 The Third Review Conference also noted the continued importance of providing practical help to States Parties to enable them to identify all declarable facilities and activities, thereby ensuring that these are effectively brought under the purview of the Convention's industry verification regime. The Third Review Conference noted with satisfaction that in November 2008, the Secretariat released a major revision of the Declarations Handbook and stressed that any further revision of the Declarations Handbook should take into account the views of States Parties.
- 9.87 In relation to the declaration and inspection of OCPFs, the Third 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.
- 9.88 The Third Review Conference recalled 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 Third 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.
- 9.89 The Third Review Conference welcomed the decision adopted by the Council on policy guidelines for determining the number of Article VI inspections (EC-66/DEC.10).
- 9.90 The Third Review Conference noted that the Article VI verification system could be improved, taking into account any relevant changes in science and technology.
- 9.91 In relation to transfers of scheduled chemicals to or from States not Party, the Third Review Conference recalled the prohibitions on any such transfers of Schedule 1 and Schedule 2 chemicals. It also noted that an increasing number of States Parties had put in place the necessary measures in that regard.
- 9.92 The Third Review Conference recalled the decision of the Council on measures regarding the transfer of Schedule 3 chemicals to States not Party to the Convention (EC-47/DEC.8, dated 8 November 2006) and noted the matter remains an issue under consideration of the Council. It encouraged the Council to continue with its work in this regard.
- 9.93 The Third Review Conference noted that discrepancies in transfers declared by States Parties continue, and encouraged the cluster on chemical-industry and other Article VI issues to consult on the ways to reconcile such discrepancies.
- 9.94 The Third Review Conference noted the utility of consultations in the cluster on chemical-industry and other Article VI issues, which has provided solutions that contribute to improving the verification regime.
- 9.95 The Third Review Conference, having reviewed activities not prohibited under the Convention:
- (a) Called upon those States Parties that have not yet submitted their initial declarations to do so as soon as possible;

- (b) Called upon States Parties that have not yet implemented the decision on guidelines regarding low-concentration limits for declarations of Schedule 2A and 2A* chemicals to take necessary measures to expedite its implementation;
- (c) Urged States Parties to ensure that declarations are submitted in a timely, complete and accurate manner, consistent with the provisions of the Convention, making use of the Secretariat's resources, as appropriate;
- (d) Encouraged the Secretariat to continue to provide technical assistance to States Parties for 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;
- (e) Encouraged the Secretariat to continue to develop and periodically update existing databases on declarable chemicals, which facilitate the identification of such chemicals;
- (f) Encouraged the Secretariat, in close cooperation with States Parties, to continue to make efforts to increase the effectiveness and efficiency of the verification system;
- (g) Called upon States Parties and the Secretariat to continue working to identify the causes of discrepancies related to Article VI declarations, such as those relating to aggregate national data for Schedule 2 and 3 transfers, as well as OCPF declarations, and recommend possible solutions and alternatives to the policy-making organs;
- (h) In view of advances in science and technology, the development of the chemical industry, and the growth in the trade of chemicals, encouraged the Secretariat to continue to strengthen its relations with regional and international chemical industry associations; and
- (i) Called upon States Parties to continue to use the cluster established by the Council on chemical-industry and other Article VI issues and to develop ways to improve the implementation of the industry verification regime.

National implementation measures

- 9.96 The Third Review Conference reaffirmed that full, effective, and non-discriminatory implementation of Article VII is essential for the realisation of the object and purpose of the Convention.
- 9.97 The Third Review Conference called for the adequate funding for the OPCW's national implementation programmes, through the regular budget and voluntary funding.
- 9.98 The Third Review Conference reaffirmed that the effective contribution of the Convention to international and regional peace and security can be enhanced through its full and effective implementation.
- 9.99 The Third Review Conference acknowledged that some progress has been made in the implementation of Article VII since the adoption of the action plan by the Conference

at its Eighth Session (C-8/DEC.16, dated 24 October 2003). The Third Review Conference welcomed the fact that since the Second Review Conference an additional nine States Parties have adopted legislation to fully implement the provisions of the Convention. The Third Review Conference noted the challenges ahead, and further noted that only 91 States Parties have fully enacted legislation and/or adopted administrative measures to fully meet these obligations under the Convention. The Third Review Conference noted the commitment of States Parties to adopt, in accordance with constitutional processes, the necessary measures to fully implement their obligations under the Convention as a matter of priority, and to keep the effectiveness of these measures under review.

- 9.100 The Third Review Conference highlighted the need for a comprehensive approach to national implementation in line with each State Party's constitutional requirements, to filling gaps in national implementation, and to ensuring that national implementation measures are consistent with the provisions of the Convention.
- 9.101 The Third Review Conference acknowledged the role of education, outreach and awareness-raising as a relevant activity for the national implementation of the Convention, including awareness among academia and relevant scientific communities of the provisions of the Convention, the domestic laws and regulations relevant to the Convention. Accordingly, the Third Review Conference welcomed the establishment of the SAB temporary working group on education and outreach.
- 9.102 The Third Review Conference, while acknowledging the challenges still faced by certain States Parties, commended the efforts of States Parties and the Secretariat in assisting with national implementation measures. It noted again the value of bilateral assistance and networking within and among regions, especially for States Parties that may need particular assistance.
- 9.103 The Third Review Conference, having reviewed national implementation measures:
- (a) Called upon all States Parties to adopt, in accordance with constitutional processes, the necessary measures to fully implement their obligations under the Convention in line with the commitment reflected in paragraph 9.99;
 - (b) Encouraged the States Parties which are yet to fulfil their obligations under Article VII to engage with the Secretariat on the steps that need to be undertaken for the national implementation of the Convention;
 - (c) Encouraged the Secretariat to explore innovative methods of providing assistance on tailor-made approaches as a potential means to further advance the implementation of Article VII;
 - (d) Called upon all States Parties to keep the effectiveness of national implementation measures under review so as to ensure at all times that the provisions of the Convention are implemented within their territory or in any other place under their respective jurisdiction;
 - (e) Encouraged the Secretariat, in concert with the SAB temporary working group on education and outreach, to assist States Parties, upon request, in implementing education and outreach activities, including by disseminating materials, conducting workshops and regional meetings;

- (f) Encouraged the Secretariat to develop, within existing resources, activities that will enhance South-South, regional, and subregional cooperation, as well as special programmes towards the full implementation of Article VII;
- (g) Encouraged States Parties and the Secretariat to continue to consult in order to enhance further the utility and effectiveness of all implementation-support programmes, and requested the Secretariat to evaluate these programmes and report to the Council;
- (h) Requested the Secretariat to continue to submit its annual report on the implementation of Article VII to the Conference, and 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. The Secretariat is further requested to include an assessment in this report, for consideration by the policy-making organs, containing a comprehensive and objective analysis of the current status of national implementation, with a view to tracking the progress made and formulation of focused assistance programmes;
- (i) Encouraged the Secretariat to expand the use of contemporary technological developments to assist and promote its training methods, including further development of e-learning modules; and
- (j) Encouraged States Parties in a position to do so to continue to enhance their practical support for the implementation of Article VII obligations by those States Parties so requested.

Consultations, cooperation, and fact-finding

- 9.104 The Third 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.
- 9.105 The Third Review Conference noted that the Council had received no clarification requests under paragraphs 3 to 7 of Article IX since entry into force of the Convention.
- 9.106 The Third Review Conference also noted that no challenge inspection or investigation of alleged use in a State Party had been requested since entry into force.
- 9.107 The Third Review Conference recalled that in case of any abuse the provisions of paragraph 23 of Article IX of the Convention shall apply.
- 9.108 The Third 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 such matters and identify any necessary follow-on action by the OPCW, as well as to facilitate the delivery of assistance in cooperation with relevant international organisations and the United Nations.

- 9.109 The Third Review Conference noted with satisfaction 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 and underlined the importance of the Secretariat maintaining and further developing the technical capabilities, expertise, and necessary preparedness. It recalled with appreciation the support provided by States Parties for challenge inspection and investigation of alleged use exercises.
- 9.110 The Third Review Conference welcomed the Supplementary Arrangement that the OPCW concluded with the United Nations in 2012 related to investigations of alleged use involving States not Party, and noted that in case the provisions of paragraph 27 of Part XI of the Verification Annex to the Convention 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 Secretariat is undertaking to respond to the request.
- 9.111 The Third Review Conference, having reviewed the implementation of the provisions of the Convention on consultations, cooperation, and fact-finding:
- (a) Encouraged States Parties to make further use, as appropriate, of the bilateral consultation mechanism provided by Article IX;
 - (b) Requested the Secretariat to continue to improve the standard of readiness to conduct a challenge inspection or an investigation of alleged use in accordance with the provisions of the Convention. To this end, it could continue to conduct table-top exercises and mock inspections;
 - (c) Requested the Secretariat 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 or an investigation of alleged use;
 - (d) Encouraged States Parties in a position to do so to further assist the Secretariat in maintaining a high standard of readiness through, inter alia, the conduct of challenge inspection exercises; and
 - (e) Noted that a number of issues related to challenge inspections still remained to be resolved and that their resolution is important for challenge inspections, and requested the Council to continue its deliberations in order to resolve them expeditiously.

Assistance and protection against chemical weapons

- 9.112 The Third Review Conference reaffirmed that full, effective, and non-discriminatory implementation of Article X is essential for the realisation of the object and purpose of the Convention.
- 9.113 The Third Review Conference called for the adequate funding for the OPCW's assistance and protection programmes, through the regular budget and voluntary funding.

- 9.114 The Third Review Conference welcomed the activities of the OPCW in relation to assistance and protection against chemical weapons and supported further efforts both by States Parties and the Secretariat to promote a high level of readiness to respond to chemical weapons threats as articulated in Article X, and 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 established training centres.
- 9.115 The Third Review Conference, in the light of the possibility of the use of chemical weapons against States Parties to the Convention through threat by actions or activities of any State as described by paragraph 8 of Article X as well as the threat of the possibility of the use of chemical weapons by non-State actors including terrorists, welcomed the measures taken by the Secretariat to strengthen its ability to respond promptly to requests for assistance made under Article X and to investigate the alleged use of chemical weapons.
- 9.116 The Third Review Conference acknowledged with appreciation the establishment of the International Support Network for Victims of Chemical Weapons and the establishment of a voluntary trust fund for that purpose.
- 9.117 The Third 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.
- 9.118 The Third Review Conference, having reviewed the assistance and protection against chemical weapons:
- (a) Encouraged the Secretariat to take measures to further strengthen its capacity to respond promptly to requests for assistance under Article X and to investigate the alleged use of chemical weapons, including developing capabilities to undertake biomedical sampling and analysis;
 - (b) Encouraged the Secretariat to engage in more active cooperation with relevant regional and subregional organisations as well as international organisations that have mandates relevant to assistance and protection against chemical weapons. Such cooperation could include joint exercises and training including by the use of e-learning modules;
 - (c) Encouraged the Secretariat to continue its efforts for capacity building at the regional and subregional level and to make better use of regional and subregional capacities and expertise for providing assistance to States Parties upon request; and called on States Parties in the regions and subregions concerned to cooperate closely and to participate in joint exercises and training programmes;
 - (d) Encouraged the Secretariat to improve coordination in the selection of its regional assistance and protection activities with the States Parties in each region;
 - (e) Urged all States Parties, particularly those that have not yet done so, to make their annual submissions of information on their national programmes related

to protective purposes in a timely fashion, and requested the Secretariat to assist States Parties with the timely completion of their submissions;

- (f) Urged all States Parties that have yet to make offers of assistance to the OPCW to do so as required by Article X;
- (g) Requested the Secretariat to continue evaluating the offers of technical assistance and donation of equipment and keep States Parties informed about how these can be optimised and about any problems requiring attention;
- (h) Requested the Secretariat to review and keep up to date the OPCW data bank on protection, its current lists of experts, both within the Secretariat and from States Parties (including those listed in paragraph 7 of Part XI of the Verification Annex and those in the Protection Network);
- (i) Encouraged States Parties to facilitate and make materials and equipment-related assistance available to other States Parties to assist and support the victims of chemical weapons, without undue restrictions;
- (j) Encouraged States Parties to contribute to the voluntary fund regarding the International Support Network for Victims of Chemical Weapons in order to enhance the humanitarian aims of the network;
- (k) Encouraged the OPCW to engage in more active involvement and participation of relevant civil society organisations and chemical industry associations in the assistance and protection programmes; and
- (l) Encouraged the Secretariat to include in its annual report on the status of implementation of Article X an evaluation of the results of its programmes under Article X.

Economic and technological development

- 9.119 The Third Review Conference reaffirmed that full, effective, and non-discriminatory implementation of Article XI is essential for the realisation of object and purpose of the Convention.
- 9.120 The Third Review Conference commended the decision entitled “Components of an Agreed Framework for the Full Implementation of Article XI” adopted by the Conference at its Sixteenth Session (C-16/DEC.10, dated 1 December 2011). It recognised that the decision provides guidance for the full, effective, and non-discriminatory implementation of Article XI, as well as identifying avenues for further work that would advance its objectives.
- 9.121 The Third Review Conference called for the adequate funding for the OPCW’s international cooperation and assistance programmes, through the regular budget and voluntary funding.
- 9.122 While noting States Parties’ scientific and technological cooperation in the peaceful uses of chemistry on a non-discriminatory basis, the Third Review Conference called upon all States Parties to facilitate and enhance such cooperation.

- 9.123 The Third Review Conference underlined that the comprehensive implementation of Article XI reinforces capacity building in each State Party and in doing so reinforces the ability of States Parties to fully implement the Convention. In this context, it underlined the importance of assistance and national capacity building in the field of chemical activities for purposes not prohibited under the Convention. The Third Review Conference welcomed national and regional efforts in this area.
- 9.124 The Third Review Conference commended the Secretariat for its efforts in the implementation of Article XI.
- 9.125 The Third Review Conference recognised that recent plans and activities on the implementation of Article XI showed valuable examples of South-South cooperation.
- 9.126 The Third Review Conference recalled that chemical safety and security, while being two distinct processes, are the prime responsibilities of States Parties. It encouraged the promotion of a safety and security culture regarding chemical facilities and of transportation of toxic chemicals. It noted that capacity-building activities in these fields are one of the elements of the decision on components of an agreed framework for the full implementation of Article XI adopted by the Conference at its Sixteenth Session (C-16/DEC.10).
- 9.127 The Third Review Conference noted the initiatives taken by States Parties and the Secretariat to promote activities in the areas of chemical safety and security, and welcomed the role of the OPCW as a platform for voluntary consultations and cooperation among the States Parties and the relevant stakeholders, including the private sector and academia, to promote a global chemical safety and security culture.
- 9.128 The Third Review Conference welcomed the establishment by States Parties of national and international resource centres and centres of excellence to offer expertise, training, and best-practice exchanges in the areas of international cooperation and assistance.
- 9.129 The Third Review Conference reaffirmed the provision of Article XI that the States Parties shall 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.
- 9.130 The Third 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.
- 9.131 The Third Review Conference, having reviewed economic and technological development:
- (a) Commending the decision entitled “Components of an Agreed Framework for the Full Implementation of Article XI” adopted by the Conference at its Sixteenth Session (C-16/DEC.10), it recognised that the decision provides guidance for the full, effective, and non-discriminatory implementation of

Article XI and allows for consideration of additional proposals to further develop and enhance actions for the advancement of its objectives;

- (b) Called upon States Parties to fully implement the provisions of Article XI, and encouraged States Parties to continue supporting the activities under Article XI, including through voluntary contributions;
- (c) Encouraged the Council to continue the ongoing facilitation process in order to deliberate and explore, as appropriate, additional measures within an agreed framework to ensure the full, effective, and non-discriminatory implementation of all provisions of Article XI;
- (d) Requested the Secretariat to prepare and submit, on a regular basis, concrete programmes and actions relevant for States Parties related to the implementation of Article XI, as well as to report to the Conference on the progress made in the implementation of the decision on the components of an agreed framework for the full implementation of Article XI (C-16/DEC.10);
- (e) Noting that the decision on the components of an agreed framework for the full implementation of Article XI (C-16/DEC.10) identified concrete measures to be implemented by States Parties and the Secretariat, reiterated the importance of national capacity-building for the research, development, storage, production, and safe use of chemicals for purposes not prohibited under the Convention;
- (f) Recommended that all OPCW programmes relating to Article XI 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 States Parties and the Secretariat, aimed at achieving a clear understanding of the competencies available, the needs of States Parties, and the requirements of the Convention;
- (g) Encouraged the Secretariat and States Parties to consider augmenting programmes to assist States Parties, upon request, in maintaining and developing their analytical skills and laboratory capabilities in support of National Authorities;
- (h) Requested the Secretariat to continue facilitating and promoting the provision, upon request, of expert advice on the peaceful uses of chemistry to and among States Parties, including supporting cooperation projects among States Parties;
- (i) While taking into account the independent and autonomous nature of the Organisation, encouraged the Secretariat to 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;
- (j) Encouraged the Secretariat to continue to develop relationships and partnerships with other relevant bodies, national and international, that are working to promote the peaceful and responsible use of chemistry, including capacity building;

- (k) Encouraged the States Parties and the Secretariat to promote the OPCW's role as a platform for voluntary consultation and cooperation among States Parties in the areas of chemical safety and security, including through the exchanges of information and best practices, and to support national capacity building, upon request;
- (l) Encouraged the Secretariat to continue to develop relations and partnerships as appropriate with relevant regional and international organisations, as well as chemical industry associations, the private sector, academia, and civil society, in order to raise awareness of the activities of the OPCW;
- (m) Requested the Secretariat to make the information relevant to international cooperation activities available to the National Authorities in a timely fashion on the external server, as well as to make the above information more widely publicised;
- (n) Called upon the Secretariat to continue implementing the OPCW Programme to Strengthen Cooperation with Africa on the Chemical Weapons Convention, and other appropriate programmes, as well as to provide feedback on a regular basis on the activities and progress made in this regard and, while emphasising the importance of regular budgetary funding for these programmes, encouraged States Parties to make further voluntary contributions to support them;
- (o) Encouraged the Secretariat to maintain an alumni association of the Associate Programme and other capacity-building programmes in order to preserve lessons learned and experience gained;
- (p) Encouraged the Secretariat to expand the use of e-learning as one of the means for capacity-building and outreach activities; and
- (q) 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.

Articles XII to XV and final clauses

- 9.132 The Third Review Conference reaffirmed the continued relevance of the provisions of Articles XII to XV.

The protection of confidential information

- 9.133 The Third Review Conference reiterated the need to ensure that confidential data, including the information collected from the chemical industry, is effectively protected at all times, in accordance with the requirements of the Convention. In this context, it emphasised the 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.
- 9.134 The Third Review Conference stressed the importance of the procedures to be applied in cases of alleged breaches of confidentiality and noted with satisfaction that the

Confidentiality Commission has had no disputes relating to such breaches of confidentiality brought before it since entry into force.

- 9.135 The Third Review Conference welcomed the improvements made in implementing the confidentiality regime since the Second Review Conference, including new initiatives by the Secretariat in relation to the implementation of the confidentiality regime of the OPCW.
- 9.136 The Third Review Conference, having reviewed the protection of confidential information:
- (a) While noting an increase in the number of States Parties that have provided the details of their handling of the information provided to them by the OPCW, urged the remaining States Parties to provide them expeditiously;
 - (b) Encouraged States Parties to review their practices in assigning levels of classification to confidential information, particularly that related to chemical weapons destruction, and if possible, and in accordance with the States Parties' 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;
 - (c) Called on the Secretariat to continue assisting States Parties in improving their handling of confidential information; and
 - (d) While noting the Note (EC-61/S/3, dated 21 May 2010) on the issue of developing and implementing guidelines regarding the long-term handling of confidential information, encouraged the Secretariat and the Council to complete the ongoing work in this regard.

The general functioning of the Organisation for the Prohibition of Chemical Weapons

- 9.137 The Third Review Conference reaffirmed that full, effective, and non-discriminatory implementation of Article VIII is essential for the realisation of object and purpose of the Convention.
- 9.138 The Third Review Conference called for the adequate funding for the functioning of the Organisation, through the regular budget and voluntary funding.
- 9.139 The Third Review Conference recognised the important role and function of the policy-making organs in ensuring the implementation of the Convention. It noted with satisfaction the prevailing practice of and the commitment by the States Parties to adopting decisions by consensus, which had played an important role towards the achievement of common goals and had strengthened the authority of the Convention.
- 9.140 The Third Review Conference recognised the important contribution made by the Council in advancing and furthering the work of the OPCW. It noted the efforts made with regard to improving its methodology of work and appreciated in this connection the commitment and dedication of the Chairperson of the Council in the context of improving its methodology and enhancing its effectiveness and efficiency.

- 9.141 The Third Review Conference recognised the valuable role of the SAB and noted that this role will be of increasing importance in the future as scientific and technological changes continue apace. The Third Review Conference further noted the SAB report (RC-3/DG.1) and the response by the Director-General thereto (RC-3/DG.2, dated 31 January 2013). It requested the Director-General and the Council to take into account the recommendations made therein.
- 9.142 The Third Review Conference noted the increasing convergence of chemistry and biology, and welcomed the establishment of the SAB temporary working group on the convergence of chemistry and biology to explore and consider the potential implications of these advances to the Convention.
- 9.143 The Third Review Conference noted the valuable contribution to the work of the OPCW made by the Advisory Body for Administrative and Financial Matters.
- 9.144 The Third Review Conference noted the importance of the contribution to the goals of the Convention that is made by the chemical industry, the scientific community, academia, and civil society organisations engaged with issues relevant to the Convention.
- 9.145 The Third Review Conference, while reaffirming the autonomous and independent status of the OPCW, while bearing in mind that the OPCW is not an anti-terrorism organisation, took cognisance of the relevant resolutions of the United Nations on combating terrorism and, with a view to enabling States Parties that seek international cooperation in the context of their national, regional, and subregional efforts, underscored the need to explore further cooperation on this issue and build on existing work with relevant international organisations and international bodies that deal with the potential threats of chemical terrorism.
- 9.146 The Third Review Conference took note of the work of the OPCW Open-Ended Working Group on Terrorism (OEWG) and expressed appreciation for the personal contributions made to its activities by successive Chairpersons. The Third Review Conference noted the relevance of the Council decision of 2001 (EC-XXVII/DEC.5, dated 7 December 2001). The Third Review Conference further encouraged the OEWG to continue to fulfil its mandate.
- 9.147 The Third Review Conference noted the United Nations General Assembly resolution “Cooperative measures to assess and increase awareness of environmental effects related to waste originating from chemical munitions dumped at sea”, adopted at its 65th session by consensus, and invited States Parties to support voluntary sharing of information, raising awareness and cooperation on this issue.
- 9.148 The Third Review Conference recognised the continued dedication, competence, and integrity of Secretariat staff under the able leadership of the Director-General. It noted the importance of the OPCW continuing to have at its disposal qualified and trained staff, equipment, and procedures fit for the tasks it must fulfil under the Convention, and reaffirmed the importance of recruiting staff in full adherence to the provisions of the Convention.
- 9.149 The Third Review Conference welcomed the improvements to the budgetary process of the OPCW since the Second Review Conference. It commended the initiatives undertaken by the Secretariat, such as the adoption of International Public Sector

Accounting Standards (IPSAS) and the ongoing implementation of results-based management (RBM). The Third 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.

- 9.150 The Third Review Conference noted with concern that many assessed contributions have not been received on time or in full and encouraged States Parties that are in arrears to enter into a payment plan in this regard.
- 9.151 The Third Review Conference noted that voluntary contributions by States Parties and regional organisations contribute significantly to the work and programmes of the OPCW.
- 9.152 The Third Review Conference 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, sustaining the high level of translation, and continuing to meet the interpretation requirements at sessions of the Conference and the Council.
- 9.153 The Third Review Conference commended the Secretariat for its efforts in achieving more effective, efficient, and transparent working practices to support the work of the policy-making organs. The Third Review Conference once again pointed out that in order to guarantee good results of the policy-making organs, it is necessary to ensure prompt and timely production of documents. In this context, the Third Review Conference stressed that more openness and transparency will serve the multilateral effectiveness of the Organisation.
- 9.154 The Third Review Conference expressed its satisfaction with the relationship between the OPCW and the Host Country, including the role of the Director-General, the Council, and the Host Country Committee in promoting good relations with the Netherlands. While noting the goodwill on the part of the Host Country, the Third Review Conference urged continued consultations to make progress on outstanding issues related to the implementation of the Headquarters Agreement.
- 9.155 The Third Review Conference, having reviewed the general functioning of the OPCW:
- (a) Called upon the Secretariat to ensure prompt and timely production of documents related to the policy-making organs, and to enhance efficiency and effectiveness in this regard;
 - (b) Encouraged States Parties to consider supporting the work of the SAB by making voluntary contributions to its trust fund and to consider a greater involvement and participation of States Parties in the information sessions organised by the SAB;
 - (c) Encouraged States Parties and the Secretariat to continue to keep the convergence of chemistry and biology under review, including through the SAB temporary working group on the convergence of chemistry and biology, and encouraged greater interaction between relevant experts;
 - (d) Called upon States Parties and the Secretariat, as part of efforts to promote the ethical norms of the Convention, to encourage and promote efforts by the

appropriate national and international professional bodies to inculcate awareness amongst scientists and engineers at an early stage in their training that the knowledge and technologies used for beneficial purposes should only be used for purposes not prohibited under this Convention;

- (e) Urged all States Parties, particularly those that are two or more years in arrears, to regularise their payments, related to their assessed contributions, without delay and in accordance with the Financial Regulations and Rules;
- (f) Requested the Director-General to continue to report regularly to the Council on the continued implementation of the tenure 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;
- (g) Emphasised the importance of continuing to have an open and transparent policy for recruiting staff and underlined the need for maintaining within the Secretariat chemical weapons-specific expertise and paying due consideration to geographical and gender balance;
- (h) Stressed that 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 their destruction, and requested the Secretariat to identify and implement ways of ensuring continuity in its knowledge base and expertise in these areas;
- (i) Requested the Director-General to keep in view developments in science and technology when identifying the future training needs of the Secretariat;
- (j) Called upon the Secretariat to continue to vigorously pursue initiatives such as IPSAS, and encouraged the Secretariat to further improve the budgetary process of the OPCW and the implementation of RBM;
- (k) Encouraged the Secretariat to continue its efforts to be more compact, flexible, and efficient, optimising its use of human and financial resources while ensuring that sufficient resources are available to support the effective implementation of the Convention, and to keep the Council regularly informed of progress via the annual Budget process;
- (l) Encouraged the Secretariat to continue to improve the effectiveness and efficiency of its work;
- (m) Encouraged the Director-General to review the current situation related to the administrative costs of the Organisation in order to secure its proper functioning, as well as the possibilities for cost-reduction measures; and
- (n) Encouraged the Secretariat and the States Parties to improve interaction with the chemical industry, the scientific community, academia, and civil society organisations engaged in issues relevant to the Convention, and encouraged the Secretariat and States Parties to develop a more open approach, in conformity with the Rules of Procedure of the policy-making organs with regard to such interaction.

10. AGENDA ITEM TEN – Reports of subsidiary bodies

Committee of the Whole

- 10.1 The Third 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-3/CoW.1, dated 19 April 2013), and **approved** the report.

General Committee

- 10.2 The Third Review Conference **noted** the reports of the General Committee, and **approved** the reports.

Credentials Committee

- 10.3 The report of the Credentials Committee (RC-3/2, dated 17 April 2013) was presented by its Chairperson, Ambassador Mohamed Karim Ben Bécher of Tunisia. The Chairperson orally reported that, following the closure of the Credentials Committee meeting, formal credentials were received for the representative of Cameroon. The Third Review Conference **noted** this additional information and **approved** the report.

11. AGENDA ITEM ELEVEN – Any other business

The Third Review Conference **welcomed** the announcement by Somalia about its decision to accede to the Convention, as reported by the Director-General.

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

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

13. AGENDA ITEM THIRTEEN – Closure

The Chairperson closed the Third Review Conference at 23:58 on 19 April 2013.