



OPCW

Executive Council

Eleventh Session
1 September 2000

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1 September 2000
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DECISION

RELATIONSHIP AGREEMENT BETWEEN THE UNITED NATIONS AND THE OPCW

The Executive Council

Recalling that Article VIII, subparagraph 34(a) of the Convention provides that the Executive Council shall conclude agreements or arrangements with States and international organisations on behalf of the OPCW, subject to prior approval by the Conference of the States Parties (hereinafter the “Conference”);

Noting that in May 1997 the United Nations General Assembly adopted the resolution A/RES/51/230, authorising the Secretary-General to take steps to conclude a relationship agreement between the United Nations and the OPCW, to be applied provisionally upon signature, pending the completion of procedures necessary for its entry into force;

Recalling also that the Conference endorsed the draft submitted to it by the Executive Council and authorised the Chairman of the Conference to carry out consultations with the appropriate organs of the United Nations on that basis (C-IV/DEC.4, dated 2 July 1999);

Recalling further that the Conference, in the above-mentioned decision, requested the Executive Council to take every action, within its authority, to conclude the relationship agreement with the United Nations as soon as possible;

Hereby:

Recommends that the Conference approve the draft agreement concerning the relationship between the United Nations and the OPCW annexed hereto as soon as possible;

Authorises the Director-General, pending approval by the General Assembly of the United Nations and by the Conference, to sign the draft agreement concerning the relationship between the United Nations and the OPCW annexed hereto for provisional application.

Annex: Draft agreement concerning the relationship between the United Nations and the Organisation for the Prohibition of Chemical Weapons.

Annex

(DRAFT)

**AGREEMENT CONCERNING THE RELATIONSHIP
BETWEEN
THE UNITED NATIONS
AND
THE ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS**

The United Nations and the Organisation for the Prohibition of Chemical Weapons,

Bearing in mind the relevant provisions of the Charter of the United Nations (hereinafter the “Charter”) and of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (hereinafter the “Convention”);

Bearing in mind that, in accordance with the Charter, the United Nations is the principal organisation dealing with matters relating to the maintenance of international peace and security, and acts as a centre for harmonising the actions of nations in the attainment of the goals set out in the Charter;

Considering that the Organisation for the Prohibition of Chemical Weapons (hereinafter the “OPCW”) shares the purposes and principles of the Charter, and that its activities performed pursuant to the provisions of the Convention contribute to the realisation of the purposes and principles of the Charter;

Desiring to make provision for a mutually beneficial relationship, to avoid unnecessary duplication of their activities and services, to facilitate the discharge of the respective responsibilities of both organisations,

Noting General Assembly resolution 51/230 of 22 May 1997 and the relevant decision of the Conference of the States Parties at its Fourth Session (C-IV/DEC.4, dated 2 July 1999), calling for the conclusion of a relationship agreement between the United Nations and the OPCW;

Have agreed as follows:

ARTICLE I GENERAL

1. The United Nations recognises the OPCW as the organisation, in relationship to the United Nations as specified in this agreement, responsible for activities to achieve the comprehensive prohibition of chemical weapons in accordance with the Convention.
2. The United Nations recognises that the OPCW, by virtue of the Convention, shall function as an independent, autonomous international organisation in the working relationship with the United Nations established by this Agreement.
3. The OPCW recognises the responsibilities of the United Nations, in accordance with its Charter, in particular in the fields of international peace and security and economic, social, cultural and humanitarian development, protection and preservation of the environment and peaceful settlement of disputes.
4. The OPCW undertakes to conduct its activities in accordance with the purposes and principles of the Charter to promote peace, disarmament and international cooperation and with due regard to the policies of the United Nations furthering safeguarded worldwide disarmament.

ARTICLE II COOPERATION

1. The United Nations and the OPCW, recognising the need to work jointly to achieve mutual objectives, and with a view to facilitating the effective exercise of their responsibilities, agree to cooperate closely within their respective mandates and to consult on matters of mutual interest and concern. To that end, the United Nations and the OPCW shall cooperate with each other in accordance with the provisions of their respective constituent instruments.
2. Cooperation between the United Nations and the OPCW, in particular, shall require that:
 - (a) cases of particular gravity and urgency which, in accordance with paragraph 36 of Article VIII of the Convention, shall, including relevant information and conclusions, be brought directly to the attention of the General Assembly and the Security Council by the Executive Council, through the Secretary-General in accordance with the existing United Nations procedures;
 - (b) cases of particular gravity which, in accordance with paragraph 4 of Article XII of the Convention, shall, including relevant information and conclusions, be brought to the attention of the General Assembly and the Security Council by the Conference of the States Parties through the Secretary-General in accordance with the existing United Nations procedures;

- (c) the OPCW shall, in accordance with paragraph 27 of Part XI of the Verification Annex, closely cooperate with the Secretary-General in cases of the alleged use of chemical weapons involving a State not party to the Convention or in a territory not controlled by a State Party to the Convention and, if so requested, shall in such cases place its resources at the disposal of the Secretary-General;
 - (d) the OPCW and the United Nations shall, in accordance with their respective mandates, explore possibilities for cooperation in the provision of assistance to States concerned in cases of the use or serious threat of use of chemical weapons, as provided for in paragraph 10 of Article X of the Convention;
 - (e) the OPCW and the United Nations shall, insofar as covered by their respective mandates, in the context of economic and technological development in their Member States, cooperate to foster international cooperation for peaceful purposes in the field of chemical activities and facilitating the exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under the Convention; and
 - (f) the United Nations and the OPCW shall cooperate on any matter that may relate to the object and purpose of the Convention, or which may arise in connection with its implementation.
3. The OPCW, within its competence and in accordance with the provisions of the Convention, shall cooperate with the General Assembly and the Security Council by furnishing them, at the request of either, such information and assistance as may be required in the exercise of their respective responsibilities under the United Nations Charter.
 4. The United Nations and the OPCW shall cooperate in the field of public information and shall arrange, upon request, for the exchange of information, publications and reports of mutual interest and for the furnishing of special reports and studies and information.
 5. The Secretariat of the United Nations and the Technical Secretariat of the OPCW shall maintain a close working relationship in accordance with such arrangements as may be agreed between the Secretary-General and the Director-General.

ARTICLE III COORDINATION

The United Nations and the OPCW recognise the necessity of achieving, where applicable, effective coordination of the activities and services of the OPCW and of the United Nations, and of avoiding unnecessary duplication of their activities and services.

ARTICLE IV REPORTING

1. The Director-General will keep the United Nations informed of the OPCW's routine activities, and will report on a regular basis, as appropriate and as duly mandated by the Executive Council, through the Secretary-General to the General Assembly and the Security Council.
2. If the Executive Council takes a decision to provide, pursuant to Article X of the Convention, supplementary assistance to a State Party to the Convention requesting such assistance in connection with the use or threat of use of chemical weapons, the Director-General (representing the OPCW, as specified in this Agreement) shall transmit to the Secretary-General (representing the United Nations, as specified in this Agreement) the above-mentioned decision of the Executive Council, together with the investigation report prepared by the Technical Secretariat in connection with the request for such assistance.
3. Whenever decisions are taken by the Conference of the States Parties, pursuant to Article XII of the Convention, on measures, including collective measures recommended to States Parties, to ensure compliance with the Convention and to redress and remedy any situation which contravenes the provisions of the Convention, the Director-General, upon instructions from the Conference, shall inform the General Assembly and the Security Council accordingly, through the Secretary-General.
4. Should the Secretary-General report to the United Nations on the common activities of the United Nations and the OPCW or on the development of relations between them, any such report shall be promptly transmitted by the Secretary-General to the OPCW.
5. Should the Director-General report to the OPCW on the common activities of the OPCW and the United Nations or on the development of relations between them, any such report shall be promptly transmitted by the Director-General to the United Nations.

ARTICLE V RECIPROCAL REPRESENTATION

1. The Secretary-General shall be entitled to attend and to participate in relation to matters of common interest, without vote and in accordance with the relevant rules of procedure, in sessions of the Conference of the States Parties and in sessions of the Executive Council of the OPCW. The Secretary-General shall also be invited as appropriate to attend and to participate without vote in such other meetings as the OPCW may convene at which matters of interest to the United Nations are under consideration. The Secretary-General may, for the purposes of this paragraph, designate any person as his/her representative.

2. The Director-General shall be entitled to attend plenary meetings of the General Assembly of the United Nations for the purpose of consultations. The Director-General shall be entitled to attend and to participate without vote in the meetings of the Committees of the General Assembly, and in meetings of the Economic and Social Council and, as appropriate, of any subsidiary organs of these bodies and the General Assembly. The Director-General may, at the invitation of the Security Council, attend its meetings to supply the Council, as duly mandated by the Executive Council, with information or give other assistance with regard to matters within the competence of the OPCW. The Director-General may, for the purposes of this paragraph, designate any person as his/her representative.
3. Written statements presented by the United Nations to the OPCW for distribution shall be distributed by the Technical Secretariat of the OPCW to all members of the appropriate organ(s) or subsidiary organ(s) of the OPCW. Written statements presented by the OPCW to the United Nations for distribution shall be distributed by the Secretariat of the United Nations to all members of the appropriate organ(s) or subsidiary organ(s) of the United Nations.

ARTICLE VI AGENDA ITEMS

1. The United Nations may propose agenda items for consideration by the OPCW. In such cases, the United Nations shall notify the Director-General of the agenda item or items concerned, and the Director-General shall, in accordance with his/her authority and the relevant rules of procedure, bring any such agenda item or items to the attention of the Conference of the States Parties, the Executive Council or such other organ(s) of the OPCW as may be appropriate.
2. The OPCW may propose agenda items for consideration by the United Nations. In such cases, the OPCW shall notify the Secretary-General of the agenda item or items concerned, and the Secretary-General shall, in accordance with his/her authority, bring any such item or items to the attention of the General Assembly, the Security Council, the Economic and Social Council or such other organ(s) of the United Nations as may be appropriate.

ARTICLE VII INTERNATIONAL COURT OF JUSTICE

1. The United Nations takes note of Article XIV, paragraph 5, of the Convention, which empowers the Conference of the States Parties or the Executive Council of the OPCW, subject to authorisation from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question(s) arising from within the scope of activities of the OPCW, apart from any question(s) concerning the mutual relationship between the OPCW and the United Nations.

2. The United Nations and the OPCW agree that each such request for an advisory opinion shall first be submitted to the General Assembly, which will decide upon the request in accordance with Article 96 of the Charter.
3. When seeking an advisory opinion as referred to in paragraph 1 of this Article, the OPCW agrees to furnish, in accordance with the Confidentiality Annex to the Convention and the OPCW Policy on Confidentiality, any such information as may be required by the International Court of Justice in accordance with the Statute of the International Court of Justice.

ARTICLE VIII RESOLUTIONS OF THE UNITED NATIONS

The Secretary-General shall transmit to the Director-General resolutions of the General Assembly or the Security Council pertaining to issues relevant to the Convention. Upon receipt thereof, the Director-General will bring the resolutions concerned to the attention of the relevant organs of the OPCW, and will report back to the Secretary-General on any action taken by the OPCW, as appropriate.

ARTICLE IX UNITED NATIONS LAISSEZ-PASSER

Officials of the OPCW shall be entitled, in accordance with such administrative arrangements as may be concluded between the Secretary-General and the Director-General, to use the laissez-passer of the United Nations as a valid travel document where such use is recognised by States Parties in the applicable instruments defining the privileges and immunities of the OPCW and its officials. The administrative arrangements will take into account, to the extent possible, the special requirements of the OPCW arising from its verification activities under the Convention.

ARTICLE X PERSONNEL ARRANGEMENTS

1. The United Nations and the OPCW agree to consult whenever necessary concerning matters of common interest relating to the terms and conditions of employment of staff.
2. The United Nations and the OPCW agree to cooperate regarding the exchange of personnel, bearing in mind the nationality of Member States of the OPCW, and to determine conditions of such cooperation in supplementary arrangements to be concluded for that purpose in accordance with Article XIV of this Agreement.

**ARTICLE XI
BUDGETARY AND FINANCIAL MATTERS**

1. The OPCW recognises the desirability of establishing budgetary and financial cooperation with the United Nations in order that the OPCW may benefit from the experience of the United Nations in this field and in order to ensure, as far as may be practicable, the consistency of the administrative operations of the two organisations in this field.
2. The United Nations may arrange for studies to be undertaken concerning budgetary and financial matters of interest to the OPCW with a view to, as far as may be practicable, achieving coordination and securing consistency in such matters.
3. The OPCW agrees to follow, as far as may be practicable, the standard budgetary and financial practices and forms used by the United Nations.

**ARTICLE XII
EXPENSES**

Expenses resulting from any cooperation or provision of services pursuant to this Agreement shall be subject to separate arrangements between the OPCW and the United Nations.

**ARTICLE XIII
PROTECTION OF CONFIDENTIALITY**

1. Subject to paragraphs 1 and 3 of Article II, nothing in this Agreement shall be so construed as to require either the United Nations or the OPCW to furnish any material, data and information whose disclosure could in its judgement require it to violate its obligation under its constituent instrument or policy on confidentiality, to protect such information.
2. The United Nations and the OPCW shall ensure the appropriate protection, in accordance with their constituent instruments and policies on confidentiality, in respect to such information.

**ARTICLE XIV
IMPLEMENTATION OF THE AGREEMENT**

The Secretary-General and the Director-General may enter into such supplementary arrangements and develop such practical measures for the implementation of this Agreement as may be found desirable.

**ARTICLE XV
AMENDMENTS**

This Agreement may be amended by mutual consent between the United Nations and the OPCW. Any such amendment, once agreed upon, shall enter into force on the date on which the United Nations and the OPCW have exchanged written notifications that their internal requirements for entry into force have been met.

**ARTICLE XVI
ENTRY INTO FORCE**

1. This Agreement shall enter into force on the date on which the United Nations and the OPCW have exchanged written notifications that their internal requirements for entry into force have been met.
2. This agreement shall be applied provisionally by the United Nations and the OPCW upon signature.

IN WITNESS THEREOF the undersigned, being duly authorised representatives of the United Nations and the OPCW, have signed the present agreement.

Signed, this ____ day of _____ at _____ in _____ in two originals in the English language.

FOR THE UNITED NATIONS

**FOR THE ORGANISATION
FOR THE PROHIBITION OF
CHEMICAL WEAPONS**

Kofi A. Annan
Secretary-General

José M. Bustani
Director-General

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