

**ISLAMIC REPUBLIC OF IRAN****FULL, EFFECTIVE AND NON-DISCRIMINATORY IMPLEMENTATION
OF ARTICLE XI****Introduction**

1. Considering the significance of Article XI of the Chemical Weapons Convention (hereinafter the Convention) for the economic and technical development of the States Parties to the Convention, full effective and non-discriminatory implementation of Article XI is a must if the goals set forth in the Convention are to be achieved.
2. According to para 1 of Article XI, the provisions of the Convention shall be implemented in a manner which avoids hampering the economic or technological development of State 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, chemicals and equipment for the production, processing or use of chemicals for purposes not prohibited under the Convention.
3. Despite the efforts made to this end, the facts on the ground seem to reflect disappointment, and objectives of Article XI are not materialized in a full and effective manner so far.

In the same vein, the Islamic Republic of Iran, while welcoming international cooperation for avoiding ignorance of Article XI, strongly rejects imposing discriminatory restrictions and unilateral sanctions against Member States and with a view to facilitate the materialization of the goals provided for by Article XI, would like to present its views as follows:

- (a) According to sub-para c of Article XI, States Parties shall not maintain among themselves any restrictions, including those in any international agreements, incompatible with the obligations undertaken under this Convention, restricting or impeding trade, development and promotion of scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes. However, actions taken by certain states in promulgating laws on controlling chemicals and equipment trade (for instance by Australia Group) against other States Parties are not in line with the provisions of the Article. Besides, some chemical exporting states urge the importer states, who are party to the Convention, to submit end user certificate or certificate for dual use, even for chemicals not covered by the schedules attached to the Convention. This is



obviously contrary to the provisions of Article XI and sub-para c of section VIII of the Inspection and Verification Annex.

(b) According to sub-para d of Article XI, the States Parties to the Convention shall not use this Convention as grounds for applying any measures other than those provided for, or permitted, under this Convention nor use any other international agreement for pursuing an objective inconsistent with this Convention.

(c) However, a number of states are responsible for the problems created in the process of exchanging chemicals and equipment as well as for imposing heavy costs on other States Parties. These are a couple of cases of deviation from explicit language of Article XI and in breach of this fundamental article's function.

(d) Given the fact that safety and security are extensive and complicated issues not included among the principal objectives of the Convention and taking into consideration that existing international conventions related to the issue of safety and security of chemicals be it organic or non-organic such as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants and SAICHEM Program are comprehensive and obligatory, excessive dealing with safety and security issues as overshadowing all the activities covered by Article XI of the Convention, constitutes diversion from and ignorance of the objectives put forth by the Article, leading the time and resources of the OPCW to be deviated towards matters with less importance and urgency from the Convention's viewpoint, while there exist relevant international conventions, enjoying specific international budget and mechanisms for chemical safety. Moreover, no reference has been made to "safety" or "security" in this Article and so indicating these issues have no place in the objectives enumerated for Article XI of the Convention (the issue of safety is referred to in Article X alongside protection and destruction).

(e) The CWC is agreed upon by the States Parties and all its provisions and annexes are of equal value. However, what has been done so far under Article XI is not only unacceptable, but the effective and progressive implementation thereof which was predicted for is now in decline; while the concern shown by the OPCW and its members in this regard is attenuated. Thus, it is essential for the developed States Parties to play their important part in full, effective, non-discriminatory implementation of Article XI. The same logic leads to the importance and necessity of establishing an Action Plan for Full implementation of Article XI as it has been the case with Article VII and universality of the CWC.

(f) Given the scientific-advisory nature of the SAB along with the goals provided for in Article XI of the Convention regarding scientific and technological development of the States Parties, we expect a more active and effective role played by the SAB if Article XI is to be implemented in full and on a non-discriminatory basis. This significant job could be done through SAB efforts for maintaining its scientific-advisory and apolitical nature, and through the formation of Article XI Working Group with a view to assist States Parties and the OPCW Policy Making Organs to attain full and effective implementation of Article XI.

(g) Providing advisory assistance for the Member States and particularly for the developing countries in capacity building, completing and equipping Member States' laboratories, introducing modern equipment and methods for experiments as well as states enjoying and offering them, to the States Parties to the Convention particularly the developing ones, introducing modern science and technologies in the field of chemistry, and introducing methods to remove existing obstacles in way of full, non-discriminatory implementation of Article XI, are among issues related to the operational objectives of the SAB and it is essential for it to play a more effective part.

(h) Considering that the CWC is a Convention to be complied with by States Parties and the fact that the states are its interlocutors, it is expected that the potentials of scientific societies cooperating with OPCW be used in full and in a transparent manner for Article XI to be implemented thoroughly and on a non-discriminatory basis in exchanging science and technology and not solely safety and security issues under the SAB activities and working groups.

(i) Given the lack of proper attention to the Article XI in activities of the OPCW, we expect, to promptly attain full and effective implementation thereof, that the budget dedicated by the OPCW to this, be elevated.

(j) Taking the goals envisaged in the Article into consideration, it is expected that the technology share be elevated in the OPCW training courses especially for the developing countries and the above-mentioned courses be confined to the CWC objectives, refraining from dedicating limited resources of the Organization to chemicals safety conventions.

(k) According to para 1 of Article XII of the Convention, it is expected that the Conference of States Parties would take the necessary measures to redress and remedy any situation which contravenes the provisions of this Convention and pave the way for abolishing discriminatory trade procedures and unilateral sanctions against states.

(l) It is expected that, in order to expedite the materialization of the main goals envisaged in Article XI, a committee be formed assessing the operation and conformity of the OPCW and States Parties to full, effective and non-discriminatory implementation of the Convention's Article XI.

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