



## **Working Paper**

**By the NAM CWC States Parties and China**

### **Proposal for a Plan of Action on the Full Implementation of Article XI of the Chemical Weapons Convention**

NAM CWC States Parties and China stress the importance of the provisions of Article XI of the Chemical Weapons Convention (hereinafter, the "Convention") with regard to the Economic and Technological Development of the States Parties, and considers that the full, effective and non-discriminatory implementation of Article XI is fundamental to achieve the objectives and purposes of the Convention.

The NAM CWC States Parties and China reaffirm the importance of international cooperation in the field of chemical activities for purposes not prohibited under the Chemical Weapons 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 this Convention.

The NAM CWC States Parties and China reaffirm their commitment to the full implementation of Article XI, especially in the light of scientific and technological developments in the field of chemistry which increase the potential for cooperation amongst States Parties and render such activities critical for strengthening the Convention. We are convinced that those States Parties that are the most advanced in this field should adopt positive steps aimed at promoting international cooperation and transfer of technology, on an equal and a non-discriminatory basis, particularly with countries less advanced in this field, thus promoting the basic objectives of this Convention.

The NAM CWC States Parties and China stress that States Parties shall not maintain among themselves any restrictions, including those in international agreements, incompatible with the obligations undertaken under the Convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical, and other peaceful purposes.

The NAM CWC States Parties and China call upon States Parties not to 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.

The NAM CWC States Parties and China call for a steady increase, on an annual basis, of funding for the OPCW's international cooperation and assistance programs through the regular budget in order to meet the ever-increasing demand.

The NAM CWC States Parties and China express their firm conviction that a Plan of Action is the best tool to ensure the full, effective and non-discriminatory implementation of Article XI as a fundamental pillar of the Convention.

During preparations for the Third Review Conference of the Convention, which will have a significant impact on the future of this international instrument, it is essential to take into account that several important decisions have been taken in this regard.

We are of the view that the decision taken by the Conference of the States Parties at its 16<sup>th</sup> Session (C-16/DEC.10, dated 1 December 2011) on "Components of an Agreed Framework for the Full Implementation of Article XI" constitutes an important step towards the full implementation of this article. We call upon the Technical Secretariat and the States Parties to take necessary measures in order to accelerating the implementation of this decision. This decision is not a conclusion on the subject, but a further important step towards achieving the full implementation of such a cornerstone of the Convention.

Likewise, in recent years several working papers have been submitted by the NAM CWC States Parties and China on this issue. For instance in the Twelfth Session of the Conference of the States Parties, NAM CWC States Parties and China submitted an important working paper (C-12/NAT.1, dated on November, 2007), entitled "Indicative Elements of a Plan of Action on the Full Implementation of Article XI".

NAM CWC States Parties and China submitted a proposal for carrying a workshop on the full implementation of Article XI, supporting facilitation process (EC-54/NAT.6, dated on October 16<sup>th</sup>, 2008). According to the decision of Conference of the States parties at its Fourteenth Session (C-14/DEC.11) the workshop on Article XI was held, at the headquarters of the OPCW in November 2010. Practical proposals were identified in the final report of the workshop for the full, total, effective and non-discriminatory implementation of this Article of the Convention.

The decision adopted by the Conference of the States Parties on Article XI in 2011 (C-16, Dec.10, dated on December 1st, 2011), only includes some specific components of an agreed framework for the full implementation of Article XI, therefore it lacks the required comprehensiveness and scope for the full, effective and non discriminatory implementation of such an important article as it does not fully reflect recommendations contained in the Final Report of the Workshop held in November 2010 which is an important reference point in this regard.

Pursuant to the provisions of Article XI of the Convention, all States Parties have the legitimate right to participate in the fullest exchange of chemicals, equipment and information relating to the field of chemistry for purposes not prohibited under this Convention.

All States Parties are obliged to facilitate such exchange and remove and avoid the imposition of any restrictions, in particular unilateral sanctions against other States Parties on transferring and exchanging information, technology, material, and equipment for peaceful purposes in the chemical field, that are contrary to the Convention.

NAM CWC States Parties and China recognizes the efforts made by the Technical Secretariat of the OPCW through the International Cooperation and Assistance Division. At the same time, we encourage States Parties to make decisions that promote the full implementation of Article XI of the Convention.

The OPCW international cooperation programs should foster more broadly the economic and technological development in the field of chemistry for purposes not prohibited under the



Convention and contribute to the development of the States Parties' capacity to implement the Convention.

Based on the elements set out, NAM CWC States Parties and China consider adoption of a Plan of Action to achieve the full, effective and non-discriminatory implementation of Article XI of the Convention a necessary and urgent action as it was reflected in the report of the Workshop on Article XI held in November 2010 and as requested by many States Parties.

#### **Main Elements for an Action Plan**

1. To guarantee the implementation, as appropriate, of the decisions taken by the Policy Making Organs of the OPCW in regard to Article XI at national, bilateral, regional and multilateral levels.
2. To review by all States Parties their national regulation on international exchange and transfer, in order to ensure its consistency with the objectives and provisions of Article XI.
3. To adopt and update, on a regular basis, by the States Parties concrete national measures to promote technology transfer and international cooperation in the field of Chemistry, especially for developing countries.
4. To facilitate cooperation towards the creation of structures and transfer of customs control technology in order to facilitate the implementation of the relevant provisions of the Convention.
5. To provide economic and technical support, in a direct manner and through relevant international organizations and institutions, in order to establish structures in the States Parties that demand assistance in the field of exchange of scientific and technical information, chemicals, equipments for the production, processing or use of chemicals for purposes not prohibited under the Convention.
6. To promote and facilitate international and regional workshops on cooperation and scientific and technical exchanges for peaceful purposes in the context of Article XI.
7. To adopt measures that allow establishing networks between scientific community and academic institutions on the peaceful use of chemistry and other fields related to this Convention.
8. To develop collaboration programs in the fields related to the implementation of the Convention and in Chemistry, with the support of the Technical Secretariat of the OPCW.
9. To exchange scientific and technical information, chemicals and equipments for the production, processing or use of chemicals for purposes not prohibited under this Convention, with the support of the Secretariat, upon request.
10. Tasks that may be entrusted to the Technical Secretariat:
  - a) To make a list for information purposes and maintain it up to date, on the voluntary offers of cooperation of the States Parties and the specific requests for cooperation, in accordance with Article XI.
  - b) To continue and enhance the development of internship programs for participants from the States Parties.
  - c) To facilitate assistance to create structures in the field of chemical activities for peaceful purposes.
  - d) To continue to increase, develop, consolidate and execute OPCW international cooperation programs.
  - e) To promote the participation in courses and workshops of the States Parties' personnel, as well as organize international seminars related to the Convention and provide assistance for holding them.

- f) To establish a link at the OPCW website which may inform about the availability of equipments and materials to be donated or offered by the OPCW and the States Parties.
- g) To establish an International Cooperation Fund, managed by the Technical Secretariat, which shall be supported by the States Parties' contributions on a voluntary basis. The Secretariat shall submit reports to the States Parties on the execution of such fund.
- h) To designate a focal point within the ICA Division of the Technical Secretariat by the Director-General for the implementation of the Plan of Action.

**Establishing a Review Committee on Transfer Denials by the Conference of the States Parties:**

- As a part of the Plan of Action, a Committee should be established in order to review transfer denials among the States Parties of chemicals, tools, lab equipments and technical and scientific information for purposes not prohibited under this Convention.
- The Conference of the States Parties or, by its request, the Executive Council shall decide on the Committee membership, rotation of its members, Chair elections, frequency for holding meetings and schedules, and other issues related to its functioning, as deemed necessary.

**Follow-up mechanism of the Plan of Action:**

- The review of the Plan of Action's implementation should be an item in the agenda of the Conference of the States Parties' and the Executive Council's Sessions.
- By reviewing the Plan's implementation, achievements and challenges should be pinpointed. The adjustment of the Plan's content as well as any other additional measure if necessary shall be decided by the States Parties in order to ensure the full implementation of Article XI of the Convention.

**Proposal language regarding implementation of Article XI:**

- The Third Review Conference requested the Executive Council to convene deliberations for developing an action plan for full, effective and non discriminatory implementation of the provisions of Article XI, taking into account all proposals from the States Parties relevant to this issue that are being brought forward to the Conference at its third session and/or Conference of the States Parties or the Executive Council. The Conference requested the Executive Council to report back to the Conference of the States Parties at its Eighteenth Session, along with appropriate recommendations.