Pakistan’s Experience from the National Implementation of CWC

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SEQUENCE OF PRESENTATION

- Introduction
- Legislative and Administrative Measures
- CWC Implementation Ordinance, 2000
- CWC Implementation Rules, March 2010
- Structure and Role of National Authority
- Status of Implementation of CWC
- National Implementation measures
- Role of Customs Authority
- Implementation initiatives, particularly WAN
- Regulatory mechanism for submission of declarations
- Adaptation to Changing Realities—Pakistan’s Perspective
• Pakistan signed CWC on 13 January 1993 and ratified it on 28 October 1997

• **Pakistan’s Policy:**
  - Consistently supports the cause of global disarmament, as part of its overall security policy.
  - Consistently supports all OPCW international and regional initiatives that equitably promote disarmament and non-proliferation.
  - Shares the concerns that proliferation of WMDs and their means of delivery, in all its aspects, poses a threat to international peace and security and is committed to preventing proliferation of chemical, biological, nuclear and radiological weapons and their means of delivery.
  - Supports effective legal controls on import, export, transit and trans-shipment of equipment, material and technologies that are relevant to the CWC.
National Implementation Measures

- Obligations of States Parties regarding domestic implementation of the Convention

- Establishment and Role of National Authority
  - Established in August 1997
  - National focal point for internal coordination

- National Authority’s Liaison with:
  - OPCW
  - Other States Parties
ORGANIZATIONAL STRUCTURE OF NATIONAL AUTHORITY

Permanent Members

Foreign Secretary

Additional Foreign Secretary (UN & EC)

Director General (NA)

Director (NA)

WAN IT Personnel

Staff
ORGANIZATIONAL STRUCTURE OF NATIONAL AUTHORITY

On Requirement

Technical Experts

- Ministry of Foreign Affairs
- Ministry of Finance
- Ministry of Commerce
- Ministry of Industries
- Ministry of Health
- Ministry of Environment
- Ministry of Science and Technology
- Ministry of Defence
ACTIVITIES UNDERTAKEN BY THE NATIONAL AUTHORITY

- National Implementation of Laws, Regulations
- Identify Relevant Companies
- Establish Management System
- Establish Database
- Identify Data Requirements
- Prepare Checklists
- Declaration Requirements Fulfilled?
- Update Declaration
- Declaration
- National Authority
- Monitor Management Change
- Monitor Investments
- Compliance Audit
- Host OPCW Inspections
- Initial Confirmation Inspection
- Concise Information to Companies
- Checklists to Companies
- Integration into ESHA Audits
- Integration into Labor Safety Audits
- Cooperate with Customs
LEGISLATIVE AND ADMINISTRATIVE MEASURES

- CWC Implementation Ordinance of 2000
- Export Control Act of 2004
- Export Policy Order of 2011
- Import Policy Order of 2011
- CWC Implementation Rules 2010
- Environmental Protection Act 1997
- Anti-Terrorism Act of 1997 (Prohibits malicious acts using chemicals and other materials. It also makes the facilitation of such acts as punishable)
CWC IMPLEMENTATION ORDINANCE, 2000

- Establishes a National Authority in the Ministry of Foreign Affairs
- Empowers NA to formulate rules to implement the Ordinance
- Prohibits development, production, acquisition, stockpiling, retention, use or transfer of chemical weapons
- Prohibits production, use, acquisition, possession, transfer, import or export of any Scheduled Chemical, DOC or PSF, except for permissible purposes
- Prohibits use of riot control agents as a method of warfare
- Prohibits construction of any premises or equipment intended to be used for production of chemical weapons
- Facilitates verification activities, as stipulated in the CWC
- Prescribes punishments for violations of the Ordinance
These rules have been formulated in exercise of the powers conferred under the CWC Ordinance of 2000

Salient features of these rules are:

- Establishment and functions of an Advisory Committee
- Establishment of an Emergency Coordination Cell
- Record keeping requirement
- Declaration requirement of the facility
- Inspection procedures
- Registration requirement and criteria
- Offences related to inspections, disclosure or registration
• Pakistan meets all its obligations under CWC.
• Pakistan has declared several DOC facilities, which cover a range of activities related to industrial and agricultural chemical production
• Regularly submitted Annual Declaration for Past Activities and Declaration on a National Programme for Protection against Chemical Weapons
• Facilitated several OPCW routine industrial inspections
Inspections by OPCW experts have proved our commitment in maintaining requisite standards of safety, security and accounting.

Effective engagement with chemical companies, traders and the industry remains fundamental to Pakistan’s achievements.

A National Protection Programme under CWC has been declared.

National capacity continues to be enhanced through international support (courses, workshops and seminars).

National Authority is the focal point for coordinating all national and international events relating to the CWC.
ROLE OF CUSTOMS AUTHORITY

- Implementation of CWC in accordance with the Presidential Ordinance of 2000 and the CWC Implementation Rules of 2010
- Enforcement of Export and Import Policy Orders issued by the Ministry of Commerce
- Introduction of HS Code for effective monitoring and automated compilation of data of scheduled chemicals
- NA and Custom Authority are establishing an electronic interface for better management of data related to both the import and export of chemicals
IMPLEMENTATION INITIATIVES

• Establishment of a Strategic Export Control Division (SECDIV) in the Ministry of Foreign Affairs in 2007
• Establishment of a Wide Area Network (WAN) in 2008
• Continuous outreach activities to educate our industry and traders
• Preparation of inspection manual and conduct mock inspections
• Emergency response exercise in case of chemical incidents
• Organization of national Assistance and Protection exercises
• Ongoing bilateral safety and security training for chemical industry and university chemists
• Active participation in deliberations of national Task Force on Rotterdam, Basel and Stockholm Conventions.
Established in March 2008 at a cost of US $ 1 million

Sophisticated online system to receive data, exchange and collate nationwide information pertaining to the import, export, transfer, production, consumption, processing and storage of chemicals

CWC relevant information and collated data is accessible to all authenticated stakeholders

Electronic interface between NA and Customs authorities

Collated data is subsequently sent to OPCW on annual basis

Asian Regional Workshop on electronic declarations 7-9 June 2011
REGULATORY MECHANISM FOR TIMELY SUBMISSION OF DECLARATIONS
MECHANISM FOR DATA COLLATION FROM INDUSTRIES & IMPORTERS

- National Authority collects and collates data from chemicals producing industries, importers, Federal Board of Revenue and Customs Authority on quarterly basis and compiles annual declaration during January and February each year.
OPCW compares declarations submitted by States Parties and provides lists of apparent mismatches to the concerned States Parties. Discrepancies in international trade arise due to several factors, including trade crossing over two calendar years as well as differences in calculations and purity levels. Resolving trade data mismatch is facilitated by effective cooperation between Customs, traders and other CWC National Authorities. Discussions to reduce the number of trade discrepancies are ongoing in The Hague as part of the industry cluster.
OPCW’s FUTURE
PAKISTAN’S PERSPECTIVE

• OPCW should not only act as an international legal entity against chemical warfare, but should also remain operationally relevant in future.
• Verify destruction and ensure meeting of deadlines
• Collective security against return or resurgence of chemical weapons
• Enhanced relevance of Article X
• Implement Article XI in its true spirit – cooperation in the field of chemistry
Pakistan’s Perspective

- Continuation of verification process – A necessity
- Number of OCPF inspections
- Handling future challenges
- Prioritization of resources and expertise
- Diverging Chemical Industry
- Maintenance of Universality
- Discrepancies between State Parties
Pakistan’s Perspective

- Political will of States Parties
- Consensus-based policymaking
- Strengthening a collaborative framework between OPCW and all stakeholders
- Partnerships with relevant sub-regional, regional and international organizations related to chemical safety
- Preparing for the future – Analyze adaptation techniques of other international organizations
- Broadening of scope – New CWAs
- Explore new detection methods
- Ascertain new technologies
Reforming CWC’s verification system is an important political challenge. A range of problems lies ahead. States Parties need to ensure that:

- Primary focus remains on chemical disarmament
- The rising number of modern production facilities as well as new techniques and technologies that can be misused for prohibited purposes are effectively countered
- Novel verification techniques and technologies which are commensurate with latest developments in the field of chemistry are employed
PROPOSALS FOR OPCW’S IMPROVED COOPERATION WITH NATIONAL AUTHORITIES AND NATIONAL IMPLEMENTATION

• Effective coordination between various branches of OPCW.
• Resolving trade data mismatch through close coordination between NAs.
• Feedback from OPCW to NAs on deliberations of other regional meetings.
• Impact analysis from NAs on practical aspects of experience gained from regional meetings.
• Careful analysis of evaluation forms by OPCW and sharing these suggestions with NAs.
• Changed format of regional meetings with concurrence of NAs - single topic or theme and a interactive format
PROPOSALS FOR OPCW’S IMPROVED COOPERATION WITH NATIONAL AUTHORITIES AND NATIONAL IMPLEMENTATION

• New issues that could be deliberated upon:
  – Safety and security of chemical facilities
  – Sharing of OPCW’s practical experience in conducting inspections
  – CWC legislation and implementation experience of NAs
  – Best practices adopted by NAs
  – Regional workshops on international cooperation
  – Regional and sub-regional Assistance & Protection exercise
  – Sub-regional meetings and possible involvement of sub-regional organizations.
Conclusion

- Pakistan looks forward to achieving the fundamental objective of global destruction of Chemical Weapons by the OPCW
- Pakistan strongly supports CWC’s universality so as to bring all States into the Convention’s fold
THANK YOU