



ISLAMIC REPUBLIC OF IRAN

ARTICLE XI ON ENHANCING INTERNATIONAL COOPERATION AND ASSISTANCE

1. Introduction

International cooperation and assistance is a key pillar of the Chemical Weapons Convention (hereinafter “the Convention”) as one of the greatest achievements of the international community in the contemporary era in the field of disarmament and arms control. In this vein, it is crucial to assess the status of implementation of this pillar during the review period, to identify the gaps and challenges in the Fifth Review Conference,¹ in order to develop a road map to achieve the full, effective, and non-discriminatory implementation of this multilateral instrument.

The Convention sets a delicate balance between the rights and obligations of the States Parties under this instrument. The full and effective implementation of Articles X and XI as the rights of the States Parties contributes to the implementation of the Convention in a balanced manner, which has yet to be achieved.

2. Article X: assistance and protection against chemical weapons

The review and evaluation of efforts made by the Technical Secretariat (hereinafter “the Secretariat”) and the States Parties with regard to the implementation of Article X during the review period is of high importance for addressing the future challenges in assistance and protection against the use or threat of use of chemical weapons.

Article X of the Convention is the most obvious embodiment of the humanitarian goals envisaged in the Convention for providing assistance and protection against the use or threat of use of chemical weapons against any State Party. Such assistance and protection can be materialised, including by capacity building and the exchange of equipment, material, and scientific and technological information concerning means of protection against chemical weapons.

Support for the Voluntary Fund for Assistance by all States Parties, in particular those in a position to do so, contributes to the Secretariat’s readiness to provide timely, adequate, and effective assistance in response to the request of States Parties. Needless to say, provision of such assistance should be fully consistent with the procedures set out in the Convention.

¹ Review Conference = Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention.



The Fifth Review Conference is a significant opportunity for States Parties to discuss Article X, in light of the recent global developments in this area, as an issue with a high priority for the full, effective, and non-discriminatory implementation of this Article, and to strengthen their efforts in the realisation of the object and purpose of the Convention.

3. Status of the implementation of the International Support Network for Victims of Chemical Weapons

The well-organised efforts with sufficient resources for the implementation of the provisions of Article X and the achievement of a reliable status of readiness of the Organisation for responding to requests for assistance, especially with regard to the needs of victims of chemical weapons, are essential for achieving the object and purpose of the Convention. Full implementation of this Article can only be achieved through maintaining the highest possible standards of coordination and readiness for delivery of assistance by the Organisation as well as by the States Parties.

In this regard, the Conference of the States Parties at its Sixteenth Session adopted decision C-16/DEC.13 (dated 2 December 2011) entitled “The Establishment of the International Support Network for Victims of Chemical Weapons and the Establishment of a Voluntary Trust Fund for This Purpose” which encouraged States Parties in a position to do so, to actively support the Network, inter alia, by: making financial contributions to the trust fund; providing medical treatment to victims of chemical weapons in their countries; organising events to raise awareness at the national level on victims of chemical weapons; exchanging information on experiences related to the treatment of victims of chemical weapons through, for example, providing research scholarships to States Parties with economies that are developing or in transition in the field of treatment of victims of chemical weapons; and facilitating materials and equipment-related assistance to States Parties to assist and support the victims of chemical weapons.

Unfortunately, since the establishment of the fund, no concrete measure has been taken to address the essential and urgent needs of chemical weapons victims so as to end the current emergency situation of the victims.

As a consequence of the terrible use of chemical weapons by the former Iraqi regime against the Islamic Republic of Iran, the victims of chemical weapons in Iran are still suffering from the pains of the use of such heinous weapons. Therefore, despite the voluntary nature of the trust fund for the International Support Network for Victims of Chemical Weapons, it is highly expected that the States Parties support financially this Network’s trust fund to meet the needs of the victims.

Additionally, despite the Director-General’s efforts to persuade some States Parties to remove their illegal sanctions on the medical needs of chemical weapons victims, no actions have been taken by them to terminate those inhumane illegal sanctions amid the COVID-19 pandemic. These inhumane sanctions have doubled the life difficulties of the victims of chemical weapons, being one of the most vulnerable groups during the COVID-19 pandemic. Undoubtedly, such unilateral coercive measures, which directly affect the health and medication of Iranian victims of chemical weapons and victimise them once again, are contrary to the obligations and commitments of the States Parties under the Convention.

In this regard, we propose that the States Parties take advantage of the Fifth Review Conference to address the consequences of unilateral coercive measures on the health and medication of victims of chemical weapons and consider the possibility of direct allocation of resources within the OPCW regular Programme and Budget. Indeed, the possibility of such action is foreseen in paragraph 11 of Article X of the Convention, which mandates the Director-General to consider certain funds within the OPCW resources for Article X.

4. Article XI: economic and technological development

The full, effective and non-discriminatory implementation of all provisions of Article XI is essential for the economic and technological development of States Parties and for 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 the realisation of the object and purpose of the Convention. Further, the provisions of the Convention shall be implemented in a manner that avoids hampering the economic or technological development of States Parties.

In this regard, the lack of adequate progress in the implementation of Article XI of the Convention shall be addressed through a holistic and results-based approach. Indeed, the realisation of the object and purpose of the Convention requires the full and effective implementation of this instrument, particularly Articles X and XI, in a balanced and comprehensive manner.

It should be stressed that any efforts towards the strengthening of the Convention shall take into account all of its provisions without compromising its object and purpose. The delicate balance in regard to the rights and obligations of States Parties as enshrined in many provisions of the Convention, including in Articles I, II, X, and XI, shall be strictly preserved.

It is evident that the capacity-building programmes and activities of the Secretariat on international cooperation contribute to the effective implementation of Article XI. On the other hand, it should be stressed that along with these programmes and activities, other concrete and tangible measures should be undertaken by the Secretariat to address the lack of adequate progress in the implementation of Article XI of the Convention.

Furthermore, 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. Therefore, it is highly expected that the national regulations of States Parties governing the international exchange and transfer of chemicals are consistent with the object and purpose of the provisions of the Convention.

The Fifth Review Conference is a great opportunity to address this matter, taking into account the establishment of a committee to explore ways and means to achieve the full and effective implementation of this Article, as well as to develop an action plan in this regard.

5. Conclusion

Assistance and protection against chemical weapons is a specialised and technical issue with a humanitarian nature, and there is still room for more improvements in this area in light of the increasing demand for such assistance.

Victims of chemical weapons shall remain a high priority for the OPCW, and its policy-making organs should take immediate action to remedy the pains of the victims. Unilateral coercive measures by some States Parties, which are contrary to their obligations under the Convention, deprive chemical weapons victims in Iran of access to essential medicines.

Since the establishment of the International Support Network for Victims of Chemical Weapons, no significant action has been taken to meet the urgent needs of the victims.

Despite the efforts made regarding the implementation of Article XI, the objectives of this Article are yet to be materialised, in a full, effective, and balanced manner.

Parallel restrictive measures on export control and similar mechanisms are incompatible with the obligations of States Parties under this Convention, as it restricts or impedes trade and the development and promotion of scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes for States Parties with economies that are developing or in transition.

Identifying challenges and obstacles to promoting international cooperation, assistance, and exchange in the field of chemistry, including equipment and materials, for purposes not prohibited under the Convention is essential for overcoming the shortcomings in the implementation of Articles X and XI.