

**CUBA****PROPOSALS FOR THE WORKSHOP ON ARTICLE XI
UNDER AGENDA ITEM 6(L)****SUBSTANTIVE CONSIDERATIONS**

Cuba reiterates the importance of the provisions of Article XI of the Chemical Weapons Convention (hereinafter “the Convention”) relating to the economic and technological development of States Parties; the full, effective and non-discriminatory application of Article XI is fundamental to achieving the object and purpose of the Convention.

International cooperation is viewed as one of the most legitimate opportunities for the present and future of the Organisation for the Prohibition of Chemical Weapons (OPCW), as it could bring tangible benefits for all States Parties as the Convention evolves, based on the balanced implementation of all other provisions. As a pillar of growing importance, it requires due and necessary attention in order to preserve its integrity and credibility, now and in future years.

Article XI has been, per se, a strong incentive for accession to the Convention by a large number of non-possessor States Parties that have an interest in developing the field of chemistry for non-prohibited purposes, including the fullest possible exchange of technology. This provision is key and deserves the same degree of attention afforded to other Articles of the Convention.

Progress in the universality of the Convention—which currently has 192 States Parties, most of which are developing countries—confirms the need to establish comprehensive cooperation programmes to address the existing economic and technological imbalance.

The OPCW has an important mandate in promoting the economic and technological progress of States Parties, especially those with lower levels of development. In this regard, Cuba recognises the efforts of the Technical Secretariat (hereinafter “the Secretariat”) through the Division of International Cooperation and Assistance, which has been involved in the design and implementation of important programmes with a strong capacity-building component. However, it remains difficult to assess the impact of Article XI on the economic and technological development of States Parties in the field of chemistry for non-prohibited purposes.

Education and training are positive steps, but they are not sufficient. There should not be any confusion regarding support for the implementation of Article VII, which can be considered a component of international cooperation—but not its main objective.



The non-discriminatory application of the Convention means that there are to be no restrictions among States Parties beyond those established by the Convention, and that trust is to be promoted among the States Parties. In the specific case of Article XI, States Parties commit themselves to “...facilitate [...] the fullest possible exchange of chemicals, equipment and scientific and technical relating to the development and application of chemistry for purposes not prohibited...” and “...not maintain among themselves any restrictions [...] 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 or other peaceful purposes”.

It is neither conceivable nor acceptable for some States to establish unilateral measures that limit, restrict—and even prohibit, in many cases—free trade among States Parties in this area, which without exception constitutes a right of all. In this regard, we recall paragraphs 9.129 and 9.130 of the report of 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”), and in particular 9.131(q), pursuant to which the Third Review Conference would “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”. The fulfilment of this mandate by all States Parties, including Article XI, must be confirmed.

During the preparatory phase of the Third Review Conference, a number of important decisions were taken regarding the implementation of Article XI. These include:

1. The decision of the Fourteenth Conference of the States Parties on the full implementation of Article XI (C-14/DEC.11, dated 4 December 2009), requesting the Secretariat to organise a workshop for 2010 with a view to identify, define, and develop concrete measures on the full implementation of Article XI of the Convention.
2. The decision of the Sixteenth Conference of the States Parties on the components of an agreed framework for the full implementation of Article XI of the Convention (C-16/DEC.10, dated 1 December 2011).

While the report of the workshop held in The Hague in November 2010 identified practical proposals for the full, effective, and non-discriminatory implementation of Article XI, including those rejecting the application of unilateral coercive measures, the decision adopted in 2011 only addressed some very specific components, and thus lacks the necessary comprehensiveness and scope. Therefore, this decision is not a conclusion of the topic, but a starting point for the full implementation of this pillar of the Convention. This has been reiterated by Cuba in several declarations and working documents.

In the current context of preparation for the Fourth Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter “the Fourth Review Conference”), attention is drawn to the lack of new relevant decisions and, to the contrary, the persistence of restrictions identified and addressed States Parties over the years.

It also maintains the urgency of establishing a mechanism to monitor the implementation of Article XI, involving all States Parties and using the lessons learned through the implementation of action plans for other articles of the Convention. The position paper “On

the Implementation of the Chemical Weapons Convention Article XI Compliance” submitted by the Non-Aligned Movement and China within the framework of the Twenty-First Session of the Conference of the States Parties is the latest defence of this aspiration.

In accordance with the mandate contained in paragraph 17.4 of the report of the Twenty-First Conference, the States Parties, in coordination with the Secretariat, will agree on the content of the workshop on Article XI to be held in 2017, including recommendations on concrete measures to be presented by the facilitator to the Conference at its next session.

CONCRETE PROPOSALS

On the basis of the above arguments and Cuba’s firm position in favour of the full, effective, and non-discriminatory application of Article XI, as well as respect for the right of States Parties—without exception—to participate in the fullest exchange of substances, equipment, and technologies in the field of chemistry for purposes not prohibited by the Convention, it is requested that the workshop draws conclusions and generates recommendations for the Twenty-Second Session of the Conference of the States Parties on topics such as:

1. The characteristics of a mechanism with the participation of all States Parties for oversight of the application of Article XI.
 - (a) The structure of the mechanism.
 - (b) The role of the parties involved (States Parties, the OPCW, academic institutions, the chemical industry, international organisations, etc.).
 - (c) Monitoring and transparency actions.
 - (d) Dispute resolution.
2. The compatibility of national implementation measures with the provisions of Article XI.
 - (a) National legislation governing exchanges and transfers in the field of chemistry for non-prohibited purposes.
 - (b) The promotion of the transfer of chemicals, equipment, technologies and information.
3. Evaluation of the effectiveness of the actions implemented for the transfer of substances, equipment, technologies, and information.
 - (a) The development of national, regional and multilateral initiatives.
 - (b) Alignment of the actions carried out with the needs of States Parties.

4. Evaluation of the effectiveness of the actions implemented for capacity building.
 - (a) The development of national, regional, and multilateral initiatives.
 - (b) Alignment of the actions carried out with the needs of States Parties.
5. The release of information on the implementation of Article XI.
 - (a) A database of voluntary cooperation offers from States Parties, including available equipment and materials that could be donated or offered at special prices by the OPCW and States Parties, and specific requests for international cooperation.
 - (b) Materials promoting new opportunities, exchange of experiences, chemical safety, and other areas of international cooperation.
6. Other relevant issues concerning the full implementation of Article XI.

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